

Chapter 250

ZONING

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ARTICLE I General Provisions

§ 250-101. Purpose

It is the intent of this chapter to exercise the authority delegated to municipalities by the Municipal Land Use Law in order to protect the public health, safety, morals and general welfare by furthering the objectives of that law:

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

- B. To provide adequate light, air and open space.
- C. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the state as a whole.
- D. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment.
- E. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.
- F. 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 in order to meet the needs of all New Jersey citizens.
- G. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight.
- H. To provide a desirable visual environment through creative development techniques and good civic design and arrangements.
- I. To promote the conservation of open space, energy resources, and valuable natural resources and to prevent urban sprawl and degradation of the environment through the improper use of land.
- J. To encourage planned unit 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.
- K. To encourage senior citizen community housing construction.
- L. To encourage coordination of the 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.
- M. To promote the conservation of energy through the use of planning practices designed to reduce energy consumption and to provide maximum utilization of renewal energy sources.
- N. To promote the maximum practical recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to compliment municipal recycling programs.

§ 250-102. Interpretation

The provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of this chapter shall control. Where other laws, rules, regulations or resolutions require greater restrictions than are imposed or required by this chapter, the provisions of such other laws, rules, regulations or restrictions shall control.

§ 250-103. Prohibited uses

All uses not expressly permitted in this chapter are prohibited.

§ 250-104. Time of compliance

All requirements shall be met at the time of erection, enlargement, alteration, moving or change in use of the principal use and shall apply to the entire structure or structures whether or not the entire structures are involved in the erection, enlargement, alteration, moving or change in use.

ARTICLE II Definitions

§ 250-201. Terms defined.

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

AASHTO

The American Association of State Highway and Transportation Officials.

ACCESS, EMERGENCY

All properties containing structures shall provide adequate access for fire-fighting equipment, ambulances and other emergency vehicles. The access shall be a minimum unobstructed width 20 feet wide capable of sustaining a gross vehicle weight of 70,000 pounds. The access shall also have an unobstructed vertical clearance of 13 feet six inches. All access roads and driveways over 100 feet in length shall have a turnaround area provided for the applicable fire district's largest emergency vehicle in accordance with Table D 1.03.4 of the International Fire Code. Before a certificate of occupancy is issued, an inspection of the access shall be made by either the Fire Official, Construction Official or Zoning Officer of the Township of Middle. All such access areas shall be consistently maintained by the property owner to ensure compliance with the above noted requirements.

[Added 7-18-2005 by Ord. No. 1198-05]

ACCESSORY STRUCTURE

A building or structure which is detached from a principal building or structure; customarily associated with such principal building or structure; subordinate in area, extent and purpose to such principal building or structure; incidental to the principal building or structure; and located on the same lot as the principal building or structure. An accessory structure attached to the principal building or structure shall comply in all respects with the zoning requirements applicable to the principal building or structure, regardless of the technique of connecting the principal and accessory building or structure. See § [250-9](#) for required separation distances between principal and accessory buildings and structures. No accessory structure is permitted in a front yard. Residential accessory structures shall not exceed, in area, the square footage of the area of the ground floor of any principal structure on the same lot or parcel of land. This term shall include temporary car ports, tents, and large inflatable pools with depths of 24 inches or greater.

[Amended 4-15-2002 by Ord. No. 1102-2002; 5-17-2004 by Ord. No. 1163-04; 11-17-2008 by Ord. No. 1311-08]

ACCESSORY USE

A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

ADMINISTRATIVE OFFICER

The Zoning Officer of the Township of Middle unless a different Township official or officials have been designated by ordinance or statute.

ADVERSE EFFECT

Conditions or situations, whether existing or proposed, creating, imposing, aggravating or leading to impractical, unsafe or unsatisfactory conditions on a property proposed for development or on adjacent property, including but not limited to improper circulation and drainage rights-of-way; inadequate drainage facilities; insufficient street widths, unsuitable street grades, unsuitable street locations to accommodate prospective traffic or to coordinate and compose a convenient system; disruptive environmental impacts;

locating lots in a manner not adaptable for the intended purpose without danger to health or peril from flood, fire, erosion or other menace; providing for lots of insufficient size and neither providing nor making future allowance for access to the interior portion of the lot or for other facilities required by this chapter.

AGRICULTURAL COMMERCIAL ESTABLISHMENT

An agricultural commercial establishment may be seasonal or year round and may or may not be associated directly with a farm; however, it does not include supermarkets, convenience stores, restaurants and other establishments which coincidentally sell agricultural products nor does it include agricultural production facilities such as a farm itself or nonfacilities which are solely processing facilities.

AGRICULTURAL EMPLOYEE HOUSING

Residential dwellings for the seasonal use of employees of an agricultural or horticultural use which, because of their character or location, are not to be used for permanent housekeeping units and which are otherwise accessory to a principal use of the lot for agriculture.

AGRICULTURAL OR HORTICULTURAL PURPOSE OR USE

Agricultural or horticultural use – the production, storage, keeping, harvesting, grading, packaging, processing, boarding or maintenance for sale or lease, of plants and animals useful to humans including, but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats and including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or any land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation or forestry management program under an agency of the federal government.

ALTERATIONS OR ADDITIONS

As applied to a building or a structure, a change or rearrangement in the structural parts, in the existing facilities or in the means of egress; or an enlargement, whether by extension of a side or by increasing in height; or the moving from one location or position to another.

AMENDMENT

A means for making changes in this chapter or to the certified Master Plan herein as expressly authorized.

ANIMAL, DOMESTIC PET OR DOMESTIC FARM

Any animal that has been bred and/or raised to live in or about the habitation of humans; is dependent on people for food and shelter; and is not used to generate income.

ANIMAL, FARM

Animals other than domestic which are kept and maintained for commercial production and sale on farm properties.

ANIMAL KENNEL

Any structure or premises, in which animals are boarded, groomed, bred, or trained for commercial gain.

ANIMALS, THREATENED OR ENDANGERED

Those animals designated by the Department of Environmental Protection pursuant to N.J.S.A. 23:2A-1 et. seq.

ANTIQUÉ SHOP

A retail business dealing in objects of art, decorative accessories and furniture dating from an earlier period of time.

APARTMENT

An independent, self-contained dwelling unit that contains a private bath and kitchen facilities.

APPLICANT

A developer, landowner or person with an enforceable proprietary interest submitting an application for development.

APPLICATION FOR DEVELOPMENT

The application form and all accompanying documents required by this chapter for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to N.J.S.A. 40:55D-34 or N.J.S.A. 40:55D-36.

APPROVING AUTHORITY

The Planning Board, Zoning Board of Adjustment or other board, agency or official designated by this chapter and when acting pursuant to the authority of this chapter.

AQUACULTURE

The propagation, cultivation and collection of shellfish, finfish, seaweed and other aquatic animals and plants.

ARTS AND CRAFTS

The making of objects of art such as drawings, paintings and statues, or the making of decorative accessories including flower arrangements, wreaths, ornaments, pottery, candles, baskets, quilts or other such items as a hobby or for retail purposes.

BASEMENT

That portion of a building which is partly below and partly above grade, and having at least one-half (1/2) its height above grade. (See "grade", "story" and "cellar".)

BED AND BREAKFAST

A portion of a residential dwelling unit containing sleeping accommodations without individual cooking facilities which are used, let or hired out for compensation for the use of temporary guests. A central dining area may be utilized to furnish meals only to the guests.

BOARD OF ADJUSTMENT

The Board established pursuant to N.J.S.A. 40:55D-69 and this chapter and known legally as the "Zoning Board of Adjustment".

BOD

Biochemical oxygen demand.

BUFFER

An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences and/or berms, designed to continuously limit view of and/or sound from the site to adjacent sites or properties.

BUILDING

Any structure, either temporary or permanent, which:

- A. Has a roof;
- B. Is designed, used or intended to be used for any use or occupancy, including but not limited to the sheltering or protection of persons, animals, chattels or property of any kind; and
- C. Forms, by the combination of materials, a construction adapted to such occupancy.

BUILDING COVERAGE

The square footage or other area measurement by which all buildings occupy a lot as measured on a horizontal plane around the periphery of the foundations and including the area under the roof of any structure supported by columns, but not having walls, as measured around the outside of the outermost extremities of the roof above the columns.

BUILDING, EXISTING

Any building erected prior to the adoption of this chapter or one for which a legal building permit has been issued.

BUILDING LINE

The line parallel to the street line at a distance equal to the depth of the required front yard. A building shall not extend beyond this line except as otherwise allowed in this chapter.

BUILDING SITE

The area occupied by a building or structure including the yards and courts required for light and ventilation and such areas that are prescribed for access to the street.

CAMPER:

A. A self-propelled vehicular structure built as one unit on a chassis and designed for temporary living for travel, recreation, vacation or other short term uses and which may contain cooking, sleeping and sanitary facilities.

B. A structure incapable of moving under its own power containing cooking and sleeping facilities for travel, recreation, vacation or other short term use and designed to be attached to the body of another vehicle for transporting from one location to another.

C. A portable vehicular structure built on a chassis designed for camping, the body of which is basically rectangular with a flat top not more than four feet above the surface of the ground. The camper is designed to have a temporary tent erected above the four foot level for camping activities.

D. A vehicular, portable structure built on a chassis, designed as a temporary structure for travel, recreation, vacation and other short-term uses and having an outside body width not exceeding eight feet and a length not exceeding 30 feet and which may contain cooking, sleeping and sanitary facilities.

CAMPGROUND

A plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.

CAMPING UNIT

Any tent or camping article temporarily located on a campsite, maintained and operated in a campground as temporary living quarters for children or adults, or both, for recreation, education or vacation purposes.

CAPITAL IMPROVEMENT

A governmental acquisition of real property or major construction project.

CARE FACILITIES

A facility that provides short or long-term care, treatment, and/or rehabilitation services, including nursing and convalescent homes. Does not include child care facilities.

CARTWAY

The hard or paved surface portion of a street customarily used by vehicles in the regular course of travel. Where there are curbs, the "cartway" is the portion between the curbs. Where there are no curbs, the "cartway" is that portion between the edges of the paved or graded width.

CELLAR

That portion of a building which is partly or completely below grade and having at least 1/2 its height below grade. (See "grade," "story" and "basement")

CERTIFICATE OF USE AND OCCUPANCY

The certificate issued by the Construction Code Official which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts, together with any special stipulations or conditions of the building permit. Before a certificate of occupancy is issued, a document must be signed by the Zoning Office of the Township of Middle that all zoning conditions have been satisfied, including grading.

[Amended 11-17-2008 by Ord. No. 1311-08]

CHANGE OF USE

Any use that is substantially different from the previous use of a building or land. Substantially different is defined as a different sector level (two digit code) as set for the in the North American Industry Classification System. Does not include a change of occupancy or change of ownership in and by itself.

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

A development design technique that concentrates buildings on a part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

COMMENCEMENT OF CONSTRUCTION

Actual construction on a parcel of land in accordance with a permit issued by the applicable approving authority of a form and character such that the work performed is not usable for any other form of development except that authorized by the issued permit.

COMMERCIAL USE

Any activity involving the sale of goods or services.

COMMON OPEN SPACE

An open space area within or related to a site designated as a development and designed and intended for the use or enjoyment of residents and 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.

COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED

Any community residential facility licensed pursuant to 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 hotels. It shall not be considered a health care facility within the meaning of the Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq. In the case of such 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.

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 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.

CONDITIONAL USE

A use permitted in a particular zoning district only upon a showing that such use in the 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.

CONSTRUCTION

The erection, reconstruction, alteration, conversion, demolition, removal or equipping of buildings or structures.

CONTIGUOUS LAND

Land which is connected or adjacent to other land so as to permit the land to be used as a functional unit.

CONVENTIONAL DEVELOPMENT

That development which takes place as of right in the particular zoning district and which requires subdivision, rather than planned development, review.

COUNTY

The County of Cape May unless otherwise specified.

COUNTY MASTER PLAN

A composite of the Master Plan for the physical development of Cape May 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 40:27-4 or their successor statutes.

COUNTY PLANNING BOARD

The County Planning Board, as defined and organized pursuant to N.J.S.A. 40:27-6.1, of the county in which the land or development is located. Said Board is responsible for county planning.

CULTURAL AND ENTERTAINMENT FACILITIES

Facilities that provide cultural interest or entertainment to the general public such as galleries, theaters, museum or auditorium.

DAY

For purposes of computing time limits, refers to a calendar day.

DAY-CARE CENTER

A private residence which is registered as a family day-care home pursuant to the Family Day Care Provider Registration Act and is further defined as a private residence in which child-care services are provided for a fee to not less than three and no more than five children at any one time for no less than 15 hours per week; except that the division shall not exclude a family day-care center with less than three children from voluntary registration.

DEMOLITION

The systematic destruction of a building all at one time or part by part. A structure shall be considered to be demolished whether the work is done in phases or all at one time, e.g., wall by wall, floor by floor and so forth. A structure shall be considered to be demolished notwithstanding the retention of the foundation of same. [Added 7-18-2005 by Ord. No. 1198-05]

DENSITY

Permitted number of dwelling units per gross area of land to be developed.

DENSITY GROSS

All of the land within the boundaries of the particular area, excluding nothing.

DENSITY NET

The total number of dwelling units in a proposed development divided by the total number of acres of the specific development tract, exclusive of nonresidential uses but including streets and parking areas serving the units.

DETENTION BASIN

A surface stormwater control basin designed to impound runoff and release it at a reduced rate through an outlet control structure.

DETENTION FACILITY

Any stormwater control facility, surface or subsurface, designed to impound runoff and release it at a reduced rate through an outlet control structure.

DETENTION/INFILTRATION FACILITY

Any stormwater control facility; detention, infiltration or partial detention.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT

A division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or 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 this chapter.

DEVELOPMENTALLY DISABLED PERSON

A person who is developmentally disabled as defined in N.J.S.A. 30:11B-2.

DEVELOPMENT APPROVAL

Any approval to develop which is granted by an approval agency, including appeals to the governing body, except for certificates of occupancy and variances which do not otherwise include issuance of a construction permit or subdivision or site plan approval.

DEVELOPMENT, PUBLIC

Any development by a public agency.

DEVELOPMENT REGULATION

A Zoning Ordinance, Subdivision Ordinance, Site Plan Ordinance, Official Map Ordinance or other municipal regulation for the use and development of land or amendment thereto adopted and filed.

DISTRICT

A portion of the territory of the Township within which certain regulations and requirements or various combinations thereof apply.

DIVISION

The Division of State and Regional Planning in the Department of Community Affairs.

DRAINAGE

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

DRAINAGE AND UTILITY RIGHT-OF-WAY

The lands required for the installation and maintenance of stormwater and sanitary sewers, water pipes or drainage ditches and other utilities or lands required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

DRY DETENTION BASIN

A detention basin designed to entirely drain.

DWELLING

One or more rooms located within a structure forming a single habitable unit, used or intended to be used for living purposes by one or more persons living together and maintaining a common household, having separate cooking and sanitary facilities and accessible from the outdoors, either directly or through an entrance hall shared with other dwelling units. Not included are mobile homes, hotels, motels, lodging houses, boarding houses or tourist homes.

Dwelling, Single family — a building on a lot designed and occupied exclusively as a residence for one family or household, which has yard or open areas on all sides, having no common walls with any other building.

Dwelling, Two-family — a detached building containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall except for a common stairway exterior to both dwelling units, if applicable.

Dwelling, Townhouse— A dwelling unit which is one of a group of three or more attached dwelling units separated by vertical party walls, each having separate front and rear or front and side entrances from the outside and a full complement of utilities and facilities for use as a dwelling unit.

Dwelling, Multi-family - A suite of rooms designed for or occupied by one family or household and situated in a building containing three or more such suites of rooms. Such units may share some facilities, utilities or services such as entrance halls, electric or water connections, basement areas, heating plant or refuse disposal facilities.

ELECTRIC TRANSMISSION LINES

Electric lines which are part of an electric company's transmission and sub transmission system, which provide a direct connection between a generating station or substation of the utility company and:

A. Another substation of the utility company.

B. A substation of or interconnection point with another interconnecting utility company.

C. A substation of a high-load customer of the utility.

ENVIRONMENTAL COMMISSION

A Township advisory body created pursuant to N.J.S.A. 40:56-A-1 et seq.

EROSION

The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

ESSENTIAL SERVICES

The erection, construction, alteration or maintenance of underground, surface or overhead electrical, gas, steam, water and sewerage transmission and collection systems and the equipment and appurtenances necessary for such systems to furnish an adequate level of public service.

EXISTING USE

The use of a lot or structure at the time of the enactment of a Zoning Ordinance.

EXTRACTIVE INDUSTRIES

Digging, extraction, mining and quarrying of sand, gravel, clay or other resource for commercial purposes.

FAMILY

One or more individuals occupying a dwelling unit and living as a single household unit. The controlling factor in considering whether a group of unrelated individuals living together as a single housekeeping unit constitutes a family for purposes of compliance with a single family zoning restriction is whether the residents bear the generic character of a relatively permanent functioning family unit.

FARM:

A. Principal uses; a lot used for the growing and harvesting of crops and the raising and breeding of certain animals, including truck farms, fruit farms, nurseries and greenhouses, dairies and livestock produce.

B. Accessory uses; building incidental to farms such as managers' and owners' homes, tenant houses and greenhouses; buildings for housing seasonal workers for the farm's own use; barns; packing, grading and storage buildings; buildings for keeping of poultry and permitted livestock; and garages for the keeping of equipment and trucks used in farm operations.

FARM MARKET

Nurseries and garden centers shall mean uses devoted to the growing, cultivation, storage, and/or sale of produce, landscaping products, and similar accessory and ancillary products.

FARM STAND

A temporary, seasonal area or structure limited to 20 square feet used for the display and sale of farm products grown exclusively on the property upon which the stand is located.

FAST-FOOD RESTAURANT

An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises.

FENCE

An artificially constructed barrier of wood, masonry, stone, wrought iron, chain link, vinyl or any other approved manufactured material or combination of materials erected to enclose, screen or separate areas.

FINAL APPROVAL

The official action of the approving board taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required

improvements have been installed or guaranties properly posted for their completion, or approval conditioned upon the posting of such guaranties.

FISH AND WILDLIFE PRESERVE

A tract of land which may include bodies of water and upon which land and water area natural food and habitat conditions are maintained and safeguarded for the conservation of fish and wildlife.

FLAG LOT

A lot not meeting minimum frontage requirements and where access to the public road is by a private right of way or driveway.

FLAG LOT SUBDIVISION

A subdivision consisting of two lots [one new lot and the remaining parcel].

FLOOD FRINGE

That portion of the flood hazard area outside of the floodway.

FLOOD HAZARD AREA

The floodway and relative flat areas adjoining the floodway which has been or may be hereafter covered by flood water and which area, the improper development and general use of which, would constitute a threat to the public's safety, health and general welfare. The "flood hazard area" shall constitute the total area inundated by the flood hazard design flood.

FLOODPLAIN

The general flat terrain subject to periodic flooding adjacent to streams, ponds, lakes or swamps.

FLOODWAY

The channel of a natural stream and portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream. This shall constitute the portions of the floodplain needed for the passage of the floodway design flood without an appreciable rise in the water surface profile.

FLOOR AREA RATIO (F.A.R.)

The sum of the area of all floors of buildings or structures compared to the total area of the site, excluding non-habitable space such as decks, garages, and basements.

FORESTRY OR SILVICULTURE

The growing and harvesting of trees for commercial purposes, except that the following activities shall not be defined as forestry:

A. Removal of trees located on a parcel of land one acre or less on which a dwelling has been constructed.

B. Removal of trees directly associated with the use of the property for a nursery, garden center, Christmas tree plantation or orchard.

C. Removal of trees directly associated with the development of the property as otherwise authorized by this chapter.

D. Removal of trees necessary for the maintenance of utilities of public rights-of way.

E. Removal of trees for the personal use of the property owner.

F. Removal of trees for public safety.

FUELING STATION

Lands and building providing for the sale of fuel, lubricants and automotive accessories.

GARAGE, PRIVATE RESIDENTIAL

A structure which is accessory to a residential building and which is used for the parking and storage of vehicles owned and operated by the residents thereof and which is not a separate commercial enterprise available to the general public. Storage in garages on the second floor or loft will be accessed from the inside the garages.

[Amended 11-17-2008 by Ord. No. 1311-08]

GARAGE, PUBLIC

A building or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

[GARAGE, REPAIR](#)

Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

[GARDEN CENTER](#)

A structure in year round use for the sale of agricultural and nursery products and related materials.

[GOVERNING BODY](#)

The Township Committee.

[GRADE](#)

A reference plane consisting of the average finished ground level adjacent to a structure, building or facility at all visible exterior walls.

[HABITAT](#)

The natural environment of an individual animal or plant, population or community.

[HEALTH CARE FACILITY](#)

A facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions, excluding hospitals and care facilities, and including but not limited to public health centers, urgent care centers, diagnostic centers, treatment centers, and rehabilitation centers.

[HEALTH CARE SERVICES](#)

Establishments providing support to medical professionals and their patients, such as medical and dental laboratories, blood banks, and miscellaneous types of medical supplies and services.

[HEIGHT](#)

The vertical distance of a structure measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the structure. For lots 15,000 square feet or less, the average elevation can be measured within 5' of the structure. "Finished grade" must be within 24" of the original grade.

[HISTORIC AREA](#)

A district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history or because of their unique architectural style and scale, including color, proportion, form and architectural detail or because of their being a part of or related to a square, park or area, the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

[HISTORIC BUILDING](#)

Any building or structure which is historically or architecturally significant.

[HISTORIC RESOURCE](#)

Any site, building, area, structure or object important in American history or prehistory, architecture, archaeology and culture at the national, state, county, local or regional level.

[HOME OCCUPATION](#)

A business, profession, occupation or trade conducted for gain or support within a legally existing residential building or an accessory thereto, which is clearly incidental and secondary to the use of such building for dwelling purposes, and which does not change the essential residential character of such building(s).

[HOMEOWNERS' ASSOCIATION](#)

A community association, other than a condominium association, which is organized in a development in which individual owners share common interest in open space or facilities.

[HORSE FARM](#)

A farm that is primarily used for the breeding and boarding of horses.

HORTICULTURE

The cultivation of gardens or orchards including the growing of vegetables, fruits, flowers and ornamental trees and shrubs.

HOTEL

A facility offering transient lodging accommodations to the general public and which may include additional facilities and services. Transient is defined as 30 days or less.

HYDROPHYTE

Any plant growing in water or in substrate that is at least periodically deficient in oxygen as a result of excessive water content.

IMPERVIOUS SURFACE

Any surface which does not permit fluids to pass through or penetrate its pores or spaces.

INDUSTRIAL USE

Manufacturing plants of a type which carry on processes within completely enclosed buildings, wholesale distribution centers for wholesale sales, storage and distribution, including facilities for bulk storage; enclosed service and repair facilities; equipment sales and service; business offices and office buildings; industrial plants not involving the synthesis of chemical products for direct industrial sale; research laboratories; and other light industrial uses of the same general character.

INTERESTED PARTIES

A. In a criminal or quasi-criminal proceeding, any citizen of the state.

B. In a civil proceeding, in any court or in an administrative proceeding before a municipal agency, any individual, whether residing within or without any municipality, whose right to use, acquire or enjoy property is or may be affected by any action taken under any law of the municipality or state or the United States.

INTERIOR LOT LINE

Any lot line other than one adjoining a street or public space.

INTERMITTENT STREAM

A natural stream that does not have a continual flow.

KENNEL

See animal kennel

LAND

Includes the surface and subsurface of the earth, as well as improvements and fixtures on, above or below the surface and any water found thereon.

LANDFILL

Sites, including open dumps, where solid waste, liquid and dry sewage sludge and liquid and dry chemical waste are disposed of by land application with or without the use of management practices or soil covering. For the purposes of this chapter, solid waste transfer stations shall not be considered "landfills".

LANDSCAPING

The installation of plant material or seed as a part of a development.

LAND USE ORDINANCES OR LAND USE REGULATION

Any county or municipal ordinance or regulation which, in any way, regulates or affects the development of land.

LEACHATE COLLECTOR

The meaning attributed to the phrase by, and each such "leachate collector" shall conform to the requirements of, the New Jersey Solid Waste Administration.

LIGHT INDUSTRIAL USE

Manufacturing plants of a type which carry on processes within completely enclosed buildings; wholesale distribution centers for wholesale sales, storage and distribution, including facilities for bulk storage, meat/seafood packing facilities; enclosed service and repair facilities; equipment sales and service; business

offices and office buildings; industrial plants not involving the synthesis of chemical products for direct industrial sale; research laboratories; and other light industrial uses of the same general character.

LOCAL PERMITTING OR APPROVING AGENCY

Any county or municipal official, department, agency or other body authorized to rule on any application for development.

LOT

A designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law, to be used, developed or built upon as a unit. In order to be used, developed or built upon, a lot must have improved public access complying with all applicable codes, standards, statutes and ordinances. Such improved public access must extend along the entire frontage of the lot(s) in question.

[Amended 5-17-2004 by Ord. No. 1163-04]

LOT AREA

The total area within the lot lines of a lot, excluding any street rights-of-way.

LOT, CORNER

A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees. Corner lots adjoining two streets shall be considered to have two front yards and corner lots adjoining three streets shall be considered to have three front yards. In instances where there is a corner lot having two front yards, the front of the house or other building must be oriented toward one of the two of them and the area behind the house or building shall be designated as the rear yard. The other yard shall be considered a side yard. Lots having three front yards shall likewise be required to orient the house or building toward one of the three of them, and the area behind the house or building shall be considered a rear yard. In these instances there shall be no side yard.

[Amended 5-17-2004 by Ord. No. 1163-04]

LOT COVERAGE

That portion of the lot that is covered by buildings and structures, including walks, driveways and all other impervious surfaces.

LOT DEPTH

The distance measured from the front lot line to the rear lot line. If the front and rear lot lines are not parallel, the "lot depth" shall be measured by drawing lines from the front to the rear lot line(s) at right angles to the front lot line, every 10 feet, and averaging the length of these lines.

LOT FRONTAGE

The length of the front lot line measured at the street right-of-way line. Only improved public streets may have their street lot line counted as lot frontage. Lots having street lot lines on more than one improved public street may not count more than one such street lot line toward the satisfaction of the lot frontage requirement. In instances where there are more than one street lot line it is sufficient if one of such street lot lines satisfies the lot frontage requirement. It is not necessary that all such street lot lines individually satisfy the lot frontage requirement. Any street not providing actual legal access may not be counted as lot frontage, e.g., Garden State Parkway.

[Amended 5-17-2004 by Ord. No. 1163-04]

LOT, INTERIOR

A lot other than a corner lot.

LOT LINE

A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT

The lot line separating a lot from a street right- of-way.

LOT LINE, REAR

The lot line opposite and most distant from the front lot line or, in the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE

Any lot line other than a front or rear lot line.

LOT WIDTH

The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

LOW-INCOME HOUSEHOLD

A household with an annual income of less than 80% of the median income for Cape May County or for the Standard Metropolitan Statistical Area.

MAINTENANCE BOND

Any security acceptable to the Township Committee to assure the maintenance of duly approved improvements installed by the developer after the final acceptance of the improvements and in accordance with Chapter 218 the Middle Township Subdivision of Land and Site Plan Review Ordinance.

MAINTENANCE GUARANTEE

Any security which may be accepted by the Township for the maintenance of any improvements required by Chapter 218, The Middle Township Subdivision of Land and Site Plan Review Ordinance.

MAJOR SITE PLAN

Any site plan which is not exempt or classified as a minor site plan and for which no site plan waiver has been granted.

MAJOR SUBDIVISION

Any subdivision of land not classified as a minor subdivision.

MANUFACTURED HOME

A unit of housing which:

A. Consists of one or more transportable sections which are substantially constructed off site and, if more than one section, are joined together on site;

B. Is built on a permanent chassis;

C. Is designed to be used, when connected to utilities, as a dwelling on a permanent or non-permanent foundation; and

D. Is manufactured in accordance with the standards promulgated for a manufactured home by the Secretary pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, Pub. L. 93-383 (42 USC 5401 et seq.) and the standards promulgated for a manufactured or mobile home by the Commissioner pursuant to the State Uniform Construction Code Act. P.L. 1975, C. 217 (N.J.S.A. 52:27D-119 et seq.).

MANUFACTURING

The processing and converting of raw, unfinished or finished materials or products, or any of these, into an article or substance of different character, or for use for a different character, or for use for a different purpose; also industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

MARINE AGRICULTURE

The propagation, cultivation and collection of shellfish, finfish, seaweed and other aquatic animals and plants.

MARINA

Facilities for the docking, anchoring, mooring, launching, storing, fueling, sales, rental and service of pleasure and recreational boats and related boating materials, equipment and structures.

MASTER PLAN, TOWNSHIP

A composite of one or more written or graphic proposals for the development of the Township as set forth in and adopted. (N.J.S.A. 40:55D-28)

MAYOR

The chief executive of the Township.

MEDIAN INCOME

The median of household income as determined from time to time by the United States Department of Housing and Urban Development to be the median.

MENTALLY ILL PERSON

A person who is afflicted with a mental illness as defined in N.J.S.A. 30:4-23, 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.

METHADONE CLINIC

A facility whose business includes the sale and/or distribution of methadone and/or other rehabilitative drugs to recovering addicts. For purposes of this chapter, any entity engaged in the activity specified herein shall be construed to be business and/or commercial operation and not a professional office.

[Added 3-5-2001 by Ord. No. 1076-2001]

MIDDLE INCOME HOUSEHOLD

A household with an annual income between 100% and 120% of the median income for Cape May County or the Standard Metropolitan Statistical Area.

MINOR SITE PLAN

Any site plan which proposes building alterations or expansions which do not increase the gross floor area of the structure by more than 30%; proposes the addition of five or fewer parking spaces; does not include any planned development or any new street or extension of any off-tract improvement; and contains the information reasonably required in order to make an informed determination as to whether the requirements established by ordinance for approval as a minor site plan have been met. In addition, any application for development which entails the moving of a building or buildings over, along or across highways, streets, roads, lanes and alleys of the Township of Middle, unless the same shall qualify as a manufactured home within the definition contained in N.J.S.A. 54:4-1.4d, shall qualify as a "minor site plan."

MINOR SUBDIVISION

A subdivision of land of not more than five lots (four new lots and the remaining parcel), provided that such subdivision does not involve a planned development, any new street or the extension of any off-street improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42, and further provided that said subdivision is not a further division of an original tract of land for which previous subdivisions have been approved by the Township within the current 12 month period and where the combination of the proposed and previously approved "minor subdivisions" constitute a major subdivision.

The original tract of land shall be considered any tract in existence at the time of adoption of this Land Development Ordinance Amendment as shown on the Township Tax Maps. Any readjustment of lot lines resulting in new lots shall be classified as a "minor subdivision" for purposes of the application submission and review requirements but not for the purpose of counting whether there has been a subdivision within the current 12 month period.

MIXED USE BUILDINGS

A building containing two or more permitted uses.

MIXED USE DEVELOPMENT

The development of a tract of land with two or more permitted uses such as but not limited to residential, office, retail, public, or entertainment, in a compact urban form.

MOBILE HOME

A dwelling unit manufactured in one or more sections, designed for long-term occupancy and which contains plumbing and electrical connections for attachment to outside systems; and is designed for transportation

after fabrication on streets or highways on its own wheels and, upon delivery to the site, is ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary foundations, connections to utilities, and the like.

[MOBILE HOME PARK](#)

A site with required improvements and utilities for the long-term parking of mobile homes, which may include services and facilities for the residents.

[MODERATE-INCOME HOUSEHOLD](#)

A household with an annual income which is 80% to 100% of the median income for Cape May County or the Standard Metropolitan Statistical Area.

[MOTEL](#)

An establishment providing transient accommodations containing rooms with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

[MUNICIPAL AGENCY](#)

The Township Planning Board or Zoning Board of Adjustment, or the Township Committee when acting pursuant to this Act, and any agency which is created by or responsible to one or more municipalities when such agency is acting pursuant to this chapter.

[MUNICIPALITY](#)

The Township of Middle, County of Cape May, State of New Jersey.

[NATIONAL FLOOD INSURANCE PROGRAM](#)

A federal program which authorizes the sale of federally subsidized flood insurance in communities where such flood insurance is not available privately.

[NAVIGABLE WATER](#)

Water capable of being traversed by pleasure craft.

[NJPDES](#)

New Jersey Pollutant Discharge Elimination System.

[NITRATE DILUTION MODEL](#)

A regulatory planning tool used to limit residential development density in unsewered areas based on the carrying capacity of land.

[NONCONFORMING LOT](#)

A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district in which it is located.

[NONCONFORMING SIGN](#)

Any sign lawfully existing on the effective date of an ordinance or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

[NONCONFORMING STRUCTURE OR BUILDING](#)

A structure or building, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district in which it is located.

[NONCONFORMING USE](#)

A use or activity which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district in which it is located.

[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.

OCCUPANCY

The specific purpose for which land or a building is used, designed or maintained.

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 Cape May County pursuant to N.J.S.A. 40:27-5.

OFFICIAL MAP

A map adopted by ordinance pursuant to N.J.S.A. 40:55D-32 et seq.

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 the street or right-of-way.

OFF-SITE COMMERCIAL ADVERTISING SIGN

A sign which directs attention to a business commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

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.

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.

OPEN SPACE, COMMON

Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

OPEN SPACE CLUSTERING

The grouping of residential units on a site to preserve a large portion of land as open space, recreation or agriculture.

OUTLET CONTROL STRUCTURE

A device designed to release impounded runoff from a detention/infiltration facility, usually by means of an orifice or weir.

OWNER

Any individual, firm, association, syndicate, copartnership, corporation or trust having sufficient proprietary interest in the land to be developed in order to commence and maintain proceedings to develop the same under Chapter [218](#), the Middle Township Subdivision of Land and Site Plan Review Ordinance.

PARCEL

Any quantity of land capable of being described with such definiteness that its location and boundaries may be established and which is designed by its owner as land to be used as a unit.

PARKING LOT, COMMERCIAL

Any lot or area other than a street which is devoted to the parking of automobiles, available for public use whether in return for a fee or as an accommodation for clients or customers and which is not directly operated by and on behalf of the use permitted in the zone in which it is located.

PARKING SPACE

An open space or garage on a lot used for parking motor vehicles to which there is access from a street.

PARKING STRUCTURE, OPEN

A structure for the parking of passenger cars wherein two or more sides of such structure are not less than 50% open on each floor or level for 50% of the distance from the follow to the ceiling and wherein provision for the repairing of such vehicles is not made. Such "open parking structures" shall not be classified as public garages, but shall comply with the requirements of Township ordinances.

PARTIAL DESTRUCTION

A building or structure that, because of fire, flood, explosion, or other calamity, requires the rebuilding of less than half of the original floor area.

PARTIAL DETENTION FACILITY

Any stormwater control facility, surface or subsurface, designed to impound runoff and both recharge it into the groundwater and release it at a reduced rate through an outlet control structure.

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 N.J.S.A. 40:55D-12.

PARTY WALL

A fire wall on an interior lot line used or adapted for joint service between two buildings.

PERCOLATING AREA

That portion of soil utilized as the effective disposal media for sewage.

PERCOLATION

Downward flow or infiltration of water through the pores or spaces of rock or soil.

PERCOLATION TEST

A test designed to determine the ability of ground to absorb water and used in determining the suitability of a soil for drainage or for the use of a septic system.

PERFORMANCE GUARANTY

Any security in accordance with the requirements of Chapter [218](#), Middle Township Subdivision of Land and Site Plan Review Ordinance which may be accepted by the Township in lieu of a requirement that certain improvements be made before the Township approves a plat, including performance bonds, escrow agreements, letters of credit and other similar collateral or surety agreements, and also including cash, provided that the Township shall not require more than 10% of the total "performance guaranty" in cash.

PERMIT

An official document or certificate issued by the authority having jurisdiction and authorizing performance of a specified activity.

PERMITTED USE

Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PERSON

An individual corporation, public agency, business trust, partnership, copartnership, association, two or more persons having a joint or common interest or any other legal entity.

PLANNED DEVELOPMENT

An area with a specified minimum contiguous acreage of 40 acres or more to be developed as a single entity according to a plan containing one or more residential clusters, which may include appropriate public or quasi-public uses, all primarily for the benefit of the residential development.

PLANNING BOARD

The Middle Township Planning Board established pursuant to N.J.S.A. 40:55D-23.

PLAT

One or more maps of a subdivision or a site plan which shows the location, boundaries and ownership of individual properties.

[PRELIMINARY APPROVAL](#)

The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the approving board and the applicant and after the applicant has proceeded in accordance with Chapter [218](#), Middle Township Subdivision of Land and Site Plan Review Ordinance.

[PRIME AGRICULTURAL LANDS](#)

Those soils designated in the Cape May County Soil Survey as agricultural capability Classes I and II.

[PRINCIPAL BUILDING](#)

A building in which is conducted the main or principal use of the lot on which said building is situated.

[PRINCIPAL USE](#)

The main purpose for which a lot or building is used.

[PRIVATE CLUB OR GROUNDS](#)

A building or related facilities owned or operated by a corporation, association or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members and not primarily for profit and whose members meet certain prescribed qualifications for membership and pay dues.

[PROFESSIONAL OFFICE](#)

The office of a member of a recognized profession maintained for the conduct of that profession. Includes but is not limited to an office for the use of accountants, doctors, attorneys, architects, real estate agents, insurance brokers, dentists, engineers or similar professionals.

[PUBLIC AGENCIES](#)

The government of the United States of America; the State of New Jersey or any other state; their political subdivisions, agencies or instrumentalities; any interstate and regional agencies exercising sovereign powers of government.

[PUBLIC OPEN SPACE](#)

An open space area conveyed or otherwise dedicated to the Township, a Township agency, Board of Education, state or county agency or other public body for recreational, conservational or other public uses.

[PUBLIC PURPOSE USES](#)

Facilities owned by governing bodies, commissions, authorities or other public agencies for the provision of educational, recreational, administrative or cultural services, including schools, parks, playgrounds, municipal buildings, courthouses, post offices, police and fire stations, libraries and museums.

[PUBLIC SERVICE INFRASTRUCTURE](#)

Sewer service, gas, electricity, water, telephone, cable television and other public utilities developed linearly, roads and streets and other similar services provided or maintained by any public or private entity.

[PUBLIC SEWERAGE FACILITIES](#)

Facilities including sanitary sewers and wastewater treatment plants, designed and constructed in accordance with the Rules and Regulations for the Preparation and Submission of Plans for Sewer Systems and Wastewater Treatment Plants established by the New Jersey Department of Environmental Protection.

[PUBLIC UTILITY FACILITIES](#)

Telephone, electric and cable television lines, poles, equipment and structures; water or gas pipes, mains, valves or structures; pumping stations, telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or a public utility. Does not include transmitting towers.

[PUBLIC WATER SUPPLY SYSTEM](#)

A municipality or privately owned system comprising structures which, operating alone or with other structures, result in the derivation, conveyance (or transmission) or distribution of water for potable or

domestic purposes to consumers in 20 or more dwellings or properties and designed and constructed in accordance with the Rules and Regulations for the Approval of Public Water Supply Systems and Water Treatment Plants established by the New Jersey Department of Environmental Protection.

[PUMP-OUT STATION](#)

A facility that removes sanitary waste from holding tanks of marine sanitation devices on boats and provides proper disposal of same as provided by NJDEP.

[QUORUM](#)

The majority of the full authorized membership of a Township agency.

[RECOMMENDED MANAGEMENT PRACTICE](#)

The management program which employs the most efficient use of available technology, natural, human and economic resources.

[RECREATIONAL USE](#)

A place designed and equipped for the conduct of sports and leisure-time activities.

[RECREATIONAL VEHICLE](#)

A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven, and primarily designed as temporary living accommodation for recreational, camping and travel use, and including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

[RELIGIOUS USE](#)

A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.

[RENEWABLE ENERGY SYSTEM](#)

Any structure or installation such as a wind turbine, solar collecting array, or geothermal system, which is designed and intended to produce energy from natural forces such as wind, sunlight or geothermal heat.

[REPAIR GARAGES](#)

Establishments engaged in general repair, rebuilding, or reconditioning of engines, motor vehicles, and trailers, including bodywork, welding and painting service.

[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 as an appurtenance.

[RESIDENTIAL DENSITY](#)

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

[RESTAURANT](#)

Any establishment where food is commercially sold for on-premises consumption to patrons seated at indoor or outdoor tables or counters.

[RESOURCE CONSERVATION PLAN](#)

A plan, prepared for review by the Soil Conservation District, which details the proposed use of agricultural recommended management practices.

[RESOURCE EXTRACTION](#)

The dredging, digging, extraction, mining and quarrying of sand, gravel, clay or ilmenite for commercial purposes not including, however, the private or agricultural extraction and use of extracted material by a landowner.

[RESUBDIVISION:](#)

A. 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

B. 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 existing lots by deed or other instrument.

RETAIL SALES

Establishments engaged in the selling or rental of goods or merchandise (usually to the general public for personal use or household consumption, although they may also serve business and institutional clients) and rendering services incidental to the sale of such goods. Includes, but not limited to groceries, food stuffs, bakeries, drug stores, packaged liquor sales, gift shops, hardware stores, florists, arts and crafts stores, bookstores and arts and crafts.

RETAINING WALL

A structure erected between lands of different elevation to protect structures and/or to prevent the washing down or erosion of earth from the upper slope level.

REVERSE FRONTAGE

Access to lots fronting on a major road from an accessory street, rather than a collector street.

RIGHT-OF-WAY

A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. Generally, the right of one to pass over the property of another.

RIGHT OF WAY LINES

The lines that form the boundary of a right-of-way.

ROOF

The roof slab or deck with its supporting members, not including vertical supports.

ROOF STRUCTURE

An enclosed structure on or above the roof of any part of a building.

SCS

Soil Conservation Service District.

SEASONAL HIGH WATER TABLE

The level below the natural surface of the ground to which water seasonally rises in the soil in most years.

SEDIMENTATION

The deposition of soil that has been transported from its site or origin by water, ice, wind, gravity and other natural means as a product of erosion.

SELF-STORAGE FACILITY

A building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

SERVICE USES

Establishments providing services, as opposed to products, to the general public for personal or household use such as hair salons, computer services, dry cleaners, repair of appliances, shoes and the like.

SETBACK

The distance between the street line and the building line.

SETBACK LINE OR REQUIRED SETBACK

The term "required setback" means a line that is established a minimum horizontal distance from the street line or the lot line, whichever would result in the widest right-of-way, and beyond which a building or part of a building is not permitted to extend toward the street line or lot line. For the purposes of this chapter, the language "a building or part of a building" shall be considered to include steps, decks, patios, open and closed porches, HVAC units and similar uses, none of which may be located within a designated setback area.

[Amended 5-5-2003 by Ord. No. 1133-2003]

SHOPPING CENTER

A group of commercial establishments owned and managed as an operating unit. It provides on-site parking in a definite relationship to the type and total size of the stores. The commercial establishments may be located in one or several buildings, attached or separated.

SIDEWALK CAFÉ

A restaurant with tables on the sidewalk in front of or on the side of the premises.

SIGHT TRIANGLE

A triangle shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGHT TRIANGLE EASEMENT AT INTERSECTION AND/OR DRIVEWAY

A triangular-shaped area established in accordance with the requirements of Chapter [218](#), Middle Township Subdivision of Land and Site Plan Review Ordinance, in which nothing shall be erected, placed, planted or allowed to grow more than three feet above the center-line grade of either street and/or driveway.

SIGN

Any object, device, display or structure or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

SIGN, AREA OF

The entire face of a sign, including the advertising surface and any framing, trim or molding, but not including the supporting structure. In the case of freestanding letters or a sign painted on a window without any border framing or decorative attachments, it shall be the area contained between the highest and lowest points of the letters and the extremity points of the first and last letters. Freestanding letters are those that have no visible means of support.

SILVICULTURE — FORESTRY

The growing and harvesting of trees for commercial purposes, except that the following activities shall not be defined as forestry:

- [A.](#) Removal of trees located on a parcel of land one acre or less on which a dwelling has been constructed.
- [B.](#) Removal of trees directly associated with the use of the property for a nursery, garden center, Christmas tree plantation or orchard.
- [C.](#) Removal of trees directly associated with the development of the property as otherwise authorized by this chapter.
- [D.](#) Removal of trees necessary for the maintenance of utilities of public rights-of-way.
- [E.](#) Removal of trees for the personal use of the property owner.
- [F.](#) Removal of trees for public safety.

SITE PLAN

A development plan of one or more lots on which is shown:

- [A.](#) The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, buildings, drives, parking spaces, walkways.
- [B.](#) The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures; signs, lighting, and screening devices.
- [C.](#) Any other information that may be reasonably required in order to make an informed determination pursuant to this chapter and the Subdivision of Lands and Site Plan Review Ordinance.

SITE PLAN REVIEW

The examination of the specific development plans for a lot. Wherever the term "site plan approval" is used in this chapter, it shall be understood to mean a requirement that the site plan be reviewed and approved by the Planning Board or Zoning Board of Adjustment, in accordance with the provisions of the Subdivision and Site Plan Ordinance.

SPECIMEN TREE

Any tree of exceptional size which is listed by the New Jersey Division of Parks and Forestry. A listing of such trees and a map showing their location is maintained at the principal offices of the N.J. Division of Parks and Forestry.

STANDARDS OF PERFORMANCE

A. Standards adopted by ordinance (N.J.S.A. 40:55D65D) regulating noise levels, glare, earthborne or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic matters, explosive and inflammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the Township; or

B. Required by applicable federal or state laws or other Township ordinances.

STANDARD SUBSURFACE SEWAGE DISPOSAL SYSTEM

A system for disposal of sanitary sewage into the ground, which meets the standards of N.J.A.C. 7:9A-2.1 et seq. and which is designed and constructed to treat sewage in a manner that will retain most of the settleable solids in a septic tank and to discharge the liquid effluent to an adequate disposal field, excluding those systems which utilize a dosing tank or other comparable system to store and deliver doses of septic tank effluent to the disposal field and those systems that utilize sand filtration.

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 not floor above it, then the space between the floor and the ceiling next above it, and including those basements used for the principal use.

STORY, FIRST

The lowermost story entirely above the grade plane.

STORY, HALF

A space under a sloping roof which occupies no more than 50% of the total floor area of the story directly below.

STREET

Any street, avenue, boulevard, road, parkway, viaduct, drive and other roadway:

A. Which is an existing state, county or Township roadway;

B. Which is shown upon a plat heretofore approved pursuant to law;

C. Which is approved by other official action;

D. Which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of the Planning Board and the grant to such Board of the power to review plats; and which 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 LINE

The edge of the existing or future street right-of-way, whichever would result in the widest right-of-way, as shown on the adopted Master Plan or Official Map, when adopted, forming the dividing line between the street and a lot. In the case of a street of undefined width, said street line shall be assumed to parallel the center line of the street at a minimum distance of 25 feet therefrom.

STREET LOT LINE

The lot line dividing a lot from a street or other public space.

STRUCTURAL ALTERATION

Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

STRUCTURE

A combination of materials to form a construction for occupancy, use or ornamentation having a fixed location on, above or below the surface of land or attached to something having a fixed location on, above or below the surface of land.

STUDIOS

A workshop, or educational or instructional facility for activities such as art, music, dance, health, fitness or other similar uses.

SUBDIVIDER

Any individual, firm, association, syndicate, partnership, copartnership, corporation, trust or any legal entity commencing proceedings under Chapter [218](#), Middle Township Subdivision of Land and Site Plan Review Ordinance, to effect a subdivision of land hereunder for himself or for another with the written consent of the owner.

SUBDIVISION

A. 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 Chapter [218](#), Middle Township Subdivision of Land and Site Plan Review Ordinance, if no new streets are created.

(1) Divisions of land found by the Planning Board to be for agricultural purposes where all resulting parcels are five acres or larger in size;

(2) Divisions of property by testamentary or intestate provisions;

(3) Divisions of property upon court order, including but not limited to judgments of foreclosure;

(4) Consolidation of existing lots by deed or other recorded instrument; and

(5) The conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of this chapter and are shown and designated as separate lots, tracts or parcels on the Tax Map or Atlas of the Township.

B. The term "subdivision" shall also include the term "resubdivision".

SUBMERGED LANDS

Those lands which are inundated with water throughout the year.

SUBSURFACE INFILTRATION FACILITY

An underground stormwater control facility designed to impound runoff and recharge it into the groundwater.

SWIMMING POOL

A structure artificially constructed in the ground, not fully within a building which provides recreational facilities for swimming, bathing or wading and all buildings, equipment and appurtenances thereto. It shall not include natural outdoor ponds, rivers or lakes.

TEMPORARY STRUCTURES

A structure that is erected without any foundation or footings and is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

[Added 11-17-2008 by Ord. No. 1311-08]

TRACT

An area of land composed of one or more lots adjacent to one another, having sufficient dimensions and area to make one parcel of land meeting the requirements of this chapter for the use(s) intended.

TRANSCRIPT

A typed or printed verbatim record of the proceedings or a reproduction thereof.

TRANSMITTING TOWER

A tall framework or structure, the elevation of which is functional, such as for transmission of radio, television, telephone and similar signals.

UNCONSTRAINED LAND

Vacant and developable land that is suitable for development, including properties planned or approved for development.

USE

The purpose or activity for which land or buildings are designed, arranged or intended or for which land or buildings are occupied or maintained.

UTILITY DISTRIBUTION LINES

Lines, conduits or pipes located in a street, road, alley or easement through which natural gas, electricity, telephone, cable television, water, sewage or stormwater discharge is distributed to or from service lines extending from the main line to the distribution system of the building or premises served.

VARIANCE

Permission to depart from the literal requirements of this ordinance.

VEGETATION

Any plant material, including grasses, shrubs and trees.

WALL

A structural member which also serves to separate space.

WAREHOUSING

A building used primarily for the storage of goods and materials by the owner of the goods or operated for a specific commercial establishment.

WATERCOURSE

Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, public or private, which are contained within, flow through or border the municipality or any portion thereof.

WET DETENTION BASIN

A detention basin designed to maintain a permanent pool of water below the elevation of the lowest stage of the control structure.

WETLANDS

Those areas where the substrate is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and which under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions known as "hydrophytes".

WHOLESALE DISTRIBUTION

Warehouse center for wholesale sales, storage and distribution, including facilities for bulk storage.

WINERY

The production of wine and wine products, and may include activities such as: (1) retail sale of wine and related items, (2) a tasting room, (3) wine sales by glass or bottle, (4) wine tastings, (5) tours, (6) wine/food events, (7) wine festivals, and (8) catered events, provided said activities are specifically authorized by the Planning or Zoning Board.

YARD

An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such "yard" is unoccupied and unobstructed from the ground upward except as may be specifically provided in this Zoning Ordinance.

YARD DEPTH

The shortest distance between a lot line and a yard line.

YARD FRONT

A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

[Amended 11-17-2008 by Ord. No. 1311-08]

YARD, GENERAL REQUIREMENTS

As to a front, rear or side yard, easements on adjacent properties shall not be used in order to fulfill the requirements for each such yard.

YARD LINE

A line drawn parallel to a lot line at the distance therefrom equal to the depth of the required yard.

YARD, REAR

A space extending across the full width of the lot between any building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line. Such "rear yard" is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this chapter.

YARD, REQUIRED

The open space between a lot line and the buildable area within which no structure shall be located except as provided in this Zoning Ordinance.

YARD, SIDE

A space extending from the front yard to the rear yard between any building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building. Such "side yard" is unoccupied and unobstructed from the ground upward except as may be permitted elsewhere in this chapter.

ZONING

The reservation of certain specified areas within a community or city for buildings and structures or use of land for certain purposes with other limitations such as height, lot coverage and other stipulated requirements.

ZONING PERMIT

A document signed by the Zoning Officer:

- A. Which may be 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
- B. Which acknowledges that such use, structure or building complies with the provisions of this chapter or variance therefor duly authorized by a municipal agency pursuant to this chapter.

ARTICLE III Zoning Districts; Map; Interpretation

§ 250-301. Districts enumerated.

B Business
CD Coastal Development
HV Hildrith Village
R Residential
RB Residential Business
RC Rural Conservation
SR Suburban Residential
TB Town Business
TC Town Center
TP Town Professional
TR Town Residential
VC Village Commercial
VR Village Residential

§ 250-302. Zoning Map.

[Amended 10-17-1996 by Ord. No. 972-96; 6-2-1997 by Ord. No. 985-97; 10-6-1997 by Ord. No. 995-97; 7-20-1998 by Ord. No. 1019-98; 1019-98 by Ord. No. 1022-98; 12-21-1998 by Ord. No. 1030-98; 4-12-1999 by Ord. No. 1036-99; 3-6-2000 by Ord. No. 1050-2000]

The above districts are bounded and defined as shown on a map entitled "Middle Township, New Jersey, Zoning Map," which consists of one large map of the entire Township at a scale of approximately one inch equals 2,000 feet.

Editor's Note: The Zoning Map referred to herein may be found on file in the Planning and Zoning Office.

§ 250-303. Interpretation of boundaries.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

- A. The district boundaries are as shown on the area Township map at a scale of one inch equals 2,000 feet.
- B. Where district boundaries are indicated as approximately following lot lines, the center line of streets or highways, highway right-of-way lines or railroad center lines, such lot lines, center lines, highway right-of-way lines or railroad center lines shall be construed to be such boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to the center lines of streets or highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning Map.
- D. Where district boundaries are indicated as approximately following a stream, pond, lake or other water body or the edge of a marsh, swamp, tidal meadow or other natural feature, such water body or natural feature shall be construed to be such boundaries.
- E. Where a district boundary line divides a lot which was in single ownership at the time of passage of this chapter, the Planning Board or Zoning Board of Adjustment may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.
- F. The exact location of any disputed zoning district boundary line shall be determined by the Zoning Board of Adjustment.

ARTICLE IV District Regulations

§ 250-401. B Business

- A. Purpose – to provide areas outside the Centers that permit a variety of business uses to serve both local residents and the general public.
- B. Permitted uses.
 1. Retail sales
 2. Service uses
 3. Restaurants
 4. Professional offices
 5. Banks and similar financial institutions
 6. Business offices
 7. Health care facilities and services
 8. Studios
 9. Automobile, camper, and boat sales
 10. Recreational, cultural and entertainment facilities
 11. Single apartment above permitted commercial use, limited to 2,000 square feet of floor area

- C. Conditional uses.
 - 1. Bed and Breakfasts in accordance with section 250-502
 - 2. Fueling stations in accordance with section 250-506
 - 3. Public purpose uses in accordance with section 250-511
 - 4. Public utility uses in accordance with 250-512
 - 5. Religious uses in accordance with section 250-513
 - 6. Repair garages in accordance with section 250-514
 - 7. Self-storage facilities in accordance with section 250-515

- D. Accessory uses
 - 1. Farm stands
 - 2. Garages, sheds, and storage buildings
 - 3. Renewable energy systems
 - 4. Private swimming pools

E. Bulk Regulations for B Business District

	All Permitted Uses
Minimum Lot Area	1 acre
Minimum Lot Width	100'
Minimum Lot Frontage	100'
Minimum Yard-Front	50'
Minimum Yard-Side	25'
Minimum Yard-Total Side	50'
Minimum Yard-Rear	50'
Maximum Coverage-Building	20%
Maximum Coverage-Impervious	40%
Maximum Building Height	35'
Maximum Stories	2.5
Accessory Use - Minimum Yard, Side	15'
Accessory Use- Minimum Yard, Rear	20'

§ 250-402. CD Coastal Development

- A. Purpose – recognize unique characteristics of waterfront tracts and the importance of residential, restaurant and marina development within NJDEP guidelines.
- B. Permitted uses
 - 1. Single-family dwelling
- C. Conditional uses
 - 1. Home occupations in accordance with section 250-507
 - 2. Marinas in accordance with section 250-509
 - 3. Public purpose uses in accordance with 250-511
 - 4. Public utility uses in accordance with 250-512
 - 5. Religious uses in accordance with section 250-513
- D. Accessory uses.
 - 1. Private swimming pools.
 - 2. Garages, sheds, and storage buildings
 - 3. Farm stands
 - 4. Renewable energy systems

E. Bulk regulations for CD Coastal Development

	Single Family Dwelling with Sewer	Single Family Dwelling with Septic
Minimum Lot Area	5,000 sf	1 acre
Minimum Lot Width	50'	50'
Minimum Lot Frontage	50'	50'
Minimum Yard-Front	20'	20'
Minimum Yard-Side	5'	5'
Minimum Yard-Total Side	15'	15'
Minimum Yard-Rear	20'	20'
Maximum Coverage-Building	40%	20%
Maximum Coverage-Impervious	60%	30%
Maximum Building Height	35'	35'
Maximum number of Stories	2.5	2.5
Accessory Use Maximum Yard, Side	5'	5'
Accessory Use Maximum Yard, Rear	5'	5'

§ 250-403. HV Hildrith Village

A. Purpose – to provide for higher density residential, light commercial and public waterfront access.

B. Permitted uses

1. Hotel
2. Marina
3. Retail sales
4. Service uses
5. Restaurants
6. Recreational, cultural and entertainment facilities as part of a single mixed use development
7. Townhouse dwellings as part of a single mixed use development and in compliance with design standards
8. Multi-family dwellings as part of a single mixed use development and in compliance with design standards

C. Conditional uses

1. Public Purpose Uses in accordance with section 250-511
2. Public Utility Use in accordance with section 250-512

D. Accessory Uses.

1. Parking Garage limited to half the height of the principal use
2. Private swimming pools
3. Renewable energy systems

E. Bulk Requirements for HV Hildrith Village

	Commercial Uses	Townhouse	Multi-Family
Minimum Lot Area	20 acres		
Minimum Lot Width	400'	200'	200'
Minimum Lot Frontage	400'	200'	200'
Minimum Yard-Front	25'	20'	20'
Minimum Yard-Side	25'	50'	50'
Minimum Yard-Total Side	50'	100'	100'
Minimum Yard-Rear	25'	50'	50'

Max. Coverage-Building	50%	45%	45%
Max. Coverage-Impervious	80%	60%	60%
Max. Building Height	60'	35'	60'
Max. number of Stories	6	2.5	6
Accessory Use Max. Yard, Side	10'	10'	10'
Accessory Use Max. Yard, Rear	10'	10'	10'
Minimum Landscape Buffer	25'	20'	20'
Maximum Residential FAR	n/a	.20; with NPC .25	.20; with NPC .30
Density	n/a	4 dwelling units/acre 6 du/acre with NPC	6 dwelling units/acre 8 du/acre with NPC*

*NPC – noncontiguous parcel clustering. See section 250-625

§ 250-404. R Residential

- A. Purpose – accommodate existing residential development patterns and allow for future compatible development with the existing neighborhoods
- B. Permitted uses
 - 1. Single-family dwellings
 - 2. Two-family residential dwellings with sewer
 - 3. Golf courses on a minimum of 50 acres
 - 4. Townhouse dwellings with sewer, in accordance with design standards
- C. Conditional uses.
 - a. Campgrounds in accordance with section 250-503
 - b. Home occupations in accordance with section 250-507
 - c. Public purpose uses in accordance with section 250-511
 - d. Public utility uses in accordance with section 250-512
 - e. Religious uses in accordance with section 250-513
- D. Accessory Uses
 - a. Farm stands
 - b. Garages, sheds, and storage buildings
 - c. Private swimming pools
 - d. Renewable energy systems
- E. Bulk Requirements for R Residential

	Single Family Dwelling	Two Family Dwelling with sewer	Townhouse with sewer
Minimum Lot Area	15,000 with sewer 1 acre with septic	30,000 sf	2 acres 5 acres total for NPC*
Minimum Lot Width	75' with sewer 100' with septic	75'	200'
Minimum Lot Frontage	75' with sewer 100' with septic	75'	200'
Minimum Yard-Front	20'	20'	20'
Minimum Yard-Side	10' with sewer 12' with septic	10'	50'
Minimum Yard-Total Side	25' with sewer 32' with septic	25'	100'
Minimum Yard-Rear	30' with sewer	30'	50'

	40' with septic		
Max. Coverage-Building	20% with sewer 10% with septic	20%	35%
Max. Coverage-Impervious	40% with sewer 15% with septic	40%	50%
Max. Building Height	35'	35'	35'
Max. number of Stories	2.5	2.5	2.5
Accessory Use Max. Yard, Side	6'	10'	10'
Accessory Use Max. Yard, Rear	6'	10'	10'
Minimum Landscape Buffer	n/a	n/a	25'
Maximum Residential FAR	n/a	n/a	.20 .25 with NPC
Density	n/a	n/a	4 dwelling units/acre 6 du/acre with NPC*

*NPC – noncontiguous parcel clustering. See section 250-625

F. Requirements for Golf Courses

	Golf Courses
Minimum Lot Area	50 acres
Minimum Lot Width	500'
Minimum Lot Frontage	150'
Minimum Yard-Front	100'
Minimum Yard-Side	100'
Minimum Yard-Total Side	200'
Minimum Yard-Rear	100'
Maximum Coverage-Building	10%
Maximum Coverage-Impervious	15%
Maximum Building Height	35'
Maximum number of Stories	2.5
Accessory Use - Maximum Yard, Side	50'
Accessory Use – Maximum Yard, Rear	50'
Minimum distance to other buildings	50'

1. A minimum undisturbed buffer of 50 feet shall be maintained to all property lines for all tee areas, fairways, sand traps, greens and cart paths.
2. All clubhouses, maintenance buildings and storages areas should have a buffer of 100 feet with additional landscaping and/or fencing.
3. An increased buffer area may be required by the Board if it is determined that the protection of the public health, safety and welfare so requires.

§ 250-405. RB Residential Business

- A. Purpose - continue to provide unique opportunities for highly restricted business uses associated with residential uses outside of Centers along the major highways.
- B. Permitted uses
 1. Single-family dwelling
- C. Conditional Uses
 1. Retail, professional and service uses as an accessory to a single family dwelling per section 250-504

2. Home Occupations in accordance with section 250-507
3. Public purpose uses in accordance with section 250-511
4. Public utility uses in accordance with section 250-512
5. Religious uses in accordance with section 250-513
- D. Accessory uses.
 1. Farm stands
 2. Garages, sheds, and storage buildings
 3. Private swimming pools
 4. Renewable energy systems

E. Bulk Requirements for RB Residential Business

	Single Family Dwelling
Minimum Lot Area	1 acre
Minimum Lot Width	150'
Minimum Lot Frontage	150'
Minimum Yard-Front	25'
Minimum Yard-Side	15'
Minimum Yard-Total Side	40'
Minimum Yard-Rear	30'
Maximum Coverage-Building	20%
Maximum Coverage-Impervious	30%
Maximum Building Height	35'
Maximum number of Stories	2.5
Accessory Use- Maximum Yard, Side	6'
Accessory Use- Maximum Yard, Rear	6'

§ 250-406. RC Rural Conservation

- A. Purpose – retain the essential rural character of the Township and encourage continuation of agricultural uses and protection of vital natural resources.
- B. Permitted uses
 1. Single-family dwellings
 2. Agriculture, horticulture, silviculture, and aquaculture farms on a minimum of 10 acres
 3. Golf courses on a minimum of 50 acres
 4. Horse farms on a minimum of 5 acres
 5. Kennels and animal shelters on a minimum of 5 acres
- C. Conditional Uses
 1. Campgrounds in accordance with section 250-503
 2. Extractive industries in accordance with section 250-505
 3. Home occupations in accordance with section 250-507
 4. Public purpose uses in accordance with section 250-511
 5. Public utility uses in accordance with section 250-512
 6. Religious uses in accordance with section 250-513
 7. Transmitting towers in accordance with section 250-516
- D. Accessory uses.
 1. Farm stands

2. Garages, sheds, and storage buildings
3. Private swimming pools
4. Renewable energy systems

E. Bulk requirements for RC Rural Conservation

	Single Family Dwelling
Minimum Lot Area	3.5 acres*
Minimum Lot Width	150'
Minimum Lot Frontage	150'
Minimum Yard-Front	50'
Minimum Yard-Side	25'
Minimum Yard-Total Side	50'
Minimum Yard-Rear	50'
Maximum Coverage-Building	3%
Maximum Coverage-Impervious	8%
Maximum Building Height	35'
Maximum number of Stories	2.5
Accessory Use- Minimum Yard, Side	6'
Accessory Use – Minimum Yard, Rear	6'

*with a minimum of 25,000 sf of contiguous unconstrained land

F. Requirements for Golf Courses

	Golf Courses
Minimum Lot Area	50 acres
Minimum Lot Width	500'
Minimum Lot Frontage	150'
Minimum Yard-Front	100'
Minimum Yard-Side	100'
Minimum Yard-Total Side	200'
Minimum Yard-Rear	100'
Maximum Coverage-Building	10%
Maximum Coverage-Impervious	15%
Maximum Building Height	35'
Maximum number of Stories	2.5
Accessory Use – Minimum Yard, Side	50'
Accessory Use - Minimum Yard, Rear	50'
Minimum distance to other buildings	50'

1. A minimum undisturbed buffer of 50 feet shall be maintained to all property lines for all tee areas, fairways, sand traps, greens and cart paths.
2. All clubhouses, maintenance buildings and storages areas should have a buffer of 100 feet with additional landscaping and/or fencing.
3. An increased buffer area may be required by the Board if it is determined that the protection of the public health, safety and welfare so requires.

§ 250-407. SR Suburban Residential

- A. Purpose – recognize developed residential neighborhoods outside Centers that are not sewered and to act as a transitional residential area between higher density development within the Centers and rural density development within the Environs.
- B. Permitted uses
 - 1. Single-family dwellings
 - 2. Agriculture, horticulture, silviculture, and aquaculture farms on a minimum of 10 acres
 - 3. Golf courses on a minimum of 50 acres
 - 4. Horse farms on a minimum 5 acres
- C. Conditional uses.
 - 1. Campgrounds in accordance with section 250-503
 - 2. Home occupations in accordance with section 250-507
 - 3. Public Purpose uses in accordance with section 250-511
 - 4. Public utility uses in accordance with section 250-512
 - 5. Religious uses in accordance with section 250-513
- D. Accessory uses.
 - 1. Farm stands
 - 2. Garages, sheds, and storage building
 - 3. Private swimming pools
 - 4. Renewable energy systems
- E. Bulk requirements for SR Suburban Residential

	Single Family Dwelling
Minimum Lot Area	1 acre*
Minimum Lot Width	100'
Minimum Lot Frontage	100'
Minimum Yard-Front	40'
Minimum Yard-Side	12'
Minimum Yard-Total Side	32'
Minimum Yard-Rear	40'
Maximum Coverage-Building	15%
Maximum Coverage-Impervious	25%
Maximum Building Height	35'
Maximum number of Stories	2.5
Accessory Use- Minimum Yard, Side	6'
Accessory Use – Minimum Yard, Rear	6'

*Properties in the Cape May Tributaries and Bays East Overlay Zone must complete a NJDEP Nitrate Dilution model to determine minimum lot size in accordance with section 250-86.

F. Requirements for Golf Courses

	Golf Courses
Minimum Lot Area	50 acres
Minimum Lot Width	500'
Minimum Lot Frontage	150'
Minimum Yard-Front	100'
Minimum Yard-Side	100'
Minimum Yard-Total Side	200'
Minimum Yard-Rear	100'

Maximum Coverage-Building	10%
Maximum Coverage-Impervious	15%
Maximum Building Height	35'
Maximum number of Stories	2.5
Accessory Use – Minimum Yard, Side	50'
Accessory Use - Minimum Yard, Rear	50'
Minimum distance to other buildings	50'

1. A minimum undisturbed buffer of 50 feet shall be maintained to all property lines for all tee areas, fairways, sand traps, greens and cart paths.
2. All clubhouses, maintenance buildings and storages areas should have a buffer of 100 feet with additional landscaping and/or fencing.
3. An increased buffer area may be required by the Board if it is determined that the protection of the public health, safety and welfare so requires.

§ 250-408. TB Town Business

- A. Purpose – accommodate local community-oriented retail sales and service uses and professional offices at a scale compatible with the surrounding community and at a reduced intensity compared to the Town Center area.
- B. Permitted uses
 1. Retail sales
 2. Service uses
 3. Restaurants, with the exception of drive-throughs in the Cape May Court House Overlay Zone
 4. Professional offices
 5. Banks and similar financial institutions
 6. Business offices
 7. Health care facilities and services
 8. Bed and Breakfasts
 9. Studios
 10. Recreational, cultural and entertainment facilities
 11. Automobile, camper, and boat sales, except in the Cape May Court House Overlay Zone
 12. Apartment(s) above permitted commercial use, maximum 2 units, maximum floor area 2,000 square feet per unit.
- C. Conditional uses
 1. Fueling stations in accordance with section 250-506
 2. Methadone clinic in accordance with section 250-510
 3. Public purpose uses in accordance with section 250-511
 4. Public utility uses in accordance with section 250-512
 5. Religious uses in accordance with section 250-513
 6. Repair garages in accordance with section 250-514
 7. Self-storage facilities in accordance with 250-515
 8. Wholesale distribution, sales, and warehousing uses in accordance with section 250-517
- D. Accessory uses
 1. Farm stands
 2. Garages, sheds, and storage buildings
 3. Private swimming pools
 4. Renewable energy systems
- E. Bulk regulations for TB Town Business

	Commercial
Minimum Lot Area	15,000 sf
Minimum Lot Width	100'
Minimum Lot Frontage	100'
Minimum Yard-Front	Minimum 10'; maximum 25'
Minimum Yard-Side	10'
Minimum Yard-Total Side	25'
Minimum Yard-Rear	10'
Maximum Coverage-Building	30%
Maximum Coverage-Impervious	60%
Maximum Building Height	35'
Maximum number of Stories	2.5
Accessory Use- Minimum Yard, Side	5'
Accessory Use- Minimum Yard, Rear	5'

§ 250-409. TC Town Center

- A. Purpose – promote a desirable mix of commercial, office, civic and residential land use within a compact, vibrant, pedestrian-friendly, town center environment, with an emphasis on uses that serve the community and regional needs where there is adequate road infrastructure.
- B. Permitted uses
1. Retail Sales
 2. Service uses
 3. Restaurants
 4. Professional Offices
 5. Banks and similar financial institutions
 6. Business offices
 7. Health care facilities and offices
 8. Hotel uses, in accordance with E below
 9. Studios
 10. Recreational, cultural and entertainment facilities
 11. Automobile, camper, and boat sales
 12. Shopping Centers, in accordance with design standards
 13. Mixed use buildings, in accordance with design standards
 14. Mixed use development, in accordance with design standards
- C. Conditional uses
1. Fueling stations in accordance with section 250-506
 2. Hospitals in accordance with section 250-508
 3. Public purpose uses in accordance with section 250-511
 4. Public utility uses in accordance with 250-512
 5. Repair garages in accordance with section 250-514
 6. Self-storage facilities in accordance with 250-515
 7. Transmitting towers in accordance with 250-516
 8. Wholesale distribution and sales and warehousing per section 250-517
- D. Accessory uses.
1. Farm stands
 2. Garages, sheds, and storage buildings
 3. Private swimming pools

4. Renewable energy system

E. Bulk regulations for TC Town Commercial

	Commercial Mixed Use Buildings	Mixed Use Development
Minimum Lot Area	1 acre 10 acres NPC*	5 acres 10 acres NPC*
Minimum Lot Width	150'	200'
Minimum Lot Frontage	150'	200'
Minimum Yard-Front	first story- minimum 10', maximum 25'; second and third stories- first story setback plus 10'	first story- minimum 10', maximum 25'; second and third stories- first story setback plus 10'
Minimum Yard-Side	10'	10'
Minimum Yard-Total Side	25'	25'
Minimum Yard-Rear	10'	10'
Maximum Coverage-Building	50%	50%
Maximum Coverage-Impervious	80%	80%
Maximum Building Height	50'	50' commercial structure 35' multifamily structure
Maximum number of Stories	3	3 commercial structure 2.5 multifamily structure
Accessory Use – Min. Yard, Side	10'	10'
Accessory Use - Min. Yard, Rear	10'	10'
Maximum Residential Density	6 units per acre 8 units per acre with NPC	6 units per acre 8 units per acre with NPC
Max. Residential Floor Area Ratio	.2 .3 with NPC	.2 .3 with NPC

*NPC – noncontiguous parcel clustering. See section 250-625.

F. Addition Standards for Hotel Use

1. Minimum number of units shall be 30
2. Maximum length of stay shall be 30 days
3. 24 hour on-site management is required
4. Customary ancillary services such as a restaurant, meeting rooms, and retail are permitted.

§ 250-410. TP Town Professional

- A. Purpose – to provide for limited areas within the Cape May Court House Center for the placement of select professional uses together with residential uses in a manner that minimizes the impact on adjacent residential uses.
- B. Permitted uses
 1. Professional offices – Only one professional practice may utilize the parcel, except if the lot area is greater than two (2) acres
 2. Single family dwelling
 3. Single apartment above professional office with a maximum floor area 2,000 square feet.
- C. Conditional uses.
 1. Home occupations in accordance with section 250-507
 2. Professional office use as an accessory to a single family dwelling per section 250-504
 3. Public purpose uses in accordance with section 250-511

4. Public utility uses in accordance with section 250-512
5. Religious uses in accordance with section 250-513
- D. Accessory uses
 1. Farm stands
 2. Garage, sheds, and storage buildings
 3. Private swimming pools
 4. Renewable energy systems
- E. Bulk requirements for TP Town Professional

	Single Family Dwelling	Professional Office (with or without apartment) Single Family with Professional Office	Multiple Professional
Minimum Lot Area	10,000 sf	15,000 sf	2 acres
Minimum Lot Width	100	100'	200'
Minimum Lot Frontage	100'	100'	200'
Minimum Yard-Front	30'	30'	30'
Minimum Yard-Side	9'	15'	15'
Minimum Yard-Total Side	24'	30'	40'
Minimum Yard-Rear	30'	50'	50'
Maximum Coverage-Building	30%	30%	30%
Max. Coverage-Impervious	45%	70%	70%
Maximum Building Height	35'	35'	35'
Maximum number of Stories	2.5	2.5	2.5
Accessory Use Min. Yard, Side	6'	10'	10'
Accessory Use Min. Yard, Rear	6'	10'	10'
Maximum Residential Floor Area	n/a	2,000 sf per unit	n/a

§ 250-411. TR Town Residential

- A. Purpose – to recognize those areas where small-lot and multi-family residential development exists and where the presence of adequate infrastructure permits additional development compatible with existing development.
- B. Permitted uses
 1. Single-family
 2. Two-family residential dwellings, with sewer only
 3. Townhouse and multi-family dwelling units with sewer, except in the Cape May Court House Overlay zone, in accordance with design standards
- B. Conditional uses
 1. Home occupations in accordance with section 250-507
 2. Public purpose uses in accordance with section 250-511
 3. Public utility uses in accordance with section 250-512
 4. Religious uses in accordance with section 250-513
- C. Accessory uses
 1. Farm stands
 2. Garages, sheds, and storage buildings

3. Private swimming pools
4. Renewable energy systems

D. Bulk requirements for TR Town Residential

	Single Family Dwelling	Two Family with Sewer	Townhouse/Multi-family with sewer
Minimum Lot Area	10,000 with sewer 1 acre with septic	15,000 sf	2 acres 5 acres – NPC*
Minimum Lot Width	50' with sewer 100' with septic	75'	200'
Minimum Lot Frontage	50' with sewer 100' with septic	75'	200'
Minimum Yard-Front	20' with sewer 40' with septic	20'	Minimum 20' Maximum 30'
Minimum Yard-Side	5' with sewer 12' with septic	10'	50'
Minimum Yard-Total Side	15' with sewer 32' with septic	20'	100'
Minimum Yard-Rear	20' with sewer 40' with septic	25'	50'
Maximum Coverage-Building	50% with sewer 10% with septic	40%	45%
Max. Coverage-Impervious	70% with sewer 20% with septic	70%	60%
Maximum Building Height	35'	35'	35'
Maximum number of Stories	2.5	2.5	2.5
Accessory Use-Min. Yard, Side	5'	5'	10'
Accessory Use-Min. Yard, Rear	5'	5'	10'
Maximum Residential Density	n/a	n/a	6 units per acre NPC: 8 units per acre
Maximum Residential Floor Area	n/a	n/a	n/a
Max. Residential Floor Area Ratio	n/a	n/a	.2 .3 NPC

*NPC – noncontiguous parcel clustering. See section 250-625.

§ 250-412. VC Village Commercial

- A. Purpose – promote a desirable mix of commercial, office, civic and residential land uses within a vibrant, pedestrian-friendly village center environment with uses that serve local and community needs.
- B. Permitted uses
 1. Retail sales
 2. Service uses
 3. Restaurants
 4. Professional offices
 5. Banks and similar financial institutions
 6. Business offices
 7. Bed and Breakfasts

8. Studios
9. Recreational, cultural and entertainment facilities
10. Single-family dwelling

C. Conditional uses

1. Retail, professional and service uses as an accessory to a single family dwelling per section 250-104
2. Fueling stations in accordance with section 250-506
3. Home Occupations in accordance with section 250-507
4. Public purpose uses in accordance with section 250-511
5. Public utility uses in accordance with section 250-512
6. Religious uses in accordance with section 250-513
7. Repair garages in accordance with section 250-514
8. Self-storage facilities in accordance with section 250-515

D. Accessory uses.

1. Farm stands
2. Garage, sheds, and storage buildings
3. Private swimming pools
4. Renewable energy systems

E. Bulk requirements for VC Village Commercial

	Single Family Dwelling	Commercial
Minimum Lot Area	Sewer: 20,000 Septic: 1 acre	sewer: 20,000 septic: 1 acre
Minimum Lot Width	Sewer: 100' Septic: 200'	sewer: 100' septic: 200'
Minimum Lot Frontage	Sewer: 100' Septic: 200'	sewer: 100' septic: 200'
Minimum Yard-Front	Sewer: 25' Septic: 50'	sewer: 25' septic: 50'
Minimum Yard-Side	Sewer: 15' Septic: 40'	Sewer: 15' Septic: 40'
Minimum Yard-Total Side	Sewer: 40' Septic: 90'	Sewer: 40' Septic: 90'
Minimum Yard-Rear	Sewer: 25' Septic: 50'	Sewer: 25' Septic: 50'
Maximum Coverage-Building	Sewer: 20% Septic: 30%	Sewer: 20% Septic: 30%
Maximum Coverage-Impervious	60%	60%
Maximum Building Height	35'	35'
Maximum number of Stories	2.5	2.5
Accessory Use-Minimum Yard, Side	6'	6'
Accessory Use-Minimum Yard, Rear	6'	6'

§ 250-413. VR Village Residential

- A. Purpose – accommodate the existing residential development pattern within Village Centers and allow for limited infill development, consistent with the existing character of the surrounding residential neighborhoods.

- B. Permitted uses
 - 1. Single-family dwellings
 - 2. Two-family dwellings with sewer
- C. Conditional uses.
 - 1. Home occupations in accordance with section 250-507
 - 2. Public purpose uses in accordance with section 250-511
 - 3. Public utility uses in accordance with section 250-512
 - 4. Religious uses in accordance with section 250-513
- D. Accessory uses
 - 1. Farm stands
 - 2. Garages, sheds, and storage buildings
 - 3. Private swimming pools
 - 4. Renewable energy systems
- E. Bulk requirements for VR Village Residential

	Single family dwelling	Two-Family Dwelling with sewer
Minimum Lot Area	Sewer: 10,000 sf Septic: 1 acre	15,000 sf
Minimum Lot Width	Sewer: 50' Septic: 100'	75'
Minimum Lot Frontage	Sewer: 50' Septic: 100'	75'
Minimum Yard-Front	Sewer: 20' Septic: 40'	20'
Minimum Yard-Side	Sewer: 5' Septic: 12'	10'
Minimum Yard-Total Side	Sewer: 15' Septic: 32'	20'
Minimum Yard-Rear	Sewer: 20' Septic: 40'	25'
Maximum Coverage-Building	Sewer: 40% Septic: 10%	40%
Maximum Coverage-Impervious	Sewer: 60% Septic: 20%	60%
Maximum Building Height	35'	35'
Maximum number of Stories	2.5	2.5
Accessory Use- Minimum Yard, Side	5'	5'
Accessory Use- Minimum Yard, Rear	5'	5'

ARTICLE V Conditional Use Standards

§ 250-501. General provisions for conditional uses

In all requests for approval of conditional uses, the burden of proof shall be on the applicant. The Board shall give due consideration to all reasonable elements which could affect the public health, welfare, safety, comfort and convenience, such as but not limited to the proposed use(s), the character of the area vehicular travel patterns and access, pedestrian ways, landscaping, lighting, signs, drainage, sewage treatment, potable water supply, utilities and building and structure location(s) and orientation(s). All proposed structures, equipment, or material shall be readily accessible for fire and police protection.

The proposed use shall be such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated, will be free of nuisance characteristics, and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties. Conditional uses must meet the requirements listed below, in addition to those outlined elsewhere.

Applications for conditional use approval must satisfy all requirements set forth in Checklists 1, 2 and 9 in Chapter 218, (Subdivision of Land and Site Plan Review).[Added 5-5-2003 by Ord. No. 1133-2003]

§ 250-502. Bed and Breakfasts

- A. Bulk requirements – must meet the commercial standards for the zone in which the property is located.

§ 250-503. Campgrounds

- A. A campground license must be granted by the Township Committee
- B. Minimum lot area shall be 300 acres
- C. Minimum lot frontage shall be 1,500'
- D. Compliance with all provisions of Chapter 104 of the Middle Township Code is required

§ 250-504. Commercial Uses in the Residential Business, Town Professional and Village Commercial zones

- A. The following commercial uses are permitted only as an accessory to single family dwellings by zone:
Residential Business and Village Commercial – professional office, retail, service uses only
Town Professional - professional office use only
- B. The business owner/operator must live in the dwelling.
- C. The area devoted to the occupation shall be located within the dwelling unit or in any accessory building. The amount of space devoted to the occupation must be clearly incidental and secondary to the use of the main building for residential purposes. There shall be no more than one business establishment per property.
- D. One sign shall be permitted, provided that the area does not exceed six square feet.
- E. No more than two nonresident employees shall be permitted.

- F. There shall be no exterior display of products, no exterior storage of materials and no other exterior indication of the occupation, except for one sign, that shall cause the premises to differ from the residential character of the area.
- G. Parking for customers and employees shall be provided on site.

§ 250-505. Extractive Industries.

In compliance with Chapter 132 of Middle Township Code

§ 250-506. Fueling Stations

- A. Bulk standards of any fueling station shall meet the district regulations or the regulations below, whichever are more restrictive:

Lot area	40,000 sf
Lot width	150 feet
Lot frontage	150 feet
Yards:	
Front	50 feet
Side (1)	25feet
Total both sides	50 feet
Rear	50 feet
Accessory:	
Side	20 feet
Rear	20 feet
Maximum building height	35 feet
Maximum impervious coverage	75%

B. No service station shall be located within 500 feet of any firehouse, school, playground, church, hospital, public building or institution.

C. All storage areas and trash facilities shall be suitably screened, and all pits, lifts and working areas shall be within a building. All lubrication, repair or similar activities shall be performed in an enclosed building, and no dismantled parts shall be placed outside.

D. All gasoline pumps, air pumps and the islands upon which pumps are normally located shall be set back from the street line at least 50 feet. A minimum space of 25 feet shall exist between any two islands and between any island and the service station building.

E. No junked motor vehicle or part thereof and no unregistered motor vehicle shall be permitted outside an enclosed service station building. No more than six motor vehicles may be located outside a service station building for a period not to exceed five days, provided that the owners are awaiting the repair of said motor vehicles.

F. The exterior display and parking of equipment for rent or sale shall be permitted, provided that the area devoted to this purpose is in addition to the minimum lot size required for a service station, the area devoted to this purpose does not exceed 20% of the total area of the entire site, and that the location of the equipment being rented or sold does not interfere with the required off-street parking requirements for the service station and does not interfere with the traffic circulation indicated on the approved site plan.

G. It is intended that service stations be designed compatibly with other permitted uses in the zone in which they are located. Ingress and egress shall be designed to recognize the turning movements

generated. These access points shall be coordinated with the access points required for nearby uses, frequency of intersecting side streets, minimizing left turns off collector and arterial streets and maintaining building setbacks compatible with the required setbacks and landscaping.

H. No parking shall be permitted on unpaved areas.

I. A convenience store is permitted as an accessory to a fueling station. Such use shall meet all principal use bulk requirements.

§ 250-507. Home Occupations

A. Purpose and Intent

1. To protect and maintain the character of established residential neighborhoods, including freedom from noise, excessive traffic, nuisance, fire hazard and other possible adverse effects from certain commercial activities being conducted in residential areas.
2. Recognize that certain professional and business uses, if property limited and regulated, can serve a benefit to the property owner and community.
3. Acknowledge that in some cases the commercial activity increases beyond the limits originally intended, negatively impacting the surrounding neighbors, and resulting in the need for regulations and registration for proper and equitable enforcement.
4. Grant permission for greater commercial activity on larger lots in rural areas recognizing the impacts will have less of an effect than on more densely populated neighborhoods.

B. Definitions

Home Occupation is a business, profession, occupation or trade conducted for gain or support within a legally existing residential building or an accessory thereto, which is clearly incidental and secondary to the use of such building for dwelling purposes, and which does not change the essential residential character of such building(s).

C. General Regulations

1. The occupation shall be conducted entirely within the dwelling and/or within an accessory building, in accordance with the tier regulations below.
2. That portion of the dwelling unit utilized for the home occupation shall not exceed 30% of the total floor area of said dwelling unit. Limits on accessory structures are outlined below.
3. There shall be no exterior display of products, no exterior storage of materials and no other exterior indication of the occupation, except for where permitted in compliance with this section and indicated below that shall cause the premises to differ from the residential character of the area.
4. No machinery or equipment shall be used which will generate noise audible on adjoining properties. No occupation shall produce any offensive vibration, smoke, dust, odors, heat or glare.
5. If the home occupation is open to the public, hours of operation must be within the hours of 8:00 am to 9:00 pm.
6. Any need for parking generated by the business, either by the public or by employees, shall be on-site. This shall be in addition to any parking required by the residential use.
7. Home occupations are not permitted in townhome or multi-family residential developments.
8. There shall be three tiers of regulations depending on the zoning district and in some cases, lot area, of the residential property.

	Tier 1	Tier 2	Tier 3
Zoning District where Permitted	All Residential Zones	All lots in R, SR, TP, VC, VR RB- lots less than 1 acre	RB – lots 1 acre or greater RC – lots 2 acres or

		RC-lots less than 2 acres	greater
Maximum number of vehicles associated with the business	1 vehicle	2 vehicles	6 vehicles
Maximum number of commercial vehicles	None	1	6
Maximum number of Trailers – on site only	None	None	2
Open to the Public	Not permitted to be open to the public	One patron at any time	Up to 2 patrons at any time
Signage- maximum one (1) unlit sign in all tiers. Max size:	Two (2) sf flush with residence	Four (4) sf flush with residence	Six (6) sf freestanding or wall sign
Number of non-resident employees	No employees working on site or picking up work vehicles	1 employee working on site; plus one employee picking up work vehicle	2 employees working on site; 6 employees picking up work vehicles
Maximum area	30% of dwelling or 400 sf in accessory structure	30% of dwelling or 650 sf in accessory structure	30% of dwelling or 1500 sf in accessory structure
Exterior Storage	Not permitted	Not permitted	2% of lot area max 1,000 sf, not visible from any public right of way or adjoining property, 50' side and rear yard setback

Site plan approval is required for Home Occupations that meet any of the Tier 2 or Tier 3 provisions.

D. Administrative Procedures

1. Within one (1) year of adoption of these regulations, all existing home occupations shall register at the Middle Township Zoning Office. Any home occupations that received prior planning or zoning board approval will be grandfathered under existing approval.
2. Site plan approval is required for Home Occupations that meet any of the Tier 2 or Tier 3 provisions.
3. Any new home occupations shall be in compliance with this section and shall register prior to operation.
3. A fee in the amount of \$25 shall be paid when the registration application is submitted.
4. Inspection- at any time, the Zoning Officer or Code Official may conduct an inspection of the home occupation to ensure compliance.
6. Revocation of Permit – if it is determined that the home occupation is not being conducted as specified in the registration, the registration will be revoked.

§ 250-508. Hospitals

A. The use may include such medical, clinical, laboratory, research, training and educational facilities as have been granted certificates of need by New Jersey or are reasonably necessary to service the health needs of the region. Parking lots and garages for hospital related use, emergency transportation facilities, including heliports, and day care centers are permitted.

B. The following bulk regulations shall apply:

(1) Minimum: Lot area	8 acres
Lot frontage	200 feet
Lot width	200 feet
Front yard	5 feet

Side yard (each)	5 feet
Rear yard	5 feet
Maximum coverage	The maximum combined coverage of all buildings and all other impervious surfaces shall not exceed 80% of the lot area.
Maximum height	No building or structure shall exceed a height of 100 feet except communication towers which shall not exceed 195 feet in height and except as otherwise provided in this chapter.

[Amended 12-18-2006 by Ord. No. 1246-06]

[Amended 3-1-1999 by Ord. No. 1034-99]

C. Supplementary use, height, area and yard requirements with regard to this use. There shall be no limitation on the number of buildings permitted on a single lot.

D. Off-street parking and loading. The provisions of the Subdivision of Land and Site Plan Review Ordinance of Middle Township shall apply, subject to the following buffer requirements:

(1) The minimum depth of the buffer strip required by the Subdivision of Land and Site Plan Review Ordinance shall be reduced to five feet.

(2) A 30 foot buffer area shall be provided along any common property line within a residential district.

§ 250-509. Marinas

A. Property shall be adjacent to water body.

B. Restaurant use is a permitted accessory use, and shall meet all bulk standards below.

C. Bulk Requirements

	Marina as Conditional Use in CD zone
Minimum Lot Area	4 acres
Minimum Lot Width	100'
Minimum Lot Frontage	100'
Minimum Yard-Front	30'
Minimum Yard-Side	20'
Minimum Yard-Total Side	40'
Minimum Yard-Rear	30'
Maximum Coverage-Building	40%
Maximum Coverage-Impervious	75%
Maximum Building Height	35'
Maximum number of Stories	2.5
Accessory Use - Minimum Yard, Side	15'
Accessory Use - Minimum Yard, Rear	20'

D. Where the property line is also a zone boundary to a Residential Zoning District or borders a residential use, there shall be a 25 foot buffer from the adjoining property line.

E. Buffer setbacks shall apply to any displays or equipment and exterior storage of materials used for commercial sales unless specifically noted on approved site plans or permitted by license.

F. Any principal buildings may contain more than one use, provided that the total building coverage of the combined uses does not exceed the maximum building coverage specified for the district.

G. One resident manager's apartment shall be permitted for on-site supervision.

H. At least the first 10 feet adjacent to any street line and 10 feet adjacent to any lot line shall not be used for parking or driveway areas and shall be planted and maintained in lawn area, ground cover or

landscaping with evergreen shrubbery and separated from the parking area by poured concrete curbing.

- I. All business shall be conducted within an enclosed building, except that the outdoor display of certain items customarily displayed outside of an enclosed building, including boats and boat trailers may be permitted. All outdoor display areas should be specifically shown on the approved site plan. No other merchandise, products or similar materials or objects shall be displayed or stored outside unless appropriately screened and maintained.
- J. Any use resulting in the storage of boats outside shall have such area entirely enclosed by a fence, wall, plant material or combination thereof in order to provide a visual barrier between the storage areas and any street or property line. Boat storage/display may be permitted within the front or side yard if such yard is located on a State highway.
- K. All building shall be compatibly designed, whether constructed all at one time or in stages over a period of time. All building walls facing any street or Residential District line shall be suitably finished for aesthetic purposes, which shall not include unpainted or painted cinder block or concrete block walls.
- L. All areas not utilized for buildings, parking, loading, access aisles and driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeding or similar plantings and maintained in good condition.
- M. Pump out station facilities shall be provided at all marinas that service boats that use the inland waterway.

§ 250-510. Methadone Clinics

- A. Methadone clinics, provided, however, that no methadone clinic may be located within 750 feet of any residential district.
- B. Each methadone clinic shall provide a one-hundred-foot landscape buffer to the property line of any adjacent residential use.

§ 250-511. Public Purpose Use

- A. In all districts, public uses such as schools and government buildings and similar uses shall adhere to the most restrictive bulk regulations for the zone.
- B. Minimum lot size is one (1) acre. For schools, the minimum lot area shall be five acres plus one acre for each 100 pupils for whom the school is designed.
- C. All proposed facilities must demonstrate that adequate public services are available. The applicant must verify that the use will not generate subsidiary or satellite development.
- D. Adequate loading and unloading areas for school buses or other transportation shall be provided on-site in order that traffic on adjacent streets shall not be affected by queuing associated with the pick-up and drop-off of students or participants. The site design shall include information verifying that adequate area is provided.
- E. A 50 foot landscaped buffer must be provided from the limits of all development associated with the school facility and any adjacent Residential Districts.
- F. The design of any building must conform to the general character of the area and must not adversely affect the safe, comfortable enjoyment of property rights in the zone in which the facility is to be located.
- G. The location of the facility must be reasonably necessary for the provision of services by the subject agency or authority to the neighborhood or general area in which the particular use is to be located.

§ 250-512. Public Utility Use

- A. For the purposes of this chapter, the term "public utility uses" shall include such uses as telephone equipment centers, power substations and generating facilities, sanitary sewer pumping stations, public water supply systems and other public utility services. It shall not include transmitting towers.
- B. The proposed installation in a specific location must be reasonably necessary for the satisfactory provision of service by the utility to the neighborhood or area in which the particular use is to be located.
- C. The design of any building in connection with such facilities must conform to the general character of the area and not adversely affect the safe, comfortable enjoyment of property rights in the zone in which it is located.
- D. Adequate fences and other safety devices must be provided as may be required. Fences, when used to enclose public utility facilities such as electrical power substations, shall be built in accordance with the applicable requirements of the New Jersey Board of Public Utility Commissioners and the National Electrical Safety Code in effect at the time of construction.
- E. Sufficient landscaping, including shrubs, trees and lawns, shall be provided and be periodically maintained.
- F. Adequate off-street parking shall be provided.
- G. All of the area, yard, building coverage and height requirements of the respective zoning district in which the public utility is to be located and other applicable requirements of the chapter must be met.

§ 250-513. Religious Use

- A. The applicant for a place of worship shall demonstrate that adequate public facilities are available.
- B. The use must be designed to serve the needs of the general area in which it is to be located.
- C. A minimum lot area of two (2) acres is required.
- D. The maximum permitted building coverage, including both principal and accessory structures shall not exceed 30%.
- E. A 50 foot buffer to any adjacent residential uses and zones must be provided from the limits of all development.
- F. The maximum height of the building may not exceed 35 feet, except that a steeple may extend to a height of 60 feet.
- G. Any accessory uses such as day care center, thrift store, hall that is rented for events, and other uses that impact parking, circulation, arrangement of buildings and any other considerations of this ordinance shall be subject to site plan review.

§ 250-514. Repair Garages

- A. All equipment pits and similar facilities shall be within a fully enclosed building. All repair and similar activities shall be performed within the building.
- B. No junked motor vehicle or part thereof or motor vehicle incapable of normal operation upon a highway shall be permitted in the area between the street right-of-way and the front setback line.
- C. No more than six motor vehicles incapable of operation may be located upon the premises at any one time outside of a closed and roofed building. No vehicle may remain for a period of time exceeding 30 days. No dismantled motor vehicle or part thereof may be stored outside the building.
- D. All areas used for temporary or permanent storage of motor vehicles shall be screened by a fence and/or evergreen plantings of a material or density sufficient to screen the area from sight. No storage area may be located between the street right-of-way and the front setback line.

§ 250-515. Self-storage facility

- A. A minimum lot area of 2 acres is required for self-storage warehouses.
- B. All buildings shall be compatibly designed, whether constructed all at one time or in stages over a period of time. All building walls facing any street or Residential Zoning District line shall be suitably finished for aesthetic purposes, which shall not include unpainted or painted cinderblock walls. The applicant shall provide architectural building elevations which indicate the color, texture and material(s) to be utilized in the building construction. The Planning or Zoning Board of Adjustment shall use its discretion to determine whether the proposed structures are compatible with the surrounding neighborhood.
- C. Self-service storage facilities shall not exceed one story in height.
- D. Chain link fences are specifically prohibited in Residential Zoning Districts.
- E. All areas not utilized for buildings, parking, loading, access aisles and driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeding or similar plantings and maintained in good condition in accordance with the landscape standards as set forth in the Subdivision of Land and Site Plan Review Ordinance.
- F. One resident manager's apartment shall be permitted for on-site supervision.
- G. The facility shall agree to include in each lease a prohibition on the storage of toxic, explosive, hazardous, or illegal materials.
- H. A 50 foot buffer is required between any buildings abutting Residential Zoning District property line, with a 10 foot landscaped buffer.
- I. No exterior storage, except as approved as part of site plan review.
- J. No commercial operations or transactions are permitted other than the renting of the storage units. Examples of prohibited activities include warehousing, servicing or repair of motor vehicles or boats or other equipment; and any use that is offensive due to odors, dust, noise, fumes or vibrations.

§ 250-516. Transmitting Towers

- A. Adequate fences and other safety devices must be provided as may be required. All fences shall comply with standards as set forth in the Subdivision of Land and Site Plan Review Ordinance.
- B. Sufficient landscaping, including evergreen shrubbery, trees and lawns shall be provided in accordance with the Subdivision of Land and Site Plan Review Ordinance.
- C. Adequate off-street parking, as per the determination of the Board's professionals, shall be provided.
- D. Buffers and bulk requirements must be provided in accordance with the requirements of the zone, or in accordance with subsection G and H below whichever is more restrictive.
- E. The permitted maximum height of a transmitting tower shall be 180 feet.
- F. Minimum 1000' setback is required from any residential structure; minimum 100' setback from all property lines; minimum 500' setback from any public roadway.
- G. A 250 foot buffer area shall be provided along any common property line with a residential use or residential district in accordance with the design specifications of the Subdivision of Land and Site Plan Review Ordinance (Chapter [218](#)).

§ 250-517. Wholesale distribution and sales and warehousing

- A. All fabricating, manufacturing or assembling of materials shall be conducted entirely within enclosed buildings.

- B. All buildings shall be compatibly designed, whether constructed all at one time or in stages over a period of time. All building walls facing any street or residential district line shall be suitably finished for aesthetic purposes, which shall not include unpainted or painted cinder block walls. The applicant shall provide architectural building elevations which indicate the color, texture and material(s) to be utilized in the building construction. The Planning or Zoning Board of Adjustment shall use their discretion to determine whether the proposed structures are compatible with the surrounding neighborhood.
- C. Each building shall have provisions for off-street loading and unloading with adequate ingress and egress from streets and shall provide such areas at the side or rear of the building. Each space shall be at least 15 feet by 40 feet.
- D. There shall be at least one trash and garbage pickup location provided for each building, which shall be separated from the parking spaces by the storage of trash and/or garbage in a steel-like, totally enclosed container located in a manner to be obscured from view from parking areas, streets and adjacent residential uses or zones by a fence, wall, planting or combination of the three. If located within the building, the doorway may serve both the loading and trash/garbage functions. If a container is used for trash/garbage functions and is located outside the building, it may be located adjacent to or within the general loading area(s), provided that the container in no way interferes with or restricts loading and unloading functions.
- E. The following bulk regulations shall apply:

	Wholesale Distribution, Sales & Warehousing
Lot Area	1 acre
Lot Width	100'
Lot Frontage	100'
Yard-Front	50'
Yard-Side	20'
Yard-Total Side	50'
Yard-Rear	75'
Coverage-Building	40%
Coverage-Impervious	75%
Building Height	35'
Stories	2.5
Accessory Use Yard, Side	20'
Accessory Use Yard, Rear	20'

ARTICLE VI Development Standards

§ 250-601. Grandfathered Lots in All Zones

- A. Any vacant residential lot or combination of residential lots which existed or received preliminary subdivision approval as a residential lot on or before the effective date of this ordinance, whose area or dimensions do not meet the requirements for the district in which it is located may have a building permit issued for a single family detached dwelling and its permitted accessory uses without an appeal for variance relief provided the bulk requirements set forth on the following chart are satisfied. Parking requirements shall also be met.

<i>Lot Area</i>	<i>Lot Front- age</i>	<i>Lot Width</i>	<i>Front Set- back</i>	<i>Rear Set- back</i>	<i>Side Set- back</i>	<i>Total Side</i>	<i>Max % cover- age</i>	<i>Height</i>
<i>Sewered 5,000</i>	<i>50'</i>	<i>50'</i>	<i>30'</i>	<i>30'</i>	<i>5'</i>	<i>15'</i>	<i>25% bldg 70%imp</i>	<i>35'</i>
<i>Septic 35,000*</i>	<i>100'</i>	<i>100'</i>	<i>40'</i>	<i>40'</i>	<i>12'</i>	<i>32'</i>	<i>20% bldg 50%imp</i>	<i>35'</i>
<i>*Minimum unconstrained contiguous lot area of 15,000 is required.</i>								

- B. If any existing single family dwelling on a nonconforming lot is destroyed or demolished, it can be rebuilt without variance, as long as the setbacks requirements are met for the zone in which the lot is located.

§ 250-602. Existing residential structures in Commercial Districts

Any lot with an existing single family residential structure existing as of the effective date of this ordinance, and located in a any commercial Zoning District whose area or dimensions do not meet the requirements of the district in which the lot is located, but which lot has a minimum lot frontage and lot width of 100 feet, lot depth of 125 feet and a lot area of no less than 20,000 square feet, may have a building permit issued without variance approval for additions, renovations or other development pertaining to the single family residential use, provided that the building coverage limit will not exceed 25% of the lot area, parking requirements are met, and there are side yards of no less than 15 feet each, a rear yard of no less than 30 feet and a front yard of no less than 30 feet.

§ 250-603. Nonconforming Use and Structures

- A. The lawful use of land or structures existing at the date of adoption of this chapter, as amended, may be continued although such use or structure does not conform to the provisions specified in this chapter, as amended, for the zoning district in which such use or structure is located.

- B. Any nonconforming use or structure which has been changed to a conforming use or structure shall not be changed back again into a nonconforming use or structure.
- C. Any nonconforming use, structure or lot may change ownership and continue to function as the same nonconforming use, structure or lot, provided all other provisions of this chapter and other applicable laws are met.
- D. No structure containing a nonconforming use shall be enlarged, extended, constructed, reconstructed or structurally altered in any manner without an appeal to the Board of Adjustment.
- E. A prior nonconforming structure may be enlarged, extended, constructed or structurally altered if such alteration or enlargement neither increases nor extends the existing nonconformity nor creates a new violation. Additions to existing nonconforming structures must meet all existing setbacks affected by the addition and may not extend the existing nonconformities, e.g., an addition to an existing building that violates the front yard setback, with the proposed addition to the rear which meets all existing bulk requirements, is permissible. Maximum lot and building coverage requirements must also be satisfied. A nonconforming structure may be restored or repaired in the event of partial destruction thereof but shall not be reconstructed if totally destroyed without approval from the Board of Adjustment. In the event of a catastrophic event (hurricane, tornado, flood), affecting the entire Township and not just a single property, a nonconforming structure may be rebuilt in the same footprint or on the lot meeting current zoning regulations. Said building would need authorization from the proper municipal authorities, as well as all applicable outside governmental bodies and agencies. This subsection shall be strictly construed to be applicable to the catastrophic event situation so as to not otherwise contradict the requirements of the Municipal Land Use Law concerning nonconforming structures.
- F. Any lot upon which a nonconforming use or structure is located shall not be reduced in size, nor shall any lot already nonconforming be made more nonconforming in any manner. No variance is required to increase the size of a nonconforming lot.

§ 250-604. Bulk Requirements

Any permitted use for which no bulk requirements are provided shall be evaluated at the time of site plan review for compatibility and consistency with the bulk requirements of the predominant permitted use in the district.

§ 250-605. Subdivision and Site Plan Ordinance

All applications are subject to any applicable sections of the Middle Township Subdivision of Land and Site Plan Review Ordinance unless specifically exempted in this chapter, or pursuant to the Municipal Land Use Law.

§ 250-606. One Principal Structure and Use

Only one principal structure and only one principal use are permitted on a lot unless otherwise specified in this chapter.

[Amended 4-15-2002 by Ord. No. 1102-2002]

§ 250-607. Signs

Any deviation from size and number of signs shall require a variance notwithstanding that the regulations are contained in Chapter 218, Middle Township Subdivision of Land and Site Plan Review Ordinance.

§ 250-608. Parking

Any deviation from the required number of parking spaces shall require a variance notwithstanding that the regulations are contained in Chapter 218, Middle Township Subdivision of Land and Site Plan Review Ordinance

§ 250-609. Buffers

Any deviation from the required buffers shall require a variance notwithstanding that the regulations are contained in the Site Plan Ordinance.

§ 250-610. Keeping of domestic farm animals

- A. Purpose – In order to support and encourage the rural and agricultural character of the community, and to expand local food production and access to food, the keeping of domestic farm animals as pets and for food supply is permitted in accordance with the regulations below.
- B. Small domestic farm animals - the keeping of the following small domestic farm animals for recreational purposes, or used for eggs or meat or other food, is permitted in all residential districts in accordance with the following provisions:
 - 1. Includes chickens and ducks only.
 - 2. Such animals must be completely contained on site.
 - 3. The animals shall not be bred to be sold, or used to generate income in any way, except in conjunction with a farm stand as defined herein.
 - 4. Minimum lot area is 10,000 square feet.
 - 5. For parcels 10,000 to 35,000 square feet, a maximum of five (5) small domestic farm animals are permitted.
 - 6. For parcels 35,001 square feet to 2 acres, a maximum of ten (10) small domestic farm animals are permitted.
 - 7. These regulations apply to the keeping of bees.
- C. The keeping of horses and ponies and other large farm animals for recreational purposes shall be permitted as an accessory use in the RC and SR zoning districts, provided that no more than two such animals are kept on any single lot or parcel; any such animals are kept in a completely fenced area no less than ½ acre in size on a parcel of not less than five acres in size.

§ 250-611. Nonresidential trailers.

A trailer used for construction headquarters or for the storage of materials used during construction may be parked at a construction site for a period not to exceed the construction period. Such trailer need not meet the yard requirements of the district in which it is located. No trailer shall be used as an office or any nonresidential use except when in conjunction with a campground, mobile home park or trailer sales business. One temporary sign, not exceeding 32 square feet, shall be permitted to announce the erection of a building and call attention to the prime contractor, subcontractor(s), architect, financing institution and other firms participating in the construction.

§ 250-612. Major recreational equipment.

For purposes of this chapter, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches designed to be mounted on automotive vehicles, motorized dwellings, tent trailers and the like and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or behind. No such storage shall be located in any required front or side yard provided, however, that such equipment may be parked anywhere on residential premises for not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

§ 250-613. Flag lot subdivisions

- A. The purpose of flag lots is to permit a subdivision of large, narrow lots for one additional dwelling.
- B. Flag lots are permitted in the RC and SR Zoning Districts only.
- C. A flag lot shall meet the applicable area and yard requirements prescribed for the zoning district in which it is located except for frontage. A minimum frontage of 50 feet shall be required for the flag lot and the flag "pole" shall maintain a width of 50 feet all the way to the "flag" portion of the lot. The area of the flag lot shall be calculated by including only the "flag" portion of the lot and the "pole" portion of the lot shall not be included in that calculation.
- D. The non-flag lot shall meet all requirements of the district in which it is located.
- E. Any future subdivision of any part of the original tract shall be classified as a major subdivision and shall meet all applicable requirements of the Zoning Ordinance and Subdivision of Land and Site Plan Review Ordinance.
- F. No more than one flag lot per parcel shall be permitted.
- G. Along the area of the front property line that does not abut a public road or right of way, maximum fence height shall be 6'.

§ 250-614. Height, area and yards.

(1) Height. The building height limitations of this chapter shall not apply to spires, belfries, cupolas, antennas, water tanks, HVAC units, chimneys, decorative architectural features and facades commonly placed above the roof level and not intended for human occupancy or use, including storage, for business activity, including storage or for any other such use. The Planning Board or Zoning Board, when reviewing an application before it, may reasonably limit this exception from the calculation of building height when it is determined to be excessive with regard to the building under review or out of character with regard to other buildings in the area.

[Amended 3-3-2003 by Ord. No. 1123-2003]

(2) Porches. Any roofed-over porch attached to a dwelling shall be considered a part of the building in the determination of minimum yard requirements but shall not be considered a part of the habitable floor area in establishing the minimum dwelling size.

(3) Projecting architectural features. The space in any required yard shall be open and unobstructed except for the projection of ordinary architectural features, including windowsills, belt courses, cornices and eaves; provided, however, that such features shall not project more than two feet into any required yard. Editor's Note: Former Subsection R(4), Prevailing setback, which immediately followed this subsection, was repealed 5-17-2004 by Ord. No. 1163-04.

§ 250-615. Removal of topsoil, sand and gravel.

No person, firm or corporation shall strip, excavate or otherwise remove topsoil, sand or gravel from the premises except where it can be conclusively proven that retention of the topsoil would create a hardship. Planning Board approval is required.

§ 250-616. Ponds

Irrigational and recreational ponds are permitted if developed in accordance with the standards of the Soil Conservation District.

[Amended 11-17-2008 by Ord. No. 1311-08]

(1) Ponds shall be considered an accessory use. Ponds that are at grade with waterfalls under two feet in height, and meet setbacks, require a zoning permit from Middle Township Zoning. Ponds that exceed this shall need approvals from the Zoning Board of Adjustment.

(2) Before any pond, wall or waterfall is to be constructed, a zoning permit must be obtained. The request for a permit must be accompanied by a plan which shows height, location, type and design of the proposed pond or waterfall. In addition, the plan must illustrate the proposed pond, wall or waterfall in relation to all buildings, structures, lot lines and rights-of-way utilizing a survey. Walls and waterfalls shall not exceed two feet in height.

§ 250-617. Filling and dumping

No garbage, rubbish, refuse or other waste material or silt, except soil, sand, gravel or rock deposited for the purpose of regrading or landscaping the land on which it is deposited, shall be dumped, pumped or deposited in any district, except when permitted in specific cases by the Planning Board. In such cases, the Planning Board may prescribe any requirements or conditions it deems necessary for the protection of property values and the general health, safety and welfare, including buffer strips, landscaping, fences and requirements needed to prevent the disruption of surface drainage, the pollution of groundwater resources, the creation of mosquito and other insect breeding areas, air pollution and conditions conducive to rodents.

§ 250-618. Fences and walls

A. Fences and/or walls shall be required for the specific areas listed:

1. A six foot high chain-link fence may be required around the perimeter of all detention and retention basins. Such fence shall contain at a minimum one entrance gate eight feet in width to provide access for maintenance vehicles. Such fence must be located so as to provide a minimum six foot wide level area around the rim of the basin.
2. A six foot high solid fence or wall shall be used around all commercial trash containers with a gate in a width and location so as to allow easy access and emptying of same.
3. A four foot high fence or wall shall be required around all pools with a depth of 24 inches or greater.

B. Construction standards for fences and walls.

1. All fences or walls must be erected within the property lines and may not encroach upon any public right-of-way.
2. All supporting members of a fence or wall are to be located on the inside of the fence and all razor wire, cloth and canvas fences are prohibited Permitted materials include wood, chain-link, wrought iron, stone, aluminum and steel.

3. Fences or walls which are to be painted shall be painted in one color only, harmonious with the surrounding area.
 4. No fence or wall shall impede the flow of natural drainage or cause surface water to be blocked or dammed.
 5. Before any fence or wall is to be constructed, a building permit must be obtained. The request for a permit must be accompanied by a plan which shows height, location, type and design of the proposed fence or wall. In addition, the plan must illustrate the proposed fences' or wall relation to all buildings, structures, lot lines, rights-of-way and yards utilizing a survey of the property or a tax map.
- C. Fence/wall height restrictions. Fences or walls erected in the Township of Middle shall not exceed six feet in height above ground level except as follows:
1. Any fences or walls located in a front yard or within 50 feet of river, stream, or other natural body of water, shall not exceed a height of four feet. A front yard is measured from the property line to the corner of the principal structure.
 2. For flag lots only, along the area of the front property line that does not abut a public road or right of way, fence height up to 6' is permitted.
 3. Any fences or walls located on park, recreation or school properties may be a maximum of eight feet in height provided that the same is located in the side and/or rear yards.
- D. For fences on lots that front more than one street, the Zoning Officer shall determine the maximum height of the fence facing the street that is not the front.

§ 250-619. General performance standards.

No building, structure or premises may be used, altered or occupied in a manner as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard, noise or vibration, smoke, dust, odor, or other form of air pollution; electrical or other disturbance, glare; liquid or solid refuse or wastes, conditions conducive in the breeding of rodents or insects, or other substance, condition or element, in any manner or amount as to adversely affect the surrounding area.

(1) Fire and explosive hazards.

(a) All activities and all storage of flammable and explosive material at any location shall be provided with adequate safety devices against the hazards of fire and explosion. Adequate fire fighting and fire suppression equipment and devices as specified by state or Township codes or by the fire inspector of the Township of Middle shall be provided. All buildings, structures and activities within such buildings shall conform to all applicable fire regulations.

(b) All uses shall conform to the following procedures regarding storage and waste disposal:

[1] No highly flammable or explosive liquids, solids, or gases may be stored in bulk above ground, except tanks or drums of fuel directly connecting with energy devices or other appliances, located and operated on the same lot as the tanks or drums of fuel.

[2] All outdoor storage facilities for fuel, raw materials, and products; and all fuel, raw materials and products stored outdoors shall be enclosed by an approved safety fence.

[3] No materials or wastes may be deposited upon any lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance which can contaminate a stream or watercourse and render it undesirable as a source of water supply or recreation, or which will destroy aquatic life, be allowed to be deposited on any lot.

[4] All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects may be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.

(2) Radioactive or electrical disturbances. There may be no activities which emit radioactivity at any point. There shall be no electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of the disturbance.

(3) Smoke. There may be no emission at any point from chimney or otherwise for longer than five minutes in any hour of visible gray or visible smoke of any other color with a shade darker than No. 3 of the standard Ringleman Chart as issued by the United States Bureau of Mines.

(4) Smoke, ash, dust, fumes, vapor, gases, and other forms of air pollution. There may be no emission at any point, from any chimney or otherwise, which can cause any damage to health, to animals, vegetation, the environment, or other property; or which cause any excessive soiling at any point. Any use which produces or results in emissions of any type shall conform to all applicable state and federal pollution control standards.

(5) Liquid and solid wastes. There shall be no discharge at any point into any sewerage system, or stream or into the ground of any materials in such a way or of such nature or temperature as can contaminate or otherwise cause the emission of hazardous material, except in accord with the standards of the New Jersey Department of Environmental Protection.

(6) Noise. No person or use may create, continue or permit the creation or continuance of any unreasonably loud, disturbing or unnecessary noise within the confines of the Township of Middle. Unreasonable loud, disturbing and/or unnecessary noise shall be generally defined in Chapter 179 of the Ordinances of the Township of Middle.

(7) Vibration. No use may produce unreasonable vibrations to adjacent structures. Unreasonable vibrations are those that cause structures to shake, articles to fall from tables and walls and windows or wall material to break or crack.

(8) Glare. No direct or sky reflected glare, whether from floodlights or from high temperature process, may be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level. Unreasonable glare would be that which produces a strong dazzling light or reflection of such a light beyond its lot lines.

(9) Odor. There may be no emission of odorous gases or other odorous matter in such quantities as to be offensive on adjoining streets or adjacent lots.

(10) Heat. No use may produce heat perceptible beyond its lot lines.

(11) Refined or unrefined petroleum products.

(a) The following uses are specifically prohibited:

[1] The storage of crude oil, unrefined or refined petroleum hydrocarbon products and by-products and or derivatives.

[2] The installation and/or operation of any pipeline designed to carry crude oil, refined or unrefined petroleum hydrocarbon products, by-products and/or other derivatives.

[3] The construction, maintenance and/or operation of any refinery or other facility to process crude oil, refined or unrefined petroleum hydrocarbon products and/or derivatives including unprocessed or unrefined natural gas.

[4] The loading, off-loading, pumping or any other form of transfer of crude oil, refined or unrefined petroleum hydrocarbon products, by-products and/or derivatives, including unprocessed or unrefined natural gas to or from any boat, ship, tanker, barge or other floating means or conveyance, dock, terminal, pipe, tank, vehicle or any other facility or equipment.

(b) Nothing in this section shall be construed to restrict the storage or movement of necessary oil products for the following uses:

[1] Automobile service station;

- [2] Retail fuel distribution centers for heating purposes;
- [3] Direct supply of fuel to structures specifically permitted by this ordinance.

§ 250-620. Mobile homes and mobile home parks.

All house trailers and mobile homes shall be located within a mobile home park. Mobile home parks are subject to all rules and regulations of Chapter 175 of the Middle Township Code. Nothing herein shall be deemed to prohibit the location of a manufactured home bearing appropriate HUD certification on any residential lot in the Township of Middle.

§ 250-621. Merger – adjacent lots.

Whenever title to two or more contiguous lots is held by the same owner, regardless of how the lots were created and regardless of how the lots were obtained by the owner, and one or more of said individual lots does not conform with the minimum lot area and dimension requirements for the zone in which it is located, the contiguous lots of said owner shall be considered merged into a single lot. Where the land area of such contiguous lots, when combined, meets or exceeds the minimum required lot areas and dimensions, combination of the contiguous lots to comply with the minimum lot size, area and dimensions shall be permitted provided that no nonconforming lot or lots remain. The aforesaid merger provisions shall not apply with respect to "L" shaped lots, back-to-back lots, isolated lots, grandfathered lots, or expansion of single family residential uses in commercial districts governed by this chapter.

§ 250-622. Handicapped access to residences.

A ramp to provide handicapped access to single-family detached dwellings, twin or two-family dwelling units, duplexes and semidetached dwelling units may encroach into the front, side or rear yard required for the residential use in the zoning district in which it is located provided:

[Added 9-15-1997 by Ord. No. 991-97]

- (1) The intrusion shall be into the front yard only if it is impossible to provide handicapped access to the side or rear of the residential premises;
- (2) A handicapped person resides or will reside in the dwelling;
- (3) The intrusion into the front, side or rear yard shall not be allowed any closer than five feet to the applicable property line;
- (4) The applicant for handicapped access ramp approval shall demonstrate to the Zoning Officer that there is no other way than that proposed to construct a handicapped ramp so as not to protrude into the front, side or rear yard as proposed;
- (5) The ramp shall be constructed so as to comply with all applicable construction standards as to size, slope and other details;
- (6) The foregoing approval shall only be permitted in conjunction with residential housing defined in the Zoning Ordinance as single-family detached, twin or two-family, duplex, or semi-detached. No such approval shall be granted in connection with any other type of housing and no such approval shall be granted in any case with regard to commercially used property.
- (7) A certification from the Zoning Officer shall be required indicating compliance with all the aforesaid requirements before a construction permit may be issued for the proposed ramp.

§ 250-623. Separation distance between principal and accessory buildings and structures:

[Added 4-15-2002 by Ord. No. 1102-2002; amended 5-5-2003 by Ord. No. 1133-2003]

- (1) The minimum separation distance between principal and accessory structures shall be 10 feet for all lots in all zoning districts in the Township of Middle.
- (2) Decks, patios, terraces, open porches and similar uses shall be considered to be part of the principal structure rather than an accessory structure.

§ 250-624. Open space.

(1) Open space shall be provided in every planned development and/or clustered development in an amount as required by this chapter. The common open space shall be easily accessible from all parts of the development and shall include at a minimum all floodplain and wetlands areas. The following minimum area open space requirements shall be met by all major residential developments within the Township. Such open space areas shall be developed with appropriate active recreational facilities sufficient to meet the needs of the residents of the proposed development. Recreational facilities shall be determined by the Planning Board or Zoning Board as part of the development review.

Dwelling Units in Development	Minimum Open Space Required
20 or fewer	3 acres
40	5 acres
80	8 acres
120	10 acres
120 and above	15 acres

- (2) Common open space shall be dedicated to public ownership or restricted by an open space easement or by private deed restrictions running in favor of the residents of the development and/or the Township.
- (3) Every parcel offered to and accepted by the Township shall be conveyed by deed at the time final plat approval is granted, and such acceptance is subject to any conditions the Township may impose. The deeds shall contain restrictions stating to what use(s) such land(s) shall be restricted.
- (4) Any land offered to the Township shall be subject to approval by the Township Committee after review and recommendation by the approving authority. The approving authority shall be guided by the Master Plan, the ability to assemble and relate such lands to an overall plan, the accessibility and potential utility of such lands and such existing features as may enhance or detract from the intended use of the lands. The approving authority may request an opinion from other agencies or individuals as to the advisability of accepting any lands to be offered.
- (5) If common open space is not accepted and dedicated to public ownership, responsibility for maintaining common open space shall lie with the development's homeowners' association or other similar entity. No planned and/or cluster development shall receive preliminary approval unless the applicant presents an adequate plan for the organization and administration of such an association.

Such plan shall ensure that the homeowners' association or other entity responsible for the maintenance of common open space shall provide adequate funding for the maintenance, repair and replacement of such open space and its structures by a system of fees assessed against residents of the development. The financial soundness of such homeowners' association or other entity shall include fee arrangements guaranteed by assessments levied on the land in the development through permanent deed restrictions or other suitable guaranties. No planned and/or clustered development shall receive final approval by the Township until all elements of the homeowners' association have been satisfactorily reviewed and approved by the Planning Board and the Department of Community Affairs.

(6) Any lands dedicated for open space purposes shall contain appropriate covenants and deed restriction approved by the Planning Board which ensure that:

- (a) The open space area will not be further subdivided in the future.
- (b) The use of the open space areas will continue in perpetuity for the purpose specified.
- (c) All open space shall be clearly indicated on the final plat by metes and bounds.

(7) All common open space lands shall meet the following requirements:

- (a) The minimum size of any parcel in a clustered development shall be one acre.
- (b) It shall be an integral part of the development and shall be located to best suit the purpose(s) for which they are intended.
- (c) Where feasible, the common open space shall connect into existing Township park, recreation or conservation lands or connect into an adjacent planned development's common open space. Public pedestrian and/or bicycle paths shall be included in the open space whenever feasible and shall be designed to connect into a larger scale Township system if applicable or feasible.
- (d) There should be a close visual and physical relationship between the open space and as many dwelling units as is reasonably possible. Open space areas should weave between dwelling units, generally respecting a minimum width of 50 feet and periodically widening out into significant and usable recreation areas.
- (e) Land so dedicated for open spaces shall include, wherever feasible, natural features such as streams, wetlands, brooks, wooded areas, steep slopes and other natural features of environmental scenic and conservation value. The developer may be required to plant trees or make other similar landscaping improvements.
- (f) No parcel of open space, other than wetlands buffer areas, shall have a dimension of less than 150 feet measured perpendicular to any lot line for a parallel distance greater than 300 feet; or less than 50 feet for a distance greater than 100 feet.

(8) All lands set aside for open space shall be developed with active and passive recreational facilities to service the needs of the future resident population. The Planning Board shall have complete and final determination as to the adequacy, usefulness and functionalism of the lands set aside for open spaces. Active and passive recreational facilities shall include, but not be limited to, the following: ballfields, multipurpose fields, tennis courts, multipurpose court areas, children's playground equipment, passive picnic or sitting areas, swimming pools, bicycle paths and jogging trails.

(9) The Board may require a developer to make certain site preparation improvements to the open spaces. The Board may provide that the site preparation improvements are made a part of the plan and are noted therein. Same may include the following:

- (a) Removal of dead trees or diseased trees.
- (b) Thinning of trees or other growth to encourage more desirable growth.
- (c) Grading and seeding.
- (d) Improvements or protection of the natural drainage system by the use of protective structures, stabilization measures and similar improvements.

- (10) Development of open space and recreational facilities shall proceed at the same rate as development of the dwelling units. To assure compliance with this section, the Planning Board shall require the approval of an open space and recreational amenity phasing map which shall become part of an overall phasing plan and approval for any subdivision, planned and/or clustered development.
- (11) The requirements of this section relating to the construction of active and passive recreation facilities and the total percentage of open space required within a development may be modified and/or waived by the Planning Board, if requested by the developer, upon the Planning Board's determination that both the area local to the development and the park and recreation needs would be better served by an agreed cash bequest to the designated parks and recreation budget, which sums shall be added to the current year municipal budget when received as a dedication by rider, in accordance with the provisions of N.J.S.A. 40A:4-39.
- (12) The amount of the contribution required pursuant hereto shall be determined by the estimated cost of the passive and active recreation facilities and equipment that would otherwise be required for the proposed development, which shall also take into consideration the value of the additional lots that the developer will have for sale, and shall be prorated over the total number of building lots, as shown on the preliminary plans submitted by the applicant and approved by the Planning Board, in order to determine a per lot amount.
- (13) Payment of the contribution required pursuant hereto shall be made prior to the signing of the final plans by the Planning Board Chairman, Planning Board Secretary and Township Clerk and shall be equal to the per lot amount times the number of building lots shown on the final plans to be signed and filed and shall be made payable to the designated parks and recreation fund. For good cause shown, the Planning Board may enter into an agreement to provide that the payment or payments shall be made at some later time, subject to the posting of adequate performance guaranties in an amount of 120% of the agreed contribution, subject, however, that the delayed period of time shall in no event be later than the issuance of the first certificate of occupancy.
- (14) The cash bequest shall be used exclusively for park and recreation purposes and shall be placed in the current budget line item designated "parks and playgrounds, other expenses."

§ 250-625. 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.

§ 250-626. 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 land. 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.

§ 250-627. Cape May Court House Overlay Zone

- A. Purpose – to limit density and height to protect the character of the historic area of Cape May Court House,
- B. Applicability – 98 acres in the core of Cape May Court House as identified in the Township Master Plan and reflected on the zoning map.
- C. Maximum building height shall be 35 feet.
- D. Townhouse and Multifamily residential uses shall be prohibited.
- E. Noncontiguous Parcel Clustering is prohibited.

§ 250-628. Cape May Tributaries and Bays East Overlay Zone Overlay Zones

- A. Purpose – to protect the water quality of the watersheds within the Township and to comply with the established standards for Wastewater Management Plans in the State of New Jersey. Specifically, the State requires that municipalities adopt ordinances that address the carrying capacity of Land.
- B. Background
 1. The quality and quantity of ground water available directly affects the health and welfare of the population because ground water is the primary source of potable water for a significant number of Township residents.
 2. Contamination of ground water by nitrates introduced by on-site disposal systems (i.e., septic systems) can result in a high concentration of nitrates.
 3. Fertilization contributes to nitrate groundwater contamination.
 4. Additional pollutants, such as chemicals, pesticides and animal waste can be introduced into the ground water.
 5. Rainwater penetration of the aquifer is necessary to dilute groundwater contamination.
 6. The New Jersey Department of Environmental Protection, and the Pinelands Commission promote and promulgate the use of Nitrate Dilution Models for land use purposes.
 7. It is desirable and necessary to regulate development, processes and activities that threaten Middle Township's groundwater.

8. The nitrate dilution ordinance provides for a limitation on the nitrate loading based on the available dilution of each lot being subdivided that proposes the use of an onsite subsurface sewage disposal system.
- C. 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 will require that the Planning and/or Zoning Board apply the site specific Nitrate Dilution Model to the proposed subdivision.
 1. This ordinance is not intended to regulate the development of existing individual lots.
 2. Further, this ordinance is not intended to modify the underlying zoning area requirements for individual lots; rather it required to address the standards established by NJDEP for Wastewater Management. This ordinance shall be considered an overlay to the existing underlying zone.
- D. The proposed on-site sewage disposal systems would continue to be required to be designed in accordance with "Standards for Individual Subsurface Sewage Disposal Systems" (N.J.A.C. 7:9A-Chapter 199) and continue to be under the jurisdiction of the Cape May County Health Department and NJDEP where applicable.
- E. Nitrate Dilution Model
 1. A nitrate dilution model and analysis shall be provided as part of subdivision approval applications requiring septic systems to ensure that the number of units allowed, regardless of underlying zoning, supports conformance with the groundwater standards when considering the available dilution on site. The goal of the analysis is to meet anti-degradation for groundwater for 2.0 mg/l.
 2. If the designated minimum lot area for the zone cannot meet the standards established for septic disposal systems pursuant to N.J.A.C. 7:9A, then the minimum lot area shall be adjusted to a larger size and configuration as is necessary in order to meet said standards.
 3. The Nitrate Dilution Analysis shall utilize NJDEP's Recharge-Based Nitrate-Dilution Model for New Jersey V6.0 (Hoffman, J.L. and Canace, R.J., 2004 A Recharge-Based Nitrate Dilution Model for New Jersey: N.J. Geological Survey Open-File Report 04-1, 27), as supplemented or amended, for residential subdivisions, and the Recharge-Based Nitrate-Dilution Model for Small Commercial Establishments in NJ V.2, as supplemented or amended, for commercial/institutional subdivisions, or another method that has received approval from the NJDEP.
- F. Requirements
 1. Any proposed subdivision to be served by individual on-site disposal systems (septic) within the Cape May Bays and Tributaries East Overlay Zone must meet the groundwater standard for nitrate (2 mg/l).
 2. The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems is located will ensure that ground water exiting from the entire contiguous parcel or entering a surface body of water will not exceed 2.0 parts per million nitrate/nitrogen, calculated pursuant to a Recharge-Based Nitrate-Dilution Model for New Jersey V6.0, as may be amended from NJDEP from time to time. The entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development, but may not include previously dedicated road rights-of-way. Any contiguous parcel under consideration must be deed restricted to prohibit any further development that would generate additional nitrate loading.
 3. Approval of all individual subsurface sewage disposal systems under N.J.A.C. 7:9A remain under the jurisdiction of the appropriate County Health Department and/or NJDEP.
- G. Administration - The administration of the ordinance requirements must be handled by a combination of individuals. The Planning Board shall be responsible to track the number of systems and their acreages for compliance with the results of the individual model.

1. Application procedure - Planning Board – Whenever an application is submitted to the planning board for subdivision review and the proposed method of sewage disposal is an individual onsite system, the applicant shall submit an approval from NJDEP that each system meets the requirements for nitrate dilution. This application shall include the proposed use, the number of residential units. No application shall be deemed complete by the Planning Board unless an approval from NJDEP is received.

§ 250-629. Renewable Energy Systems

A. Purpose

1. Promote the safe, effective and efficient use of small scale wind, solar and other renewable energy systems to reduce the on-site consumption of utility-supplied electricity.
2. Recognize the designation of “inherently beneficial use” of wind and solar renewable energy systems by New Jersey municipal land use law by allowing these facilities in all zones as an accessory use, in accordance with the regulations below.

B. Definition - Renewable Energy System – any structure or installation such as a wind turbine, solar collecting array, or geothermal system, which is designed and intended to produce energy from natural forces such as wind, sunlight or geothermal heat.

C. Renewable energy systems are permitted as an accessory use in all zones and shall meet the following requirements:

1. The primary purpose of the renewable energy system will be to provide power for the principal use of the property. The system shall be sized to accommodate no more than the average annual electric use for the property or in the case of new construction, the projected annual electrical use for the property.
2. Structures shall not be located in a front yard or side yard.
3. Minimum separation distance required between any structures associated with the renewable energy system and any other structures or buildings on site are 10’.
4. Roof mounted wind turbines are not permitted.
5. All utility lines associated with the renewable energy system shall be underground.
6. Wherever practical and possible, renewable energy structures shall be located on a property so as to not be visible from the street.

D. Additional regulations for solar energy systems

1. For a roof-mounted photovoltaic solar system, the panels and all accessory equipment shall extend no more than 12 inches above the highest point of the roof surface or structure.
2. For ground mounted solar energy systems, setbacks shall be in conformance with setbacks required for principal use; height for all related structures is limited to 15’ above natural grade.
3. The maximum lot area that can be covered by ground mounted solar energy systems is 10%. The panels shall not be counted towards maximum impervious coverage.

E. Additional regulations for wind energy systems

1. Definitions

“Rotor diameter” means the cross sectional dimension of the circle swept by the rotating blades of a wind-powered energy generator.

“Small wind energy system” means a wind energy system, as defined in this section, that (a) is used to generate electricity; and (b) has a *rated nameplate capacity* of 100 kilowatts or less.

“Total height” means, in relation to a wind energy system, the vertical distance from existing grade to the tip of a wind generator blade when the tip is at its highest point.

“Tower” means a monopole, freestanding, or guyed structure that supports a wind generator.

“Wind energy system” means a wind generator and all associated equipment, including any base, blade, foundation, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component necessary to fully utilize the wind generator.

“Wind generator” means equipment that converts energy from the wind into electricity. This term includes the rotor, blades and associated mechanical and electrical conversion components necessary to generate, store and/or transfer energy.

2. Access - All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access. The tower shall be designed and installed so as not to provide step bolts, a ladder, or other publicly accessible means of climbing the tower, for a minimum height of eight feet above the ground.
3. Lighting - A small wind energy system shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
4. Appearance, Color, and Finish - The wind generator and the tower shall remain painted or finished in the color or finish that was originally applied by the manufacturer, unless a different color of finish is approved in the zoning approval.
5. Signs - There shall be no signs that are visible from any public road posted on a small wind generator system or any associated building, except for the manufacturer’s or installer’s identification, appropriate warning signs, or owner identification.
6. The minimum lot size required to install a wind energy system is 1 acre.
7. Utility notification and interconnection - Small wind energy systems that connect to the electric utility shall comply with the New Jersey’s Net Metering and Interconnection Standards for Class I Renewable Energy Systems at N.J.A.C. 14:4-9
8. Met towers - A met tower shall be permitted under the same standards, permit requirements, restoration requirements and permit procedures as a small wind energy system.
9. Setbacks – all wind turbines shall be setback from rear and side property lines a minimum of 50’. All wind turbines shall be setback from any off-site residential structure the distance equal to the total height of the wind turbine. Setbacks shall be measured to the tip of the blade at its furthest extent.
10. Height – towers should be the minimum height needed for proper function of the turbine considering site conditions. The industry standard is a minimum of 30’ above obstacles within a 500’ radius or the prevailing mature tree line (whichever is higher), for the proper function of the turbine, or at least 60’ on open ground or higher if recommended by the manufacturer. In no case shall the system height exceed 170’.

11. Noise – the wind turbine shall not violate the provisions of the noise ordinance of the Township of Middle Code.

F. Permit Requirements

1. Permit. A zoning permit and construction permit shall be required for the installation of a renewable energy system.
2. Documents: Except for roof-mounted solar applications, the zoning permit application shall be accompanied by a plot plan which includes the following:
 - (a) Property lines and physical dimensions of the property;
 - (b) Location, dimensions, and types of existing major structures on the property;
 - (c) In the case of a turbine whose height is greater than any setback, provide the distance of the furthest extent of the turbine to any adjacent residential structures.
 - (d) Location of the all components of the renewable energy system;
 - (e) The right-of-way of any public road that is contiguous with the property;
 - (f) Any overhead utility lines;

(g) Energy system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed);

(h) Copy of the application to the local electric utility for interconnection.

3. Expiration. A permit issued pursuant to this ordinance shall expire if: (a) The renewable energy system is not installed and functioning within 24-months from the date the permit is issued; or (b) The renewable energy system is out of service or otherwise unused for a continuous 18-month period.

G. Abandonment

1. A renewable energy system that is out-of-service for a continuous 18 -month period will be deemed to have been abandoned.
2. The Administrator may issue a Notice of Abandonment to the owner of a renewable energy system that is deemed to have been abandoned. The notice shall be sent return receipt requested.
3. The Owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date.
4. If the owner provides information that demonstrates the renewable energy system has not been abandoned, the Administrator shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn.
5. If the Administrator determines that the renewable energy system has been abandoned, the Owner of the small wind energy system shall remove the wind generator from the tower at the Owner's sole expense within 6 months after the Owner receives the Notice of Abandonment.

§ 250-630. Sidewalk Cafes

- A. Purpose: Sidewalk cafes contribute to the goals of a vibrant and interesting commercial district. The purpose of these rules and regulations is to allow sidewalk cafes in a way that contributes to the goals of the commercial district and the Township, and maintains safe and orderly conditions for pedestrians and patrons.
- B. Definition. *Sidewalk Cafe* shall mean a restaurant with tables on the sidewalk in front of or on the side of the premises.
- C. Permitted zones – sidewalk cafes are permitted in all zones where restaurants are a permitted use.
- D. The hours of operation of a sidewalk cafe shall be limited to the hours of operation of the associated restaurant. In no event shall hours of operation go past 12 midnight.
- E. Outdoor dining is separate from sidewalk café, as it is defined as any part of a food establishment located outdoors.
- F. Sidewalk Cafe Standards
 1. No furniture, apparatus, decoration or appurtenance used in connection with the operation of the sidewalk cafe shall be located in such a way that less than five (5') feet of paved sidewalk remains for the exclusive use of pedestrians, nor shall any such furniture, apparatus, decoration or appurtenance project or protrude into, on or above the required 5' wide pedestrian passageway.
 2. No signs are permitted in the public right of way.
 3. Adequate lighting shall be provided to promote safe passage of pedestrians and for patrons.
 4. Awnings and/or umbrellas may be used in conjunction with the sidewalk cafe. Awnings shall be adequately secured. Awnings, including supporting structures, must be within the property line. The bottom of the awing shall be seven (7') feet from the ground.
 5. Any sidewalk cafe that is next to a residential district must meet the setbacks for the principal use, or be a minimum of 10' from the shared property line, whichever is greater.

§ 250-631. Accessory Structures

- A. Maximum height above grade for accessory structure shall be twenty feet (20').
- B. No accessory building shall be located in a front yard, except farm stands.
- C. When an accessory structure is attached to the principal building, it must comply with the principal building zoning requirements.
- D. Accessory structures are included as building coverage
- E. Accessory structures shall not be larger than the footprint of the principal structure, excluding decks.

§ 250-632. Design Standards and Design Guidelines

Deviation from any “design standard” requires a zoning variance. “Design guidelines” are not requirements and deviation does not require a variance or waiver, however every effort should be made by the applicant to implement the guidelines into their development.

§ 250-633. Design Standards for All Residential

- A. A minimum 5/12 roof pitch is required for all residential buildings. Mixed use buildings are permitted to have a flat roof, however if a pitch roof is used, 5/12 slope must be provided.

§ 250-634. Design Standards for Two Family Dwellings

- A. The respective dwelling units must have an unpierced wall or ceiling and floor.
- B. The two dwelling units shall be comparable in style, materials, height and size with each other and must present a unified perspective.

§ 250-635. Design Standards for Townhouse Development and Multifamily Residential

- A. All townhouse dwelling unit buildings should be arranged into clusters. The maximum number of units per cluster is eight (8).
- B. All buildings shall be located at least 15 feet from any common parking area or driveway.
- C. The minimum distance between residential buildings shall be 50 feet.
- D. Building spacing for nonresidential structures, such as a community building, etc. shall be no closer than 50 feet to any residential structure.
- E. Building facades shall be offset a minimum of four feet after every two dwelling units.
- F. Adequate facilities for disposal of refuse shall be provided, and all refuse disposal units shall be screened from view and designed in accordance with Section 218-85 of the Middle Township Subdivision of Land and Site Plan Review Ordinance. In addition, all refuse disposal areas shall be landscaped in accordance with Section [218-81](#) of the Middle Township Subdivision of Land and Site Plan Review Ordinance.
- G. Site design shall provide for pedestrian, bicycle and vehicular linkages between tracts as needed to achieve an interior road and walkway system that will permit passage among housing clusters.
- H. All utility lines, including telephone and electric transmission service, shall be installed underground. Fire hydrants shall be installed by the developer as recommended by the Township Engineer and Fire Chief.
- I. Parking. On-site parking facilities shall be provided for residential units in accordance with the parking standards as set forth in Section 218-77 of the Middle Township Subdivision of Land and Site Plan Review Ordinance. All parking facilities shall be on the same site as the building and located within 150 feet of the nearest entrance of the building they are intended to serve. Parking spaces shall be

provided in areas designed specifically for parking, and there shall be no designated parking spaces along interior streets. The total area devoted to parking shall not exceed 20% of the tract, and the total aggregate area devoted to both parking and interior streets shall not exceed 30% of the tract.

- J. Landscaping. The minimum landscape buffer shall be 25' in depth along all property lines. All planning developments are required to submit a detailed landscaping plan pursuant to Section [218-81](#) of the Middle Township Subdivision of Land and Site Plan Review Ordinance. All landscape requirements as set forth in the ordinance regarding parking areas, interior roadways, screening, shade trees, plant materials, topsoil and seeding and planting methods shall be adhered to in the design of a planned development. Landscaping shall be provided which will enhance the visual appearance of the site and which incorporates appropriate architectural, engineering and aesthetic uses. All reasonable effort shall be made to preserve as much of the existing vegetation as possible.
- K. Signage. One sign identifying the name of the development shall be permitted which does not exceed 16 square feet in area. All other requirements as set forth in Section [218-83](#) of the Middle Township Subdivision of Land and Site Plan Ordinance shall be adhered to.
- L. Open space requirements. Open space shall be designed as an integral part of all planned unit residential projects and shall provide a range of opportunities for active and passive recreation as well as protect and preserve the natural environment.
 - 1. All developments shall have a minimum of 10% of the gross tract acreage reserved as common open space. Streets, roadways, parking and other improved areas shall not be considered open space. No floodplain, wetland or critical environmental land can be used to fulfill this requirement. Common open space shall be developed with active and passive recreational facilities to serve the needs of the residents, including but not limited to multipurpose fields and court areas, playground equipment, swimming pools, bicycle paths and jogging trails, plazas, passive picnic or sitting areas, etc.
 - 2. Dwelling unit structures shall be arranged and designed so that a maximum number of dwelling units front directly on the common open space.
- M. Building configurations - Buildings may consist of any configuration that meets the prescribed area and yard requirements and does not exceed the following overall or component building lengths.
 - 1. Two hundred feet on one plane.
 - 2. Three hundred forty feet on any angle.
 - 3. Five hundred feet along the center line.
 - 4. Buildings measured along the center line shall provide one opening at ground level at least every 250 feet. This opening shall be a minimum of 15 feet in clear width and height and be at an elevation enabling emergency vehicle access through the opening.
- N. All streets, both internal and external (including grading and paving), driveways, parking areas, sidewalks, curbs, gutters, street lighting, shade trees, water mains, water systems, culverts, storm sewers, sanitary sewers, pumping stations, drainage structures and such other improvements as may be found to be necessary for the health, safety and welfare of the public and in the public interest, including recreational facilities, shall be installed at the expense of the developer and shall be completed to the satisfaction of the Township Engineer before a certificate of occupancy may be issued. In lieu of total completion of landscaping improvements only, an adequate performance guaranty posted in accordance with the provisions of this chapter may be accepted for a period of no more than one year, during which such landscaping improvements shall be completed or the guaranty will be forfeited. All utility lines shall be installed underground.

§ 250-636. Design Guidelines for townhouse and multifamily residential

- A. Architectural design.

1. A townhouse development project shall provide, to the maximum extent practicable, individual dwelling unit design which includes varying unit width, staggering unit setbacks, different exterior materials, varying roof designs and altering building heights.
2. Each dwelling unit and combined complex of dwelling units shall have a compatible architectural theme that is consistent within each cluster. The design shall take into consideration the relationship of buildings to the site and to other structures, as well as orientation to the sun so that solar energy may be utilized.

§ 250-637. Design Standards for Commercial

1. Setbacks shall apply to any displays or equipment, and exterior storage of materials used for commercial sales unless specifically noted on approved site plans or permitted by license.
2. All business shall be conducted within an enclosed building, except that the outdoor display of certain items customarily displayed outside of an enclosed building, including: automobiles, boats, trailers, mobile homes, flowers and nursery stock, gardening supplies and equipment, farm produce, outdoor furniture and accessories and playground equipment may be permitted. All outdoor display areas should be specifically shown on the approved site plan. No other merchandise, products or similar materials or objects shall be displayed or stored outside unless appropriately screened and maintained.
3. The principal building may contain more than one use, provided that the total building coverage of the combined uses does not exceed the maximum building coverage specified for the district and further, that each use occupies a minimum gross floor area of 500 square feet.
4. At least the first 10 feet adjacent to any street line and 10 feet adjacent to any lot line shall not be used for parking or driveway areas and shall be planted and maintained in lawn area or ground cover or landscaped with evergreen shrubbery and separated from the parking area by poured concrete curbing.
5. Any use resulting in the storage of vehicles outside shall have such area entirely enclosed by a fence, wall, plant material or combination thereof in order to provide a visual barrier between the storage areas and any street, or property line. Such outside storage area shall not exceed 30% of the lot area and shall be located in the rear yard only.
6. All buildings shall be compatibly designed, whether constructed all at one time or in stages over a period of time. All building walls facing any street or a Residential Zoning District line shall be suitably finished for aesthetic purposes, which shall not include unpainted or painted cinder block or concrete block walls.
7. All areas not utilized for buildings, parking, loading, access aisles and driveways or pedestrian walkways shall be suitably landscaped with shrubs, ground cover, seeding or similar plantings and maintained in good condition in accordance with the design standards as set forth in the Subdivision of Land and Site Plan Ordinance.
8. A 25 foot buffer area shall be provided along any common property line with a Residential Zoning District in accordance with the design specifications stated in the Subdivision and Site Plan Ordinance.
9. Roof top heating, ventilating and air-conditioning (HVAC) systems, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices should be screened or otherwise specially treated to be inconspicuous as viewed from the primary or secondary street and adjacent properties.
10. Transparency.
 - a. Ground floor commercial uses shall have large pane display windows on the primary and secondary street frontages. Such windows should be framed by the surrounding wall and should be a minimum of sixty (60%) percent of the total ground level facade area. Window sills should not be more than 3 feet above the sidewalk.

§ 250-638. Design Guidelines for Town Center, Town Business and Village Commercial Zones

A. Purpose - The purpose of the following guidelines is to establish a set of principles and requirements to be used when reviewing the physical, visual and spatial characteristics of development plans. These guidelines will enhance the Centers and encourage development and redevelopment at a scale that is characteristic of Middle Township's Regional Centers and Villages. The design guidelines discussed below consist of principles that should be followed in designing developments. They are meant to be used both by developers preparing subdivision and site plans and by planning and zoning boards in reviewing development applications in the Town Center, Town Business and Village Commercial Zones. Non-residential and mixed-use buildings within these zones should be designed to convey a small-town scale and character. Buildings within these zones should contain the following design elements.

B. Materials.

- (1) Building façades visible from a street should consist of brick, stone, cast stone, clapboard, cedar shakes or other high-quality material that is durable.
- (2) Cornices should consist of wood, stone or fiberglass.
- (3) Facades not visible from a street may use vinyl siding or any other durable material compatible with the materials of the other façades.

C. Scale.

- (1) The building façade should create a defining wall along the streetscape.
- (2) Covered archways (minimum eight feet wide) may connect rear parking areas to the street, enabling pedestrian circulation.
- (3) Building exteriors should have vertical and/or horizontal offsets to create visual breaks on the exterior. Building facades visible from the street that are 50 feet or more in length should be articulated into smaller increments through the following techniques:
 - a. Stepping back or extending forward a portion of the façade
 - b. Use of different, but compatible materials
 - c. Division into storefronts with separate display windows and entrances
 - d. Awnings, balconies or other ornamental features
- (4) Long, blank, windowless, monotonous, uninterrupted walls of more than 15 feet in length are discouraged.
- (5) Building wall offsets, including projections and recesses such as balconies, canopies, awnings, architectural details are encouraged.
- (6) Blind windows, display windows and/or intensive landscaping can be employed in place of blank walls.

D. Articulation.

- (1) The building façade should have a clearly defined base, body and cap. The base, or ground floor, should appear visually distinct from the upper stories, through the use of a change in building materials, window shape or size, an intermediate cornice line, awning, etc.
- (2) The middle section of the façade may be horizontally divided at floor, lintel or sill levels with belt courses.
- (3) The architectural treatment of a façade should be maintained around all street facing façades of a building.
- (4) All sides of a building should be part of a unified architectural design so as to be consistent with regard to style, materials, colors and details.

E. Corner Buildings.

- (1) Buildings on corners are significant buildings because they have two frontages visible from the street.
- (2) Corner buildings act as important landmarks within the Centers.

- (3) Corner buildings should feature a prominent architectural element, such as a chamfered corner,
significant façade articulation or portico.

F. Roofs.

- (1) The shape, pitch and color of a roof should be architecturally compatible with the style, materials and colors of such building.
 - (2) If the building has a flat roof, a parapet should project vertically to hide any roof-mounted mechanical equipment. Additionally, a cornice should project out horizontally from the façade and should be ornamented with moldings, brackets or other details.
 - (3) If the building has a pitched roof, a minimum pitch of 5:12 should be provided.
 - (4) Pitched roofs are encouraged to have dormers, chimneys, cupolas and other similar elements to provide architectural interest. These elements should be compatible with the style, materials, colors and details of the building.
 - (5) Roofline offsets should be provided along any roof measuring more than 30 feet in length in order to provide architectural interest and articulation to a building.
- Base panels or bulkheads are encouraged between the sidewalk and the window sills.
- (4) Windows are encouraged to be vertically proportioned wherever possible.
 - (5) Buildings of architectural styles that normally have windows with muntins or divided lights should utilize those types of windows.
 - (6) Upper levels should have a minimum 20% transparency on the primary and secondary street frontages.
 - (7) Glass blocks are not permitted on façades that abut primary or secondary streets.
 - (8) Exterior security gates should not be used. Interior security gates should be designed compatible with the architecture of the building and should allow for visibility of window displays at the ground level.
 - (9) Transoms above display windows are encouraged.

H. Entrances.

- (1) The primary entrance to any building should front on a primary or secondary street. Additional secondary entrances may be oriented to a secondary street or parking area.
- (2) All entrances to a building should be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, overhangs or canopies.
- (3) Entrances should be inviting to pedestrians and, to the fullest extent possible, provide shade and weather protection
- (4) These elements should be compatible with the style and materials of the building.
- (5) Entrances may also be defined by planters as well.

I. Lighting.

- (1) Light fixtures attached to the exterior of a building are encouraged. These fixtures should be architecturally compatible with the style, material and colors of such building.
- (2) Low-pressure sodium or mercury vapor lighting is prohibited.
- (3) Energy efficient lighting is encouraged.
- (4) The use of lighting should be integrally designed as part of the built environment and should reflect a balance for the lighting safety needs with the contextual ambient light level and surrounding nighttime characteristics of the Centers.
- (5) Lighting designs should be designed to minimize glare, light trespass, provide energy conservation, and to maintain dark skies.
- (6) Full cut-off fixtures, mounting heights, and shielding should be utilized to effectively control glare and light trespass.

- (7) Architectural lighting if proposed should be included with the site plan application and should only be utilized to highlight special features. Lighting of expansive wall planes, towers, and roofs or the use of architectural lighting that results in “hot spots” should be avoided.
- (8) Landscape lighting if proposed should be included with the application. Landscape lighting should only be utilized to accent landscaping, be pointed away from the property line, and fixtures should contain fixture shields in minimize glare and light source visibility.
- (9) See Section 218-82 for additional lighting standards.

J. Sustainability.

- (1) Where feasible, solar panels are encouraged to be provided on rooftops to capture renewable energy.
- (2) Rooftop gardens are encouraged on flat roofs to decrease storm water runoff.
- (3) The use of water savings fixtures is encouraged.
- (4) Development should utilize conservation strategies in landscape watering.
- (5) Native plant materials should be selected that are hardy and drought resistant.
- (6) The use of rain gardens is encouraged to increase on-site water recharge.

§ 250-639. Design Standards for mixed use buildings

- A. Residential units are permitted on upper floors only in mixed use buildings.
- B. Parking shall be located in the rear yard only.
- C. Non-residential use is required to be situated along the entire street level frontage with the exception of side yard setback requirements, pedestrian and bicycle access to residential areas, and driveways to off-street parking areas.
- D. Wherever possible, driveways should be located on side streets or shared driveways.
- E. Shared parking – the residential parking requirement may be reduced up to 25% in mixed use buildings.
- F. Commercial area for any mixed use building shall follow the design standards in accordance with section § 250-637 Design Standards for Commercial

§ 250-640. Design Guidelines for Non- Residential Uses in Cape May Court House Overlay Zone

A. Purpose.

All new construction, additions and renovations in the Cape May Court House Overlay Zone should be designed to be compatible with the historic nature of the respective areas. To retain community character, new construction, additions and renovations should achieve compatibility through appropriate massing shape, size, materials, orientation, set-back and the like.

B. Size, Scale, and Proportion.

- (1) Construction should relate to the dominant proportions, size and scale of the buildings in the surrounding area.
- (2) The building façade shall create a defining wall along the streetscape.

C. Shape and Massing.

- (1) Construction should incorporate massing, building shapes, and roof shapes that are present in the surrounding area.

(2) The architectural treatment of a façade shall be completely continued around all street facing façades of a building. All sides of a building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details.

D. Materials.

- (1) Building materials should be compatible with those of buildings in the surrounding area.
- (2) Traditional materials that are common to the area, such as brick and wood siding are preferred.
- (3) All siding patterns should have the finished appearance of lapped board or bevelled board on the principal structure.
- (4) Board and batten type construction is permitted on accessory buildings.
- (5) Roofing finish should have the appearance of shake or shingle, standing seam or batten seam typical of the particular architectural style and period.

E. Patterns and Rhythm.

- (1) The rhythm of facades along the street and the components thereof should be maintained.
- (2) Large buildings can be divided into bays to reflect rhythms exhibited by smaller structures.
- (3) Buildings greater than 30' in width should be delineated with architectural elements or stepped backward or forward to provide architectural interest.
- (4) Building wall offsets, including projections and recesses such as balconies, canopies, awnings, architectural details are encouraged.
- (5) Construction should continue the floor-to-floor and cornice heights that are dominate in the surrounding area, or incorporate detailing to suggest those heights.

F. Windows and Doors.

- (1) Construction should use window and door openings of design and size typical of those in the surrounding area and building within in the period.
- (2) Transoms above display windows are encouraged.
- (3) Windows are encouraged to be vertically proportioned wherever possible.
- (4) Buildings of architectural styles that normally have windows with muntins or divided lights shall utilize those types of windows.
- (5) Glass blocks are not permitted on facades that abut a primary or secondary street.
- (6) Exterior security grates are prohibited.
- (7) The primary entrance to any building shall front on a street.
- (8) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, overhangs or canopies.
- (9) These elements shall be compatible with the style and materials of the building.
- (10) Entrances may also be defined by planters as well.

G. Orientation.

- (1) Principal facades of new construction should face the same direction as other existing buildings on the street or as indicated by predominant patterns in the surrounding area.
- (2) Building front yard setbacks should be consistent with the building setback of structures adjacent to and within 200' on each side of the property.

H. Roofs.

- (1) The shape, pitch and color of a roof shall be architecturally compatible with the style, materials and colors of such building.

- (2) If the building has a flat roof, a parapet shall project vertically to hide any roof-mounted mechanical equipment. Additionally, a cornice shall project out horizontally from the façade and shall be ornamented with moldings, brackets or other details.
- (3) If the building has a pitched roof, a minimum pitch of 5:12 shall be provided.
- (4) Pitched roofs are encouraged to have dormers, chimneys, cupolas and other similar elements to provide architectural interest. These elements shall be compatible with the style, materials, colors and details of the building.
- (5) Roofline offsets shall be provided along any roof measuring more than 30 feet in length in order to provide architectural interest and articulation to a building.
- (6) Roof top heating, ventilating and air-conditioning (HVAC) systems, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be inconspicuous as viewed from the primary or secondary street and adjacent properties.

ARTICLE VII Administration, Permits and Enforcement

§ 250-701. Amendment of chapter: referrals, notices and hearings.

This chapter may be amended from time to time by the governing body after appropriate referrals, notices, hearings and other requirements of law.

§ 250-702. Zoning Officer

- A. It shall be the duty of the Zoning Officer to administer and enforce the provisions of this chapter. No construction permit shall be issued until approval is obtained from the Zoning Officer, and no structure or lot shall be used in violation of this chapter. It shall be the duty of the Zoning Officer to keep a record of all approvals and rejections, which date shall form a part of the Township public records.
- B. It shall be the duty of the Zoning Officer and/or Code Enforcement Officer to inspect the structures and land in the Township. When any violation of this chapter shall be found by the Zoning Officer and/or Code Enforcement Officer or when any purported violation shall be brought to their attention, the Zoning Officer and/or Code Enforcement Officer shall make an investigation. In the event that the Officer determines that a violation of this chapter exists, the Zoning Officer and/or Code Enforcement Officer shall serve written notice of the violation by registered mail or personal service upon the owner. In the event that the owner shall fail to abate the violation within 10 days of the service of such notice, the Zoning Officer and/or Code Enforcement Officer shall file a complaint in the appropriate court of jurisdiction and furnish a copy of the report to the Township Committee.

§ 250-703. Zoning Permit

- A. Definition of zoning permit. A document signed by the Zoning Officer:
- (1) Which is required as a condition precedent to the commencement of a use or a change of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building;
- (2) Which acknowledges that such use, structure or building complies with the provisions of the Middle Township Zoning Ordinance or variance there from duly authorized by a Municipal Agency; and

- (3) Which certifies the nonconforming use status of a use or structure;
- B. Zoning permit required. A zoning permit is required before:
- (1) Creation, construction excavation, erection, change, conversion, enlargement, use or allowance of a use of any building, structure, land or part thereof;
 - (2) Changing or allowing a change of use of any building, structure, land or part thereof;
 - (3) Issuance of any building permit, temporary certificate of occupancy or certificate of occupancy.
- C. Application. Application for zoning permit shall be:
- (1) In writing;
 - (2) Submitted to the Zoning Officer;
 - (3) Signed by the owner of record of the land and by the applicant for the permit;
 - (4) Made on forms provided by the Zoning Officer;
 - (5) Accompanied by a survey, drawn to scale with dimensions showing the exact size, shape, and location of all existing and proposed buildings and structures, the proposed building or structure in its exact relation to lot and street lines and by such additional information as may be required by the Zoning Officer to allow him/her to determine if a zoning permit should be issued. The Zoning Officer may waive the survey requirement on minor applications not affecting structural change.
- D. Issuance and display of permits.
- (1) The Zoning Officer shall act on all applications for zoning permits within 10 business days after receipt of a fully completed application and shall notify the applicant, in writing, of his/her issuance or denial of the application.
 - (2) If the Zoning Officer denies an application for a zoning permit, a written statement of the reasons for denial shall be supplied to the applicant within 10 business days after receipt of a fully completed application.
 - (3) Failure to notify the applicant in case of such refusal within 10 business days shall entitle the applicant for a zoning permit to file an appeal to the Zoning Board of Adjustment as in the case of a denial. Notification shall be deemed made as of the date it is placed in the mail not the date when it is received by the applicant.
 - (4) Denial of a zoning permit by the Zoning Officer may be appealed to the Zoning Board of Adjustment. N.J.S.A. 40:55D-72 to 40:55D-75 shall apply to such appeals to the Zoning Board of Adjustment.
 - (5) All zoning permits shall be issued in triplicate, and one copy shall be posted conspicuously on the premises affected whenever construction work is being performed thereon. No owner, contractor, workman, or other person shall perform any building operations of any kind unless the zoning permit covering such operation has been previously issued. Furthermore, no building operations of any kind shall be performed after notification of revocation of said zoning permit.
- E. Records. A record shall be kept of all zoning permits issued and denied, and the original applications therefore shall be kept on file in the same manner as applications for building permits.
- F. Effect of zoning permits.
- (1) The zoning permit for a premises (to be designated by tax block and lot numbers) shall show that every building or premises or part thereof and the proposed use thereof are in conformity with the provisions of Chapter 250, Zoning, of the Middle Township Code, or in conformity with the provisions of a variance granted according to law or are a valid nonconforming use and/or structure.

(2)A zoning permit, unless revoked, shall continue in effect so long as there is no change of use of the premises.

G. Fees for zoning permit.

(1)Fees for zoning permits shall be as set forth in Middle Township Code § 218-47.

H. Revocation of zoning permit. If it shall appear at any time to the Zoning Officer that an application for zoning permit or accompanying plans are in any material respect false or misleading or that the work done upon the premises is materially different from that called for in the application previously filed with him/her or may be in violation of any provision of Chapter 250, Zoning, of the Middle Township Code, or the conditions imposed either by the Planning Board or Zoning Board of Adjustment in conjunction with approvals issued by them are not being met within the time or in the manner required by the approving authority, he/she may forthwith revoke the zoning permit.

I. Nonconforming uses and structures.

(1)Upon written request, the owner, tenant, occupant, prospective purchaser, prospective mortgagee or any other person interested in any land upon which a nonconforming use or structure exists may apply, in writing, for the issuance of a zoning permit certifying the legality of the use or structure existing before the adoption of the ordinance which rendered the use or structure nonconforming. The applicant shall have the burden of proof.

(2) Application pursuant hereto may be made to the Zoning Officer within one year of the adoption of the ordinance which rendered the use or structure nonconforming.

(3) Application pursuant hereto may be made at any time to the Zoning Board of Adjustment.

(4) Denial by the Zoning Officer may be appealed to the Zoning Board of Adjustment. N.J.S.A. 40:55D-72 to 40:55D-75 shall apply to applications or appeals to the Zoning Board of Adjustment. Hearings before the Zoning Board of Adjustment shall require proper legal notice as provided for by N.J.S.A. 40:55D-12.

(5) Any zoning permit issued shall certify the extent and kind of use/structure and shall specify the nonconformity in detail.

J. Payment of taxes. Pursuant to the provisions of N.J.S.A. 40:55D-39 and 40:55D-65, every application for a zoning permit shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application.

§ 250-704. Enforcement

- A. It shall be unlawful to use, change the use of, or permit the change of use of any building, structure or premises or part thereof thereafter created, located, constructed, excavated, erected, changed, converted or enlarged wholly or partly until a zoning permit has been issued for that premises certifying that the structure or use complies with the provisions of the Middle Township Code Chapter 250, Zoning.
- B. A new zoning permit shall be required for any change in use. No zoning permit shall be issued until all prior approvals, including those required by all other municipal ordinance regulations, have been received by the applicant.
- C. It shall be the duty of the Zoning Officer and/or the Code Enforcement Officer to administer and enforce the provisions of this article.

§ 250-705. Violations and penalties

- A. Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be punishable by a fine of not more than \$1,000, by imprisonment for a term not to exceed 90 days or by community service of not more than 90 days, or any combination of fine, imprisonment and community service, as determined by the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense.
- B. The violation of any provision of this article shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.
- C. The owner of any building or structure, lot or land or part thereof and/or the tenant or occupant of any building or structure, lot or land or part thereof where anything in violation of this chapter shall be placed or shall exist or be suffered, allowed or permitted to exist and any architect, builder, developer, contractor, agent, person or corporation engaged in connection therewith and who assists in the commission of any such violation shall each be guilty of a separate violation and, upon conviction thereof, shall each be liable to the fine, imprisonment and/or community service specified above.
- D. Nothing contained herein shall be construed to restrict the right of the Township of Middle to take action in any court of competent jurisdiction with regard to any violation of this chapter.