

Commercial Township Land Development Regulations Ordinance

ARTICLE XIII FEES

13.1 Schedule of fees. Every application for review or a hearing by the Land Use Board or for the issuance of permits pursuant to this Ordinance shall be accompanied by the appropriate fees as set forth herein below:

- A. Conditional use:** An application fee of one hundred twenty five dollars (\$125.) and a minimum escrow review fee deposit of seven hundred fifty dollars (\$750.)
- B. Variance pursuant to N.J.S.A. 40:55D-70c:** An application fee of one hundred twenty five dollars (\$125.) and a minimum escrow review fee deposit of five hundred dollars (\$500.)
- C. Variance pursuant to N.J.S.A. 40:55D-70d (use variance):** An application fee of two hundred fifty dollars (\$250.) and a minimum escrow review fee deposit of one thousand dollars (\$1,000.)
- D. Interpretation of the Land Development Regulations Ordinance or zoning map by the Land Use Board:** One hundred dollars (\$100.) and a minimum escrow review fee deposit of three hundred fifty dollars (\$350.).
- E. Direction pursuant to N.J.S.A. 40:55D-34 or 40:55D-36 (building lot in bed of mapped street, etc., or not abutting improved street):** One hundred dollars (\$100.)
- F. Zoning permits.**
 - 1. Residential, single-family, detached, including a mobile home: \$200.00
 - 2. Accessory use thereto Subsection a above \$ 25.00
 - 3. All other zoning permits \$ 20.00
- G. Forestry permit**
 - 1. Application fee: \$25.00 payable at the time of submission of an application to the Zoning Officer
 - 2. Administrative fee Upon the issuance of a forestry permit pursuant to Section 8.5E.3 of this Ordinance, the applicant shall be required to pay a sum of two hundred and fifty dollars (\$250.) which shall serve as reimbursement for any administrative costs incurred by the Township during the ten year permit period. The applicant shall not be subject to any additional fees or escrow requirements for the duration of the forestry permit.
- H. Sign permit**
 - 1. Temporary: Five dollars (\$5.)
 - 2. Signs not exceeding twenty-five (25) square feet in area: Ten dollars (\$10.)

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3. Signs not exceeding fifty (50) square feet in area: Fifteen dollars (\$15.)
4. Signs in excess of fifty (50) square feet in area: Twenty dollars (\$20.)
- I. **Yard sale permit** All yard sale permits as allowed by this Ordinance shall be five dollars (\$5.) per permit.
- J. **Subdivision and site plan review** Fees shall be paid and escrow funds established in accordance with the following schedule, for use in connection with the total processing of a proposed subdivision or site plan:
 1. **Minor Subdivision**
 - a. Application fee - \$100.00
 - b. In addition to the foregoing application fee, the applicant shall deposit a minimum of one thousand dollars (\$1,000.) in an escrow review account to be established per Section 13.2 of this Ordinance.
 2. **Major Subdivision**
 - a. **Preliminary plat review:**
 - (1) At the time of filing an application and a preliminary plat of a major subdivision for preliminary review, an application fee of four hundred twenty dollars (\$425.) plus sixty five dollars (\$65.) for each lot involved in said major subdivision.
 - (2) In addition to the foregoing application fee, the applicant shall deposit a minimum of seventeen hundred fifty dollars (\$1,750.) in an escrow review account to be established per Section 13.2 of this Ordinance.
 - c. **Final plat review:**
 - (1) At the time of submission of the final plat, the applicant shall pay an application fee of three hundred dollars (\$300.), plus twenty dollars (\$20.) for each lot
 - (2) The applicant shall deposit one thousand dollars (\$1,000.) in the escrow review account established as a result of Section 13.1J.2b herein, an equal amount as required in said cited subsection of this Ordinance and pay an inspection escrow fee computed in accordance with Section 13.2 of this Ordinance.
 3. **Minor site plan**
 - a. At the time of filing an application and preliminary site plan for a minor site plan, the applicant shall pay an application fee of one hundred twenty five dollars (\$125.), and
 - b. In addition to the foregoing application fee, the applicant shall deposit a minimum of one thousand dollars (\$1,000.) in an escrow review account to be established per Section 13.2 of this Ordinance.

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4. Major site plan

Preliminary site plan:

- a. At the time of filing an application and preliminary site plan for a major site plan, the applicant shall pay an application fee of fifteen hundred dollars (\$1,500.00) plus one hundred and twenty five dollars (\$100.) per acre or fraction thereof involved in the site plan application.
- b. In addition to the foregoing application fee, the applicant shall deposit a sum in an escrow review account to be established per Section 13.2J.3B of this Ordinance, of not less than fifteen hundred dollars (\$1,500.) to be computed as follows:
 - (1) Residential (apartments and multi-family dwellings): ten dollars (\$10.) per dwelling unit up to ten (10) dwelling units; plus five dollars (\$5.) per dwelling unit from eleven (11) to one hundred (100) dwelling units; plus two dollars and fifty cents (\$2.50) per dwelling unit from one hundred one (101) to one thousand (1,000) dwelling units; plus one dollar (\$1.) per dwelling unit for each unit over one thousand (1,000), but in no case to exceed \$5,000.;
 - (2) Commercial/Industrial: one hundred twenty five dollars (\$125.) for the each acre or part thereof, but in no case to exceed \$5,000.00.
 - (3) Other: one hundred dollars (\$100.) for each acre or part thereof, but in no case to exceed five thousand dollars (\$5,000.).

5. **Final Site Plan** At the time of submission of final site plan for review and approval, the applicant shall deposit in the escrow review account established as a result of Section 13.1J.4b herein, an equal amount as required in said cited subsection of this Ordinance and an inspection review account deposit to be computed in accordance with the provisions of Section 13.2B of this Ordinance.

6. **Tax Map Page Update Service and Fee** Each applicant and/or developer that comes to the Township of Commercial for any approval which results in the creation of any new lots shall be responsible for paying all reasonable charges incurred by the Township Engineer in amending the tax map.

L. **Informal review of a concept plan (fee to be credited toward fee for application for development of same project):**

1. The applicant shall pay an application fee of one hundred dollars (\$100.) plus
2. In addition to the foregoing application fee, the applicant shall deposit a minimum of one thousand dollars (\$1,000.) in an escrow review account to be established per Section 13.2 of this Ordinance.

- M. **Hearing transcript:** Maximum permitted in N.J.S.A. 2A:11-15.

- N. **Duplicate recording of hearing:** Fifteen dollars (\$15.) per cassette.

- O. **Certificates of non-conforming use or structure:** Ten dollars (\$10.)

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- P. Mailing charges:** Whenever an applicant requests that the Board Secretary forward copies of application forms and plats or plans in connection with a minor subdivision or site plan to the County Planning Board or other regulatory agency, the application fee as set forth in both § 13.1J.1 & 3 shall be increased by ten dollars (\$10.).
- Q. Payment of fees:** All fees shall be paid to the Secretary of the Land Use Board or other municipal official designated to receive the specific application for review. All application fees shall be used to cover the cost of processing the application. The escrow review and inspection fee deposits shall be utilized in accordance with the provisions of § 13.2 of this Ordinance.

13.2 Escrow accounts.

- A. Review Fee Deposit:** The review fee deposit is to be used to pay the fees of any professional personnel retained or employed by the Township to assist in processing, reviewing, and making recommendations concerning the subject application. If at any time it becomes evident that the escrow fund is, or will become, insufficient to cover all reasonable fees for the required professional services, the applicant shall increase the fund as determined by the Land Use Board. Any excess funds in the escrow fund remaining after all review fees have been paid shall be returned to the developer.

Whenever a review fee is required, the developer shall deposit with the Township Chief Financial Officer, a sum of money which the Chief Financial Officer shall, in turn, deposit in a separate escrow account and carry under the Township's trust fund section of accounts on the books of the Township as a review fee escrow fund. The Chief Financial Officer shall periodically report to the Land Use Board on the current balance in each escrow account being held by the Township.

- B. Inspection Fees:** This escrow fund shall be used to pay the fees of professional personnel employed to inspect subdivisions and site developments and approve the construction of the improvements for subdivision and site plan approvals. Any excess funds in the escrow at the time when all improvements have been finally accepted shall be returned to the developer. If at any time it becomes evident that the escrow fund is or will be insufficient to cover said inspection fees, the developer shall increase the fund as required by the Land Use Board.

Prior to final approval of the plat or site plan, the developer is required to deposit with the Township Chief Financial Officer a sum of money which the Township Chief Financial Officer shall, in turn, deposit in a separate escrow account and carry under the Township's trust fund section of accounts on the books of the Township as an inspection fee escrow fund. At the time of submission of the final plat or site plan, the applicant shall deposit an amount of money equal to five percent (5%) of the cost of all improvements required as a condition of subdivision or site plan approval as such cost is determined by the Township Engineer. However, there shall be a minimum escrow deposit of five hundred dollars (\$500.) even though the aforesaid computation produces a less amount, unless there are no improvements required for a subdivision or site plan approval in which case the minimum inspection fee deposit will be one hundred dollars (\$100.).

C. Collection of fees.

1. All review escrow or inspection escrow fee required by this Article, unless otherwise specified, shall be paid by the applicant or appellant to the Secretary or clerk of the Land Use Board at the same time as his application is submitted or his appeal is filed.

- b. If the applicant's plan satisfies the requirements of this Chapter, the Township zoning Officer shall issue a tree removal permit. The Land Use Board, however, may alter the terms of the tree removal permit as part of its approval of the development application.
- c. In accordance with the Municipal Land Use Law and the Township Master Plan, the Land Use Board, after consultation with the Environmental Commission, may grant variances and waivers from the requirements of this section.

1-I.1 PERMIT APPROVAL; TIME LIMITS

- a. Where the permit application is submitted as a part of an application for major subdivision, minor subdivision or site plan approval or other development application, the time for approval shall be governed by the time limits set forth in the MLUL.
- b. Where the application is made in connection with a residential, commercial, business or industrial lot that does not require a development approval, the Environmental Commission shall act on the application within thirty (30) days following receipt or within such additional time as is consented to by the applicant. Failure to act within thirty (30) days of its next scheduled meeting, or an extension thereof, shall be deemed to be an approval of the application and, thereafter, a tree removal permit shall be issued.
- c. Approval by default with regard to major subdivision, minor subdivision and site plan applications, shall not be deemed to be a waiver of a tree removal permit.

1-I.2 DURATION OF PERMITS

Permits granted for the removal of trees under the terms and conditions of the ordinance shall run with the land, and shall remain in force and effect for the following periods of time, and not thereafter. Once the permit has expired, a new application must be submitted for review and a new permit issued

- a. If granted for a lot or parcel of land for which a building permit is required, but for which no development approval is required by the Land Use – until expiration of the building permit granted with such tree removal permit.
- b. Except as provided in paragraphs d and e below, if granted for a lot or parcel of land for which a development approval from the Land Use Board is required as a condition precedent to obtaining a building permit – until expiration of the site plan approval, or expiration of the building permit issued after such development approval, whichever is later.
- c. If granted for a lot or parcel of land for which minor subdivision is sought – one year from the date of granting such minor subdivision.
- d. If granted for a lot or parcel of land for which preliminary approval of a major subdivision is sought – until expiration of such approval.

1-I-3 INSPECTION

- b. The Land Use Board shall review the application for a tree removal permit or a tree protection management plan and, if necessary, have the Township Planner, Engineer, and/or other consultant, as may be required, review the application and inspect the site. All reviews and inspections by the Township Planner, Engineer, and/or other consultants shall be paid for by the applicant through the deposit of escrow funds.
- c. The Land Use Board and the Environmental Commission shall consider the following factors in reviewing an application for a tree removal permit or tree protection management plan to either recommend approval or denial:
 - 1) Impact on the growth of remaining trees.
 - 2) Impact on existing drainage patterns.
 - 3) Impact on soil erosion or increased dust.
 - 4) Impact on the vegetative screening between adjacent land uses.
 - 5) Impact on a tree or scenic corridor given a landmark value.
 - 6) Impact on woodland corridors, stream corridors, greenways and wildlife habitat.
- d. There is hereby established a presumption that each and every tree of six (6) inches of diameter or greater located within the tree protection zone or any specimen tree located anywhere on the lot shall be preserved at its location on the site. Each such tree located within the tree protection zone or each specimen tree may be removed only if the Land Use Board finds that the applicant has set forth below:
 - 1) That it is a necessity to remove trees which pose a safety hazard.
 - 2) That it is a necessity to remove diseased trees, trees infested with destructive insects liable to infect healthy trees on the subject or adjacent property or trees weakened by age, fire or other injury.
 - 3) That it is a necessity to observe good forestry practices, i.e. the number of healthy trees that a given parcel of land will support when documented by a report prepared on behalf of the applicant by a professional forester or a certified landscape architect.
 - 4) That it is a necessity for compliance with other codes such as zoning and subdivision regulations, health and other environmental ordinances.
 - 5) Other conditions which, in the judgment of the Administrative Officer (or Planning Board/Zoning Board), warrant the removal of a tree.
- e. No building permit shall be issued until the applicant has obtained approval of its tree removal permit or tree protection management plan application.

Section 1-I SUBMISSION TO THE ENVIRONMENTAL COMMISSION; TREE REMOVAL PERMIT; VARIANCES AND WAIVERS

- a. All development applications that involve tree removal under the terms of this ordinance shall be submitted to the Environmental Commission for its review. The Environmental Commission shall complete its review and submit a report to the decisional authority stating whether the applicant's proposal complies with the requirements of this section. Failure of the Land Use Board to make such informational copy available to the Environmental Commission shall not invalidate any hearing or proceeding.

1-H.4 SITE PROTECTION

- a. Tree protection measures for all trees to remain on site after construction and the limit of disturbance line shown on the landscape plan shall be installed in the field with snow fencing or other durable material and verified by the Township Zoning Officer or other designated official prior to soil disturbance.
- b. Protective barriers shall not be supported by the plants they are protecting, but shall be self-supporting. Barriers shall be a minimum of four (4) feet high and shall last until construction is complete.
- c. Chain link fence may be required for tree protection if warranted by site conditions and relative rarity of the plant.
- d. Snow fencing used for tree protection shall be firmly secured along the drip line, but no less than six (6) feet from the trunk when the drip line is less than six (6) feet.
- e. The grade of the land located within the drip line shall not be raised or lowered more than six (6) inches unless compensated by welling or retaining wall methods; and in no event shall welling or retaining wall methods be less than six (6) feet from the trunk of a tree.
- f. No soil stockpiling, storage of building materials, construction equipment or vehicles shall be permitted within the drip line or within six (6) feet of any remaining trees, whichever is greater.
- g. Any clearing within the drip line, or within six (6) feet of the trunk of remaining tree, whichever is greater, shall be done by hand-operated equipment.
- h. Where a tree that has been noted for preservation is severely damaged and unable to survive, tree replacement shall occur as provided in Section 1-H.6.

1-H.5 REVIEW OF APPLICATIONS

All applications for a tree removal permit or a tree protection management plan shall be immediately referred by the Township Construction Official to Township Zoning Officer, the Environmental Commission and Land Use Board.

- a. The Environmental Commission shall provide a recommendation of approval or denial of the tree removal permit or the tree protection management plan application to the Land Use Board. Failure on the part of the Environmental Commission to provide a recommendation within thirty (30) days, provided that the Environmental Commission receives the application at least ten (10) days in advance of its regularly scheduled meeting, shall be deemed a recommendation for approval. In the event that the Environmental Commission recommends denial of an application, it shall specify, in writing, the reasons(s) for its action. The Land Use Board shall review and consider the recommendations of the Environmental Commission, and the recommendations shall be made a part of the record before the Board. The Land Use Board shall have the authority to approve or to deny the tree removal permit or a tree protection management plan as part of the subdivision and/or site plan review process.

Each application to the Land Use Board for approval of a major or minor subdivision or any site plan that requires the removal of more than fifty (50) percent of the tree canopy shall include an application for a tree removal permit. A separate application shall be filed for each lot that will result from the application. The application and development proposal shall conform with the Municipal Land Use Law.

1-H.1 APPLICATION FORM – The application form shall be available from the Township Construction Official and shall include the same information as required in Section 1-G-2

1-H.2 LANDSCAPE PLAN – A plan prepared by a licensed landscape architect or professional engineer which includes information required by the Municipal Land Use Law.

1-H.3 DESIGN REQUIREMENTS

- a. To the greatest extent practicable, large trees sixteen (16) inch DBH and larger), tree rows and hedgerows should be preserved. Only those trees necessary to permit the construction of buildings, structures, streets, driveways (when no other reasonable site is available), infrastructures and other authorized improvements shall be removed. Existing vegetation shall be preserved to the greatest extent feasible.
- b. On all residential lots, natural screening and woodlands between lots, along property lines and between buildings shall be preserved to the greatest extent feasible.
- c. (Nothing listed for “c”).
- d. Up to fifty (50) percent of the existing tree canopy may be removed without obtaining a permit. The location of the remaining tree canopy to be preserved shall be noted on the landscape plan. In cases where more than fifty (50) percent of the canopy is removed, ten (10) percent of the total trees removed must be replaced. Steep slope limits of disturbance shall supersede this section when appropriate.
- e. No more than ten (10) percent to existing trees with a DBH equal to or greater than ten (10) inches within the area of development/limit of disturbance shall be removed unless the applicant shall replant trees removed in accordance with Section 1-G.6.
- f. Input from a designated Landscape Architect or professional engineer shall be requested for recommended areas of tree preservation.
- g. Landscape standards may be waived by the Land Use Board, after consultation with the Environmental Commission when trees and/or shrub masses are preserved and/or relocated on-site that duplicate or essentially duplicate the landscape requirements contained in this section.
- h. The Decisional Authority shall have the option of requesting a conservation easement to protect any or all trees or tree canopy areas to remain on site.

- 5) Aesthetic values (autumn coloration, type of flowers or fruit, form characteristics);
- 6) Low maintenance and care (pruning, etc.);
- 7) High wildlife values;
- 8) Comfort to surroundings;
- 9) Freedom from disease, rot or other damage to tree;
- 10) Protection of pedestrians, vehicles and buildings;
- 11) Size at maturity;
- 12) Effect of soil retention and erosion control; and
- 13) Value as a noise buffer.

1-G.2 PROTECTION OF EXISTING TREES

Applicants should exercise due care to protect trees to be retained from damage during construction as delineated in the Land Use Ordinance.

1-G.3 REVIEW STANDARDS

In accordance with the design requirements provided in this Chapter, unless otherwise indicated herein, a tree removal permit may only be granted for the following reasons and under the following terms and conditions:

- a. Where the area proposed for tree removal is to be occupied by: a building or other structure; a street or roadway; a driveway (when no other site is available); a parking area; a patio; a swimming pool; a recreation area; a power, drainage, sewerage or any other utility line easement, or right-of-way; or where the area of tree removal is twenty (20) feet or less from either side of or around the perimeter of any of the foregoing; whichever is applicable.
- b. In areas proposed for tree removal which are not to be occupied by any of the uses or facilities set forth in part "a" of this Section:
 - 1) If the continued presence of such tree or trees is likely to cause danger to persons or property upon the property for which removal is sought, or upon adjoining or nearby property.
 - 2) If the area where such tree or trees are located has a cut, depression or fill of land, or the topography of the land is of such a character as to be injurious or dangerous to such tree or trees, or to a tree or trees located nearby.
 - 3) If the removal of trees is for the purpose of conducting Silviculture activities, which activities include, but are not limited to, the harvesting of trees in accordance with a forest management plan and the thinning out of a heavily wooded area, with some trees to be removed and other trees to remain.
- c. Upon an express finding by the Decisional Authority that the proposed tree removal will not result in or cause, increase or aggravate any or all of the following conditions: impaired growth or development of remaining trees or shrubs on the property of the applicant or upon adjacent property, soil erosion, sedimentation and dust, drainage or sewerage problems and dangerous or hazardous conditions.
- d. The Decisional Authority shall have the power to affix reasonable conditions to the granting of the permit for the removal of trees.

Section 1-H TREE REMOVAL REQUIREMENTS FOR MAJOR AND MINOR SUBDIVISIONS AND SITE PLANS

Ordinance. Major or minor subdivision or site plans or new home construction approved after the effective date of this Ordinance are subject to the provisions of this Ordinance, subject to the right of the Approving Authority to grant variances or waivers in accordance with the Municipal Land Use Law and the Township Master Plan.

8. Any cultivated tree growing on property actually being used as a nursery, orchard or Christmas tree farm.
9. Commercial sand mining operations with an approved landscape reclamation plan.
10. Removal of trees considered invasive to the area as determined by the NJDEP.

1-G.1 TREE REPLACEMENT. Tree replacement shall be provided in accordance with the following:

a. Replace of trees.

- 1) Where the township zoning officer, in consultation with the Environmental Commission and the Land Use Board, determines that it is impossible to retain trees in the tree protection zone, or any specimen tree as defined by this chapter, due to cutting, filling or other construction activity, the applicant shall replant two (2) inches of a new tree diameter for every five (5) inches of existing tree diameter removed. Replacement trees should be shown on the tree removal permit application or tree management plan for review. New replacement trees should have the minimum diameter of two and one-half (2 1/2) inches measured six (6) inches above the ground. Replanting should be done according to the standards specified by the American Nurserymen's Association.

Where it has been determined by the Environmental Commission that a landmark tree has been cut or removed, the person responsible shall be fined no more than one thousand dollars (\$1,000.) and shall be required to replant one (1) inch of new tree diameter for every one (1) inch of the landmark tree diameter cut or removed. New replacement trees should have a minimum diameter of eight (8) inches measured six (6) inches above the ground. Replanting should be done according to the standards specified by the American Nurserymen's Association.

2. If trees are removed without first obtaining approval, the person clearing the trees will be required to replant one hundred new trees per acre of cleared land. The replacement trees will meet the criteria specified in section 1-G-1-a-1 and 1-G-1b of this ordinance.

- b. **Criteria for the selection of new trees.** When an applicant is required to replace trees as described above, the applicant should replace the trees with the same species that were removed or, with the approval of the Environmental Commission, choose other tree species, preferably native to Commercial Township but in any case native to the state of New Jersey. In selecting replacement trees, the following positive criteria should be used. These guidelines should also be followed in choosing trees proposed to be retained or cleared.

- 1) Species longevity;
- 2) Whether native to the area;
- 3) Hardiness (wind firmness, climate requirements, characteristics of soil to hold tree);
- 4) Resistance to insect and disease, attack and to pollution;

The filing of a Development Application shall constitute the applicant's consent for the township zoning officer to enter upon the applicant's land for purposes of inspection.

1-D.1 DEVELOPMENT APPLICATIONS. In Development Applications, recommendations of the Environmental Commission shall be advisory to the decisional authority.

1-D.2 APPEALS. Appeals from decisions of the Land Use Board may be taken in accordance with the Municipal Land Use Law.

The standards contained herein shall be considered the minimum standards to be met and maintained. Standards established by other township ordinances or by state and federal rules and regulations shall apply where those standards are more restrictive than the standards set forth herein.

Plans for the harvesting of timber and or silviculture shall be in accordance with the standards and recommendations of the New Jersey State Bureau of Forestry. A copy of such plan must be filed with the Environmental Commission, the Township Land Use Board and Township Committee at least thirty (30) days prior to the harvesting of timber and/or silviculture.

Section 1-E TREE CUTTING OR REMOVAL RESTRICTED

Excerpt as permitted in Section 1-F, no person shall cut or remove, or cause to be cut or removed, any tree with a (DBH) of four (4) inches or greater upon any lands within the Township of Commercial unless the cutting or removal can be accomplished in accordance with the provisions of this ordinance. No person shall cut, destroy or remove any historic or endangered tree as defined in section 1-C above, without a permit. No person shall cut or remove any tree within wetlands, flood hazard areas or other areas protected by State or Federal law or applicable EPA or NJDEP regulations. For a list of endangered and threatened species see the following New Jersey Environmental Protection web site <http://www.nj.gov/dep/parksandforests/natural/heritage/jan2010plantlist.pdf>.

Section 1-F EXEMPTIONS

The following shall be exempt from the requirements of this ordinance:

1. Removal of dead trees, diseased or irreparably damaged. Any person relying on this exemption without prior consultation with the Environmental Commission must prove to the satisfaction of the Environmental Commission that the tree was dead at removal.
2. Removal by cemeteries of trees within their limits.
3. Removal of trees directed to be removed by municipal, county, state or federal authorities.
4. Pruning of trees by utility companies for maintenance of utility wires or pipelines and the pruning of trees within site easements.
5. Removal of trees in compliance with a forestry management plan that has been approved by NJDEP pursuant to N.J.S.A. 54:4-23.3 and N.J.A.C. 18:15-2.7 as part of an approved farmland assessment.
6. Any activity protected by the Right to Farm Act, N.J.S.A. 4:1 C-9 et seq. or any other state statute or regulation in an area in which local regulation has been preempted.
7. Removal of trees, in projects which have received major or minor subdivision or site plan approval prior to the effective date of this

LANDSCAPER -- An individual who has been gainfully employed for a period of at least five (5) years in a position involving the care and planting of trees.

NATIVE TREE -- Any tree listed by the NJDEP as indigenous to the state. A list of Native trees will be available in the Township Office. Lists of trees native to New Jersey can also be found on the internet.

NONSPECIMEN TREE -- Any tree with a diameter less than sixteen (16) inches, but at least six (6) inches.

PERMIT -- Any permit in writing issued by a township official.

PERSON -- Any individual, person, association, company, corporation or similar group.

REPLACEMENT TREE -- A nursery-grown certified tree, properly balled, marked with a durable label indicating genus, species and variety, and satisfying the standards established for nursery stock and installation thereof, set forth by the most recent publication of the American Association of Nurserymen.

SPECIMEN TREE -- Any tree with a diameter of at least sixteen (16) inches, but less than thirty (30) inches.

THINNING -- The removal of undesirable, competitive, diseased or damaged trees so as to cultivate and improve the development of remaining trees on the lot.

TOWNSHIP -- The Township of Commercial or any designated representative.

TREE -- Any woody perennial plant usually having but one (1) main stem or trunk and a more or less definitely formed crown, and which has the potential based on its genus and species to grow to a height of ten (10) feet or more.

TREE CANOPY -- The top layer or crown of mature trees.

TREE PROTECTION ZONE -- That portion of a lot outside of the disturbance zone.

TREE REMOVAL -- The cutting down of a tree, the transplanting of a tree to a site other than that under development or the infliction of damage to a tree which is of such severity as to show evidence within a period of two (2) years of irreparable harm leading to the ultimate death of a tree.

Section 1-D APPLICABILITY

This ordinance pertains to any new residential construction on site plan. Existing business, and commercial properties are exempt. No tree shall be cut or otherwise removed from any lands in the Township of Commercial except as permitted by this Chapter. All Development Applications that involve tree removal shall include an application for a tree removal permit for each lot that will result from the application. Any applicant wishing to remove trees upon the property which is the subject of the Development Application must comply with Section 1-H of this ordinance. No part of this ordinance will apply to homeowners clearing trees on their own property so long as the cutting of the trees is not part of a subdivision. No homeowner may cut more than fifty percent of the trees on the property for any reason except those listed below in Section 1-F of this chapter. No tree that was planted or preserved as part of any approved subdivision or site plan or in accordance with any street tree requirements approved in conjunction with a subdivision or site plan shall be removed, except as permitted by Section 1-F of this chapter. This ordinance supersedes development regulations ordinances 8.5.

the Federal Emergency Management Agency (FEMA); and areas defined as wetlands and their respective transition buffers by the New Jersey Department of Environmental Protection. The Township's environmental mappings may be used to generally locate such critical areas.

CROWN – The branches and foliage of a tree; the upper portion of a tree.

DEVELOPMENT APPLICATION – An application filed with the Township Land Use Board pursuant to the Municipal Land Use Law and the Township land development ordinances for approval of a subdivision plan, 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),

DIAMETER AT BREAST HEIGHT – (DBH) – The diameter of a tree measured four and one-half (4 1/2) feet (forestry method) above the ground level on the downhill side.

DECISIONAL AUTHORITY – In the case of a Development Application shall mean the approving authority, The Land Use Board.

DISTURBANCE ZONE – That portion of a lot covered by existing or proposed buildings, structures or improvements and within a certain distance around the same as noted below:

1. House or building: twelve (12) feet (averaged around all sides).
2. Garage: eight (8) feet.
3. Pool/apron: twelve (12) feet.
4. Driveway/sidewalk: five (5) feet.
5. Septic fields: ten (10) feet.
6. Underground utility: five (5) feet.
7. Paved parking/drive aisle: five (5) feet.
8. Shed: five (5) feet.
9. Improvement (other): five (5) feet.

DRIPLINE – The perimeter line on the ground measured from the outermost edge of the vertical plane established by the branches of the tree.

ENDANGERED SPECIES – Any species of tree which has been determined by the Federal Fish and Wildlife Service or the State of New Jersey to be endangered or threatened.

FOREST MANAGEMENT PLAN – A plan approved by NJDEP which details the management practices proposed to be employed on a site.

FORESTER, PROFESSIONAL – A person who has a B.S. degree from a four-year school of forestry accredited by the Society of American Foresters.

HISTORIC TREE – Any tree representing or approaching in girth the largest of its species in the State of New Jersey, or dedicated to or commemorating an individual or event, as may be maintained by the State of New Jersey or the Township of Commercial.

INVASIVE SPECIES – As defined by the US Department of Agriculture is
(1) non-native (or alien) to the ecosystem under consideration and
(2) whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

A list of invasive species is available in the township office and on the internet.

LANDMARK TREE – Any tree with a diameter of thirty (30) inches or greater.

LANDSCAPE ARCHITECT – A person certified as a landscape architect by the State of New Jersey.

**COMMERCIAL TOWNSHIP
ORDINANCE 2013-546**

**AN ORDINANCE AMENDING ORDINANCE 2007-487
COMMERCIAL TOWNSHIP DEVELOPMENT
REGULATION ORDINANCE TO INCLUDE**

PROTECTION OF TREES

Section 1-A PURPOSE

The governing body of the Township of Commercial finds that uncontrolled removal of trees causes soil erosion, siltation of surface waters, flooding, enlarged flood plains, air, water and noise pollution, wind damage to property, and elevated air temperatures in summer. The loss of trees reduces ground water recharge, soil fertility, and aquatic and terrestrial native wildlife habitats. Tree removal may reduce the historic incentive to dwell in this community because of its rural atmosphere and high quality of life. All of the above lead to the degradation of regional biodiversity and the ecosystem instability, rendering land unfit for its most appropriate use and adversely affect the health, safety and general welfare of the inhabitants of the Township. Therefore, the Township of Commercial desires to regulate the cutting of trees within the Township, to regulate future development of lands which are not fully developed, to preserve the maximum possible number of trees in the course of development of a site, to protect larger, older specimens of trees and to encourage innovative design and grading to promote the preservation of existing trees.

The Standards and procedures established herein intended to furnish guidelines for the Environmental Commission and the decisional authority, in connection with the issuance of permits for tree cutting and removal, subject to the exemptions listed in Section 1-F.

Section 1-B Intent

It is the intent of this Ordinance to protect and to maintain the rural atmosphere and natural resources of the Township, consistent with the goals and objectives of the master Plan, to encourage the protection of every landmark tree within the township and, to the greatest extent practicable, of each specimen tree.

Section 1-C Definitions

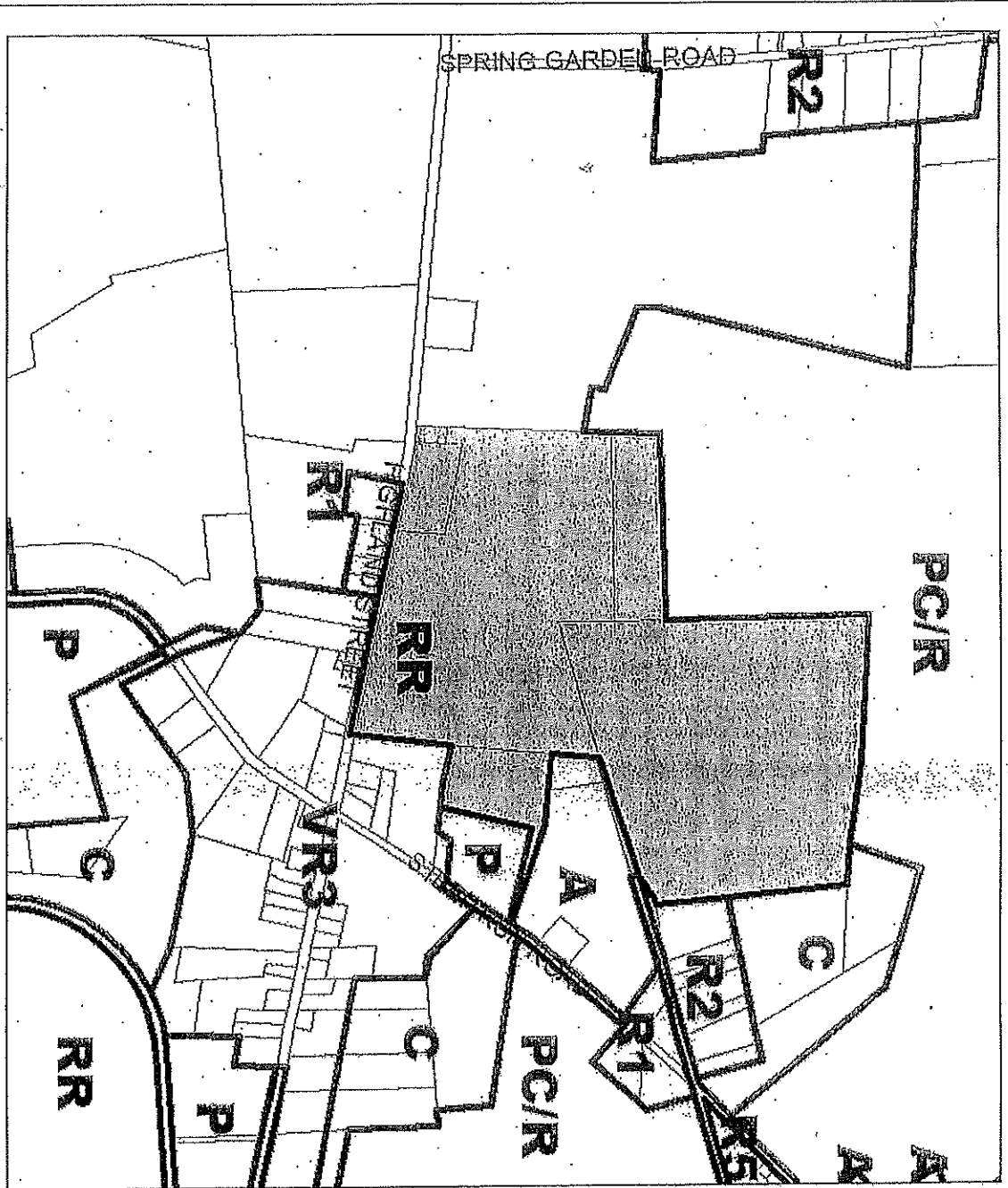
As used herein, the following terms shall have the meanings indicated:


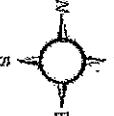
AGRICULTURAL USE – A land use to derive income from growing plants or trees on land, including but not limited to land used principally for timber production, and not including land used principally for another use and incidentally for growing trees or plants for income.

CALIPER – (standard measure of tree size for trees to be newly planted) the diameter of a tree six (6) inches above the ground but if that diameter is greater than four (4) inches, the diameter twelve (12) inches above the ground.

COMMERCIAL NURSERY OR TREE FARM – A plant or tree nursery or farm having trees which are planted and growing for sale or intended sale to the general public in the ordinary course of business.

CRITICAL AREA – Areas which are located within three hundred (300) feet of both edges of a stream; areas within the one-hundred-year floodplain as defined by



	REMINGTON, VERNICK & WALBERG ENGINEERS 845 N. MAIN STREET, PLEASANTVILLE, NJ 08232 (908) 845-7110, FAX (908) 845-7078 WEB SITE: WWW.RVE.COM		DATE: 7/12/12 SCALE: N.T.S.	TOWNSHIP OF COMMERCIAL CUMBERLAND COUNTY, N.J. UNIMIN CORP. REZONING ANALYSIS PROPOSED ZONING	EXHIBIT A
	ENGINEERING & ARCHITECTURE SINCE 1961				

adopt the balance of the Development Regulations Ordinance as presented; it being the intention to revisit Unimin issues in the future. Such Ordinance was adopted on December 20, 2007 as Ordinance No. 2007-487; and

WHEREAS, the Development Regulation Ordinance remains the current zone plan for the Township; and

WHEREAS, section 5.1 of the Development Regulations Ordinance divides the Township into various zoning districts;

WHEREAS, section 5.3 of the Development Regulations Ordinance adopts by reference a Zoning Map, Township of Commercial, dated June 2006, as amended ("2006 Zoning Map"), which together with all explanatory notes shown thereon establishes the boundaries of all zoning districts established in section 5.1 of the Development Regulations Ordinance; and

WHEREAS, DEPICTED ON THE 2006 Zoning Map are Zoning Districts designated, variously, Rural Resource (RR), Agricultural (A) and Village Residential 3 (VR-3); and

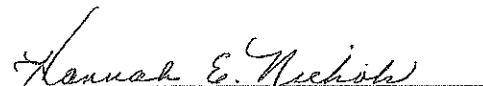
WHEREAS, after considerable analysis and discussion, the Township has determined that it is proper and appropriate to amend the boundaries of the Rural Resource (RR), Agricultural (A) and Village Residential 3 (VR-3) Zones, as depicted on the 2006 Zoning Map, to reflect the zoning depicted on Exhibit "A" hereto.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE of the TOWNSHIP OF COMMERCIAL, that the Zoning Map of the Township of Commercial is hereby modified to the extent depicted on Exhibit A hereto.

BE IT FURTHER ORDAINED that such modifications to the Zoning Map do not modify, alter or in any way change any requirements of the Township's Development Regulations Ordinance, including the requirements of section 9.12 I (Standards Relating to Earth Extraction Operations), subsection 2 (Setbacks), which provides, in pertinent part, that resource extraction activities will not be conducted closer than 300' from any right-of-way, or in this instance, from the Highland Street right-of-way.


Donna Moore, Mayor

Attest:


Hannah E. Nichols, Township Clerk

Introduction:	April 18, 2013
Publication:	April 25, 2013
Second Reading:	May 16, 2013
Adoption:	May 16, 2013
Publication:	May 23, 2013

**COMMERCIAL TOWNSHIP
ORDINANCE 2013-542**

**AMENDING THE COMMERCIAL TOWNSHIP ZONING
MAP TO MODIFY THE BOUNDARIES OF THE RURAL
RESOURCE (RR) ZONING DISTRICT AT BLOCK 179**

WHEREAS, the State of New Jersey, by enacting the Municipal Land Use Law (N.J.S.A. 40: 55d-1 et seq., -"MLUL"), permits municipalities to adopt and subsequently amend a zoning ordinance governing the nature and extent of the uses of land, buildings and structures within a municipality (N.J.S.A. 40:55d-62); and

WHEREAS, section 62 of the MLUL requires that a zoning ordinance be drawn "with reasonable consideration to the character of each district and its peculiar suitability for particular uses and to encourage the most appropriate use of land"; and

WHEREAS, to the best of the Township's knowledge and belief, the Township Committee of the Township of Commercial (respectively "Township Committee" and Township) first adopted an Ordinance to regulate and restrict the location, height and density of buildings or other structures and the nature and use of land for the purpose of promoting the public health, safety and general welfare in the Township, and providing for the administration and enforcement of the provisions therein ("Zoning Ordinance") via Ordinance No. 135, dated November 27, 1974; and

WHEREAS, included within such Zoning Ordinance was a map entitled Commercial Township Zoning Map ("1974"Zoning Map"); and

WHEREAS, the Zoning Ordinance was amended and augmented from time to time; and

WHEREAS, in or about late-2006/ early-2007, the Commercial Township Land Use Board ("Land Use Board") adopted a new Master Plan for the Township, which Master Plan contained a series of recommended changes to the Zoning Map and Zoning Ordinance; and

WHEREAS, on December 20, 2007, the Township Committee considered on second reading, a Development Regulations Ordinance for the Township of Commercial ("Development Regulations Ordinance") designed to codify several of the recommendations contained in the Master Plan and supersede the Zoning Ordinance; and

WHEREAS, included in the Development Regulations Ordinance were provisions to rezone certain lands at Block 179 from Residence-Agriculture (R-A) and Residence (R-1) to Village Residential-3 (VR3) and Agriculture (A); and

WHEREAS, several of the properties impacted by such proposed rezoning were, and remain, owned by Unimin Corporation ("Unimin"), operators of a commercial sand mining facility on lands adjoining those proposed for rezoning; and

WHEREAS, during the public hearing related to such Ordinance, representatives from Unimin requested that the lands under their control be rezoned to RR and not A and VR-3 as proposed; thereby permitting resource extraction on lands it controlled and intended to use for future sand mining operations, which would not be permitted under A and VR-3 zoning; and

WHEREAS, after considerable discussion and debate, the Township Committee agreed to table that portion of the Development Regulations Ordinance related to the Unimin property (namely Block 179, Lots 1,2,17,23 and 24), but to

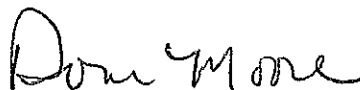
**COMMERCIAL TOWNSHIP
ORDINANCE 2012-536**

**AN ORDINANCE AMENDING ORDINANCE 2012-532 THE POLICIES AND
PROCEDURES OF COMMUNITY USE OF CHARLES SHEPPARD
COMMUNITY CENTER**

BE IT ORDAINED, by the Township Committee of the Township of
Commercial that the following two items be added to the Policies and
Procedures of Community Use Of Charles Sheppard Community Center.


AMENDING SECTION ENTITLED: WHO MAY USE

- Item 5. That the Haleyville United Methodist Church is allowed to
have two community dinners each year.**
- Item 6. That the Haleyville United Methodist Church Sunday School
be allowed to conduct Sunday School Classes during the months
of September to May.**



Donna Moore, Mayor

Attest:



Hannah E. Nichols, Township Clerk

Introduction:	June 21, 2012
Publication:	June 28, 2012
Second Reading:	July 19, 2012
Adoption:	July 19, 2012
Publication:	July 26, 2012

10. NO alcohol, drugs or tobacco products are permitted.
11. NO profanity or abusive language is permitted.
12. All skate and bike park users must skate and ride safety and act respectful to each other.
13. Any person who violates the skate and bike park rules and regulations shall be removed from the skate park and shall be subject to fines from \$50.00 to \$250.00.

EFFECTIVE DATE: This ordinance will take effect immediately upon final adoption and published as required by law.



Donna Moore, Mayor

Attest:



Hannah E. Nichols, Township Clerk

Introduction:	June 21, 2012
Publication:	June 28, 2012
Second Reading:	July 19, 2012
Adoption:	July 19, 2012
Publication:	July 26, 2012

**COMMERCIAL TOWNSHIP
ORDINANCE 2012-535**

**AN ORDINANCE BY THE TOWNSHIP OF COMMERCIAL,
COUNTY OF CUMBERLAND, AND THE STATE OF NEW
JERSEY ESTABLISHING SKATE & BIKE PARK RULES
AND REGULATIONS**

WHEREAS, the Township of Commercial (Township) has constructed a skate park which shall be open for use by the residents of the Township; and

WHEREAS, the Township desires to implement certain rules and regulations for the management, use and enjoyment of the skate and bike park; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee in the Township of Commercial, County of Cumberland and the State of New Jersey as follows:

Establishing rules & regulations for the skate and bike park facility shall read as follows:

- 1. Skate and Bike Park is open 9:00 a.m. to dusk daily. Notice shall be posted at the skate and bike park that it is not supervised.**
- 2. Skate and Bike Park will be closed in inclement weather or when ramps are wet or icy.**
- 3. Children under twelve (12) must be accompanied by a responsible adult.**
- 4. Safety gear is required when using skate and bike park: shoes, helmets, kneepads, wrist guards and elbow pads.**
- 5. The skate and bike park shall be used for skateboards and inline skates EXCLUSIVELY on Tuesdays, Thursdays and Saturdays. No bicycles or scooters are permitted on Tuesdays, Thursdays and Saturdays.**
- 6. The skate park shall be used for bicycles and scooters EXCLUSIVELY on Mondays, Wednesdays, Fridays and Sundays. No skateboards or inline skates are permitted on Mondays, Wednesdays, Fridays or Sundays.**
- 7. NO motorized vehicles are permitted at any time.**
- 8. NO glass containers, radios or pets are permitted inside the fenced area of the skate and bike park.**
- 9. NO personal belongings inside the fenced area of the skate and bike park. This would include backpacks, bags, jackets and other articles of clothing.**


3. DO not place leaves out more than seven (7) days prior to your scheduled zone pick-up date.
4. No bagged leaves will be picked up.
5. Do not place leaves inside of fenced areas, around mail or paper boxes, poles, along fence, trees, in front or back of cars or on hills at edge of road.
6. Make sure no dirt, stones, brush, fence material, plastics building materials, shingles or debris of any kind is mixed in or on top of leaves. ANY DAMAGE caused to the leaf machine from items other than leaves, the owner of that property will be held responsible for repairs to said machine.
7. Leaves left behind by the Public Works Department must be removed within seven (7) days of scheduled pick-up date. If there is no Township convenience center clean-up day scheduled within the seven (7) days period, you must take your leaves to the County Improvement Authority and pay the tipping fees.
8. During spring and summer months property owners may bring bagged leaves to convenience center and dump the bags.
9. No person shall dispose of, or arrange for the disposal of any leaves or brush on ANY State, Municipal or Private property other than at the convenience center composting facility.
10. Any Open bodied vehicles or trailers carrying leaves, brush, trash or any other debris MUST BE TARPED!!!! Any non tarped vehicle or trailer will not be allowed in the Convenience Center,

FINES


Violations of this Ordinance shall be punishable by a fine of Fifty Dollars (\$50.00) for first offense and up to Two Hundred & Fifty (\$250.00), at the discretion of the court, for all offenses thereafter.

EFFECT

ORDINANCE 2012-534 does not go into effect until January 1, 2013.


Donna Moore, Mayor

Attest:


Hannah E. Nichols, Township Clerk

Introduction: June 21, 2012
Publication: June 28, 2012
Second Reading: July 19, 2012
Adoption: July 19, 2012
Publication: July 26, 2012
Effect: January 1, 2013

**COMMERCIAL TOWNSHIP
ORDINANCE 2012-534**

**AN ORDINANCE AMENDING COMMERCIAL TOWNSHIP
ORDINANCE 2007-487 AND CREATING ARTICLE XVIX
REGULATIONS AND SCHEDULE FOR BRUSH AND LEAF COLLECTIONS**

BE IT ORDAINED by the Township Committee of the Township of Commercial that the following rules and regulations, schedule of pickup during year and stated fines for non-compliance for Brush and Leaf Collections are as follows:

BRUSH

1. Do not place brush out more than seven (7) days prior to the date designated as first day of brush pickup.
2. ALL brush must be out by 7:00 a.m. on the first day of the scheduled pick-up date. There are FOUR scheduled BRUSH pick-up dates during the year.
3. ALL Brush must be cut in eight (8) foot lengths, small branches and twigs must be placed in containers of 30 gallon or less as to be easily handled and dumped.
4. All Brush must be placed at the edge of curb or edge of road for pick-up.
5. No Brush from lot clearing will be picked up.
6. No Stumps, limbs or branches larger than eight (8) inches in diameter will be picked up.
7. Brush piles must not be placed as to interfere with moving vehicles and cannot be piled so high as to obstruct view of motorist of oncoming traffic.
8. Do not place brush piles near mail boxes, paper boxes, lawn ornaments, basketball hoops nor cars.
9. No stones, dirt, fence material, toys, heavy plastics, building materials or shingles or any type of debris can be mixed your brush pile or it will not be picked up.
10. ANY BRUSH LEFT BEHIND BY THE PUBLIC WORKS DEPARTMENT MUST BE REMOVED WITHIN SEVEN (7) DAYS OF SCHEDULED PICKUP DATE. IF THERE IS NO TOWNSHIP CONVENIENCE CENTER CLEAN-UP DAYS SCHEDULED WITHIN THE SEVEN (7) DAY PERIOD, YOU MUST TAKE YOUR BRUSH TO THE CUMBERLAND COUNTY IMPROVEMENT AUTHORITY AND PAY THE TIPPING FEES.

LEAF PICKUP

1. There is only one leaf pickup during the year, it is in the fall starting in November if leaves have fallen. There are five zones listed in the pickup.
2. Leaves will only be picked up during the fall months and the leaves must be placed at curbside in a row no wider than four (4) feet.

3.The rental fee is for a single day reservation and is Two Hundred and Fifty Dollars (\$250.00).

4.A rental fee and security deposit shall be waived for all township-related organizations groups, committees, agencies and bodies.

5.A cleaning fee of Eighty Dollars (\$80.00) may be imposed at the sole discretion of the Township Building Manager upon any renter of a municipal building.


6.A custodial charge may be issued for damage to the property. The charge assessed shall cover any and all expenses occurred in returning the facilities to the original condition before damages were done. The minimal fee amount shall be \$25.00.

The Building Manager and/or municipal clerk shall review the condition of the municipal facilities after rental.

Compliance Of Guidelines And Fees

Failure to follow these guidelines or pay any assessed fee shall result in the revocation of that user's privilege to use the municipal building.

In thereof, please find that the Township of Commercial, County of Cumberland, State of New Jersey finds the above to apply here on.


Donna Moore, Mayor

Attest:


Hannah E. Nichols, Township Clerk

Introduction:	May 17, 2012
Publication:	May 24, 2012
Second Reading:	June 21, 2012
Adoption:	June 21, 2012
Publication:	June 28, 2012

purchase of a rider on a homeowners insurance which adds Commercial Township as an additional insured for the specific event in the amount of a minimum of \$1,000,000 and \$2,000,000 respectfully.

5. Use of any area shall be for use of the area in its normal condition.

6. It shall be the responsibility of the user to leave the facilities in a clean and orderly manner; otherwise a custodial fee may be charged. The following guidelines listed below would be examples of minimal expectations that are expected.

a) All tables/chairs shall be returned to their original placement. Furniture is not to be removed from the building at anytime.

b) Carpet/flooring needs to be cleaned (spills/stains cleaned up, floors swept and washed.

c) Dispose of garbage properly. Please provide your own plastic garbage bags and remove any trash. We have no facilities for garbage storage. Garbage and Recycling must be separated.

7. No smoking is permitted inside any municipal building.

8. Putting up decorations on the walls or directly on the ceiling is prohibited. The use of nails, tacks, staples, tape, et., will not be permitted to secure decorations. All decorations must be removed prior to leaving the facility.

9. The Township assumes no responsibility for properties left on the premises by the user, the user's patron, or the user's participants.

10. No gambling or games of chance will be permitted. **THE SALE OR POSSESSION OF DRUGS AND/OR ALCOHOL IS STRICTLY PROHIBITED.**

11. No assistance from township employees are provided.

12. Building capacities are based on fire safety codes and are not to be exceeded for any reason.

13. There will be no cooking on the premises. The use of the kitchen facilities will be in accordance with the Building Manager.

Assignment of Fees

1. A security deposit in the amount of One Hundred Dollars (\$100.00) is required upon reservation of the Municipal Building. Said deposit may be returned within 72 hours after final inspection. Notice of cancellation is required at least 48 hours prior to reservation date or deposit is forfeited.

2. An additional security deposit in the amount of (\$500.00) may be imposed on high impact functions such as dancing, gymnastics, etc., that could cause damage to the facility, including using the kitchen area. No cooking allowed.

Availability

1. The requirements of the Township of Commercial shall be given first priority, including the Commercial Township Baseball Association and the LLC&VA Commercial Township Community Food Pantry
2. Municipal functions shall have first priority after the boards. Municipal functions shall include the activities of the Recreation Committee and the Environmental Commission.
3. Reservations for the use of the Charles Sheppard Community Center will be accepted in the Commercial Township Municipal Building and assigned as they are received.
4. Community organizations for the public (i.e. Boy Scouts, Girl Scouts, et.) shall be given priority over private community organizations.
5. Unless special arrangements are made, it is expected that facilities will not be used later than 10:00 p.m., with the exception of municipal meetings.
6. Political campaigns and/or political fundraising are prohibited. Political forums are permitted as long as they include fair and equal access to all parties.

Procedures

If there is a question as to approval or denial of a user group, the request may be submitted to Township Committee for further review.

General Regulations

The following regulations shall be observed with regard to the use of properties of the municipal building.

1. Meetings shall not be held that violate any local, state or federal laws. The permittee hereby assures that all programs and activities implemented at the facility and aimed at the general public will be conducted on a non-discriminatory basis regardless of an individual's general, race, color, or national origin.
2. All groups shall have at least one adult supervisor who shall be present at all times.
3. The user shall be responsible for the conduct of both patrons and participants.
4. It shall be the responsibility of the user to pay for all damages to the municipal building property or equipment that may occur as the result of a group's use of the equipment or facilities. The Building Manager shall request an insurance policy of the facilities user to insure that should damages and/or personal injury occur that the municipal building, Commercial Township not be held responsible. Said insurance may be obtained by the permittee or other member thereof through the

**COMMERCIAL TOWNSHIP
ORDINANCE 2012-533**

**AN ORDINANCE PROVIDING THE POLICIES AND PROCEDURES OF
COMMUNITY USE OF CHARLES SHEPPARD COMMUNITY CENTER**

BE IT ORDAINED, that the Township of Commercial recognizes that the community has a large investment, via tax based dollars, in the Charles Sheppard Community Center, and it encourages that said facilities are used for legitimate community and municipal purposes.

BE IT FURTHER ORDAINED, that the Township of Commercial also recognizes the use of the Charles Sheppard Community Center as a privilege not as a right.

Please Find The Following Requirements Herein, the areas occupied by the Commercial Township Baseball Association and LLCD&VA Commercial Township Community Food Pantry are not available for use by any other organization or person.

Who May Use:

The Township of Commercial residents and related Township organizations may use the Charles Sheppard Community Center, along with responsible community groups as prescribed by Township Committee. A group or organization must fit at least one of the following criteria in order to use a municipal building.

- 1. Municipal organizations, including the Commercial Township Baseball Association and LLCD&VA Commercial Township Community Food Pantry.**
- 2. Citizen advisory groups, Boy Scouts, Girl Scouts, Brownies, Cub Scouts, 4-H groups and other as determined by Township Committee.**
- 3. Commercial Township community groups not operating for profit such s charitable, philanthropic, independent recreation or cultural groups**
- 4. Members of the general public hosting acceptable events such as baby showers, birthday parties.**

It shall be noted that Township Committee has the right to grant exception to this policy for extenuating circumstances; or to deny a group use of the building even if they do meet the classifications.

- b. A basketball hoop/structure shall not be permitted on any road, street, avenue and roadway between the period from dusk to 9:00 a.m.
- c. At least one (1) side or point of the base of said hoop/structure must be in contact with the property line.
- d. When not in use, a basketball hoop/structure must be removed from the road, street, avenue or roadway and placed on private property.
- e. When roads are snow covered, basketball hoops/structures re not permitted on any road, street, avenue or roadway at any time.
- f. When a basketball hoop/structure is in use, any and all individuals participating in its use or otherwise playing ball on a road, street, avenue or roadway shall yield to vehicular traffic by immediately moving to the curb line upon sighting the approach of a vehicle.

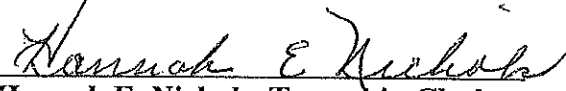
II. Violations and Penalties. Failure by the property owner to remove the stationary or portable basketball hoop shall subject the property owner to a fine of up to \$200.00

III. Severability. All provisions of this ordinance shall become effective 20 days following the final adoption and publication in accordance with the laws of the State of New Jersey.



Donna Moore, Mayor

Attest:



Hannah E. Nichols, Township Clerk

Introduction:	May 17, 2012
Publication:	May 24, 2012
Second Reading:	June 21, 2012
Adoption:	June 21, 2012
Publication:	June 28, 2012

**COMMERCIAL TOWNSHIP
ORDINANCE 2012-532**

**AN ORDINANCE AMENDING ORDINANCE 2007-487 REGULATION
AND DEVELOPMENT ORDINANCE WITH ARTICLE XVIII
SIDEWALKS, GUTTERS, BASKETBALL HOOPS**

BE IT ORDAINED, by the Township Committee of the Township of Commercial, County of Cumberland and State of New Jersey, that those portions of the aforesaid set forth below re hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged.

I. SIDEWALKS. OBSTRUCTION OF SIDEWALKS OR GUTTER

- A. No person shall place any bridging over any gutter or any pipe or other obstruction in any gutter, without first obtaining a written permit therefore from the Clerk.**
- B. No person shall place or permit to be placed on any sidewalk any objet or thing that shall in any manner encumber the sidewalk or render travel upon the sidewalk dangerous and unsafe.**
- C. Township Property. Prohibition of Maintenance of Structures and/or personal Property on Township Property.**

No property owner shall maintain a stationary or portable basketball hoop between the curb and the sidewalk or against the curb on the street or grass side overnight, or when the road is snow covered, or on refuge collection days or leaf collection days. If an in the event a property owner is found to be in violation of this requirement for a first offense, the property owner shall be notified by Posted Notice to remove the stationary or portable basketball hoop within five (5) days. Any subsequent offense shall require immediate removal. If said stationary or portable basketball hoop has not been removed, the township shall authorize its removal under the appropriate enforcement proceedings of this Chapter. In addition:

Portable basketball hoops/structures shall be permitted on the roads, streets, avenues and roadways of the township under the following conditions:

- a. A basketball hoop/structure shall be permitted on a road, street, avenue and roadway only if immediately adjacent to the real property owned, rented or leased by the owner of the basketball hoop/structure.**

Township of Commercial Schedule of District Regulations

LI – Light Industrial Zoning District

In each district, only the uses listed below shall be permitted by right. Any use not listed within this schedule shall be deemed to be prohibited. All uses in the following list shall be subject to site plan review requirements in addition to complying with other applicable requirements. See **Notes** at the end of schedule.

Permitted Uses	Minimum Lot Sizes					Minimum Yard			Height (Feet)	Maximum	
	Area (Sq. ft. or acres)	Width (Feet)	Depth (Feet)	Front	Side	Rear	Side	Rear		Building	Other Coverage (Percent)
A. Principal Uses: 1. Low intensity facilities for assembly, fabrication, or packaging of the following previously prepare parts made of the following materials: glass, paper, metals, wood, plastic, textiles or paper 2. Farm or construction machinery, boat and marine equipment sales and service 3. Minor appliance or office equipment sales and service facilities 4. Trucking facilities 5. Warehousing, distribution and public storage facilities 6. Gym, health center or similar facility 7. Public garage or maintenance yard	3.0 ac.	300	300	40	40	40	40	40	40	25	25
	3.0 ac.	200	300	30	30	40	30	40	40	25	15
	2.0 ac.	200	300	50	35	50	35	35	35	25	35
	10.0 ac.	400	400	100	100	100	100	100	40	20	40
	5.0 ac.	300	300	100	100	100	100	100	40	15	35
	2.0 ac.	200	200	50	40	40	40	40	40	20	30
	1.0 ac.	200	200	50	30	30	30	30	40	20	20
B. Conditional uses, as permitted in accordance with the conditional use review procedures, Sec.12.6, as well as site plan review requirements. 1. Commercial use-related dwelling as per Sec. 9.1 2. Gasoline service station and/or repair garages or car washes as per Sec. 9.3 3. Planned neighborhood commercial center as per Sec. 9.8 4. Professional or business office center as per Sec. 9.10 5. Temporary use of mobile home as per Sec. 9.5A 6. Towers and telecommunications facilities as per Sec. 9.17 7. Windmills, energy conservation devices, generators as per Sec. 9.19	-	-	-	-	20	30	-	30	35	10	5
	2.0 ac.	200	300	-	30	30	-	30	35	10	20
	3.0 ac.	300	300	50	50	50	50	50	40	15	25
	5.0 ac.	300	300	50	30	40	50	40	35	10	20
	N/A	N/A	N/A	30	20	20	-	20	N/A	N/A	N/A
	N/A	N/A	N/A	-	-	-	-	-	-	-	-
	-	-	-	-	30	30	-	30	-	-	-
C. Accessory uses, located on the same lot with and normally incidental and accessory to a permitted principal or conditional use as per Sec. 8.1 1. Any structure or use normally incidental and accessory to permitted principal or conditional use as per Sec. 8.1. 2. Fences, walls and hedges as per Sec. 8.3 3. Off-street parking and loading areas as Sections 8.7 & 8.8 4. Off-street parking and loading areas 5. Signs as per Sec. 8.11	N/A	N/A	N/A	50	30	40	35	40	35	5	5
	N/A	N/A	N/A	-	1	1	-	1	-	-	-
	-	N/A	N/A	-	-	-	-	-	-	1	-
	-	N/A	N/A	-	-	-	-	-	-	-	-
	-	N/A	N/A	-	-	-	-	-	-	1	N/A

NOTES:

1. If not shown in the above schedule or within the relevant text cited, all minimum and maximum dimensions related to any use listed shall be determined by the Land Use Board.
2. NA means Not Applicable

Township of Commercial Schedule of District Regulations

R.5 Residential Zoning District

In each district, only the uses listed below shall be permitted by right. All uses in the following list other than detached, single-family dwellings, general purpose agriculture and normally incidental uses thereto, shall be subject to site plan review requirements in addition to complying with other applicable requirements. See **Notes** at the end of schedule, p. 2.

Permitted Uses	Minimum Lot Sizes			Minimum Yard			Maximum		
	Area (Sq. ft. or acres)	Width (Feet)	Depth (Feet)	Front	Side	Rear	Height (Feet)	Lot Coverage Building Other (Percent)	
A. Principal Uses:									
1. General purpose agriculture	5.0 ac.	300	300	50	25	50	50	15	15
2. Single-family, detached dwelling and permanent use of a mobile home as per Sec. 9.5B	20,000 sq. ft.	100	100	30	20	30	35	10	10
3. Conversion of a dwelling as per Sec. 8.2	1.0 ac.	200	200	30	30	40	35	N/A	N/A
B. Conditional uses, as permitted in accordance with the conditional use review procedure, Sec. 12.6, as well as site plan review requirements.									
1. Temporary use of mobile home as per Sec. 9.5A	N/A	N/A	N/A	20	20	20	N/A	N/A	N/A
2. Energy conservation devices, generators and private communications as per Sec. 9.19	N/A	N/A	N/A	50	30	50	-	1	1
3. Studio or workshop as per Sec. 9.16	N/A	N/A	N/A	40	20	30	25	2	2
C. Accessory uses, located on the same lot with and normally incidental and accessory to a permitted principal or conditional use Sec. 8.1.									
1. Any structure or use normally incidental and accessory to permitted principal or conditional use Sec. 8.1.	N/A	N/A	N/A	40	10	20	35	5	5
2. Fences, walls and hedges as per Sec. 8.3	N/A	N/A	N/A	-	1	1	-	-	-
3. Home occupation as per Sec. 8.6	N/A	N/A	N/A	-	-	-	-	-	-
4. Keeping of animals as per Sec. 9.4	-	N/A	N/A	-	-	-	40	1	1
5. Off-street parking and loading areas as per 8.7 & 8.8	-	N/A	N/A	-	-	-	-	1	-
6. Roadside stand as per § 9.16	-	-	-	-	-	-	-	-	-
7. Signs as per Sec. 8.11	-	N/A	N/A	-	-	-	-	1	N/A
8. Swimming pools as per Sec. 8.12	-	-	-	40	20	20	10	2	-
9. Yard sales as per Sec. 9.20	-	N/A	N/A	10	20	N/A	N/A	N/A	N/A

NOTES:

- If not shown in the above schedule or within the relevant text cited, all minimum and maximum dimensions related to any use listed shall be determined by the Land Use Board.
- NA means Not Applicable

Township of Commercial Schedule of District Regulations

R.3 Residential Zoning District

In each district, only the uses listed below shall be permitted by right. All uses in the following list other than detached, single-family dwellings, general purpose agriculture and normally incidental uses thereto, shall be subject to site plan review requirements in addition to complying with other applicable requirements. See **Notes** at the end of schedule, p. 2.

Permitted Uses	Minimum Lot Sizes			Minimum Yard			Maximum		
	Area (\$q. ft. or acres)	Width (Feet)	Depth (Feet)	Front	Side	Rear	Height (Feet)	Lot Coverage Building Other (Percent)	
A. Principal Uses:									
1. General purpose agriculture	5.0 ac.	300	300	50	25	50	50	15	15
2. Single-family, detached dwelling and permanent use of a mobile home as as per Sec. 9.5B	15,000 sq. ft.	100	150	30	15	40	35	10	10
B. Conditional uses, as permitted in accordance with the conditional use review procedure, Sec.12.6, as well as site plan review requirements.									
1. Temporary use of mobile home as per Sec. 9.5A	N/A	N/A	N/A	30	20	20	N/A	N/A	N/A
2. Energy conservation devices, generators and private communications as per Sec. 9.19	N/A	N/A	N/A	50	30	50	-	1	0
C. Accessory uses, located on the same lot with and normally incidental and accessory to a permitted principal or conditional use § 8.1.									
1. Any structure or use normally incidental and accessory to permitted principal or conditional use Sec. 8.1.	N/A	N/A	N/A	50	30	40	35	5	5
2. Fences, walls and hedges as per Sec. 8.3	N/A	N/A	N/A	-	1	1	-	-	-
3. Home occupation as per Sec. 8.6A & B	N/A	N/A	N/A	-	-	-	-	-	-
4. Keeping of animals as per Sec. 9.4	-	N/A	N/A	-	-	-	40	1	1
5. Off-street parking and loading areas as Sections 8.7 & 8.8	-	N/A	N/A	-	-	-	-	1	-
6. Roadside stand as per Sec. 9.16	-	-	-	-	-	-	-	-	-
7. Signs as per Sec. 8.11	-	N/A	N/A	-	-	-	-	1	N/A
8. Swimming pools as per Sec. 8.12	-	-	-	40	20	30	10	2	N/A
9. Yard sales as per Sec. 9.20	-	N/A	N/A	10	20	N/A	N/A	N/A	N/A

NOTES:

- If not shown in the above schedule or within the relevant text cited, all minimum and maximum dimensions related to any use listed shall be determined by the Land Use Board.
- NA means Not Applicable

Township of Commercial Schedule of District Regulations

R.2 Residential Zoning District

In each district, only the uses listed below shall be permitted by right. All uses in the following list other than detached, single-family dwellings, general purpose agriculture and normally incidental uses thereto, shall be subject to site plan review requirements in addition to complying with other applicable requirements. See **Notes** at the end of schedule, p. 2.

Permitted Uses	Area (Sq. ft. or acres)	Width (feet)	Minimum Lot Sizes				Minimum Yard Height (feet)	Maximum		
			Depth (feet)	Front	Side	Rear		Lot Coverage Building Other (Percent)	Lot Coverage Other (Percent)	
A. Principal Uses:										
1. General purpose agriculture	5.0 ac.	300	300	50	25	50	50	5	10	
2. Single-family, detached dwelling and permanent use of a mobile home as per § 9.5B	2.0 ac.	200	200	40	30	40	35	15	20	
3. Church or place of worship	3.0 ac.	200	300	40	30	40	35	15	35	
B. Conditional uses, as permitted in accordance with the conditional use review procedure, Sec. 12.6, as well as site plan review requirements.										
1. Conversion of a dwelling as per Sec. 8.2	3.0 ac.	300	300	40	30	40	35	15	25	
2. Temporary use of mobile home as per Sec. 9.5A	1.0 ac.	150	150	30	20	20	N/A	N/A	N/A	
3. Energy conservation devices, generators and private communications as per Sec. 9.19	N/A	N/A	N/A	50	30	50	-	1	-	
4. Studio or workshop as per Sec. 9.16	N/A	N/A	N/A	50	30	40	25	3	5	
C. Accessory uses, located on the same lot with and normally incidental and accessory to a permitted principal or conditional use as per Sec. 8.1.										
1. Any structure or use normally incidental and accessory to permitted principal or conditional use as per Sec. 8.1	N/A	N/A	N/A	50	30	40	35	5	5	
2. Fences, walls and hedges as per Sec. 8.3	N/A	N/A	N/A	-	1	1	-	-	-	
3. Woodcutting as per Sec. 8.5	N/A	N/A	N/A	-	-	-	-	N/A	N/A	
4. Home occupation as per Sec. 8.6A & B	N/A	N/A	N/A	-	-	-	-	-	-	
5. Keeping of animals as per Sec. 9.4	-	N/A	N/A	-	-	-	40	1	1	
6. Off-street parking and loading areas as Sec. 8.7 & 8.8	-	N/A	N/A	-	-	-	-	1	-	
7. Outdoor storage as per Sec. 8.9	-	N/A	N/A	40	30	40	35	2	-	
8. Roadside stand as per Sec. 9.14	-	-	-	-	-	-	-	-	-	
9. Signs as per Sec. 8.11	-	N/A	N/A	-	-	-	-	1	N/A	
10. Swimming pools as per Sec. 8.12	-	-	-	50	30	40	10	2	-	
11. Yard sales as per Sec. 9.20	-	N/A	N/A	20	20	20	N/A	N/A	N/A	

NOTES:

- If not shown in the above schedule or within the relevant text cited, all minimum and maximum dimensions related to any use listed shall be determined by the Land Use Board.
- NA means Not Applicable

Township of Commercial Schedule of District Regulations

R.1 Residential Zoning District

In each district, only the uses listed below shall be permitted by right. All uses in the following list other than detached, single-family dwellings, general purpose agriculture and normally incidental uses thereto, shall be subject to site plan review requirements in addition to complying with other applicable requirements. See **Notes** at the end of schedule, p. 2.

Permitted Uses	Minimum Lot Sizes				Minimum Yard				Maximum	
	Area (Sq. ft. or acres)	Width (Feet)	Depth (Feet)	Height (Feet)	Front	Side	Rear	Height (Feet)	Lot Coverage Building Other (Percent)	Other
A. Principal Uses:										
1. General purpose agriculture	5.0 ac.	300	300	50	25	50	50	5	5	10
2. Single-family, detached dwelling including permanent use of a mobile home as per Sec. 9.5	1.0 ac.	150	150	40	30	40	35	5	5	10
3. Church or place of worship	3.0 ac.	200	300	40	30	40	35	5	5	15
B. Conditional uses, as permitted in accordance with the conditional use review procedure, Sec. 12.4, as well as site plan review requirements.										
1. Temporary use of mobile home as per Sec. 9.5	N/A	N/A	N/A	30	20	20	N/A	N/A	N/A	N/A
2. Energy conservation devices, generators and private communications as per Sec. 9.19	N/A	N/A	N/A	50	30	50	-	1	0	0
3. Duplex or semi-detached house as per Sec. 9.2	1.5 ac.	200	400	40	30	40	35	5	5	25
4. Studio or workshop as per Sec. 9.16	1.0 ac.	N/A	N/A	50	30	40	30	1	1	1
5. Conversion of a dwelling as per Sec. 8.2	2.0 ac.	200	N/A	40	25	30				
C. Accessory uses, located on the same lot with and normally incidental and accessory to a permitted principal or conditional use as per Sec. 8.1.										
1. Any structure or use normally incidental and accessory to permitted principal or conditional use as per Sec. 8.1	N/A	N/A	N/A	50	30	40	35	5	5	5
2. Fences, walls and hedges as per Sec. 8.3	N/A	N/A	N/A	-	1	1	-	-	-	-
3. Home occupation as per Sec. 8.6	N/A	N/A	N/A	-	-	-	-	-	-	-
4. Keeping of animals as per Sec. 9.4	-	N/A	N/A	-	-	-	40	1	1	1
5. Off-street parking and loading areas as Sections 8.7 & 8.8	-	N/A	N/A	-	-	-	-	1	1	-
6. Outdoor storage as per Sec. 8.9	N/A	N/A	N/A	-	-	-	-	2	2	2
7. Roadside stand as per § 9.14	-	-	-	-	-	-	-	-	-	-
8. Signs as per Sec. 8.11	-	N/A	N/A	-	-	-	-	1	1	N/A
9. Swimming pools as per Sec. 8.12	-	-	-	50	30	40	10	2	2	N/A
10. Yard sales as per Sec. 9.20	-	N/A	N/A	20	20	20	N/A	N/A	N/A	N/A

NOTES:

- If not shown in the above schedule or within the relevant text cited, all minimum and maximum dimensions related to any use listed shall be determined by the Land Use Board.
- NA means Not Applicable

Township of Commercial Schedule of District Regulations

RR – Rural Resource Zoning District

In each district, only the uses listed below shall be permitted by right. Any use not listed within this schedule shall be deemed to be prohibited. All uses in the following list other than general purpose agriculture and normally incidental uses thereto, shall be subject to site plan review requirements in addition to complying with other applicable requirements. See **Notes** at the end of schedule on Page 2.

Permitted Uses	Minimum Lot Sizes			Minimum Yard			Maximum		
	Area (sq. ft. or acres)	Width (feet)	Depth (feet)	Front	Side	Rear	Height (feet)	Lot Coverage	Building Other
A. Principal Uses:									
1. General purpose agriculture	5.0 ac.	300	300	50	25	50	50	15	15
2. Water, forest, wildlife conservation areas and uses including trailheads	5.0 ac.	300	300	100	50	50	35	15	15
3. Parks, playgrounds, and similar open space or recreational uses	3.0 ac.	200	300	50	50	50	35	10	15
4. Farm	6.0 ac.	200	300	50	25	50	35	15	15
5. Single-family, detached dwelling including permanent use of a mobile home as per Sec. 9.5B (See Note 3 at the end of second page)	4.0 ac.	300	300	50	50	30	35	20	15
6. Lumber or wood chipping or shredding operation	20.0 ac.	500	1,000	100	300	300	40	15	15
7. Garden center, nursery or similar uses	3.0 ac.	300	300	40	40	50	35	15	10
B. Conditional uses, as permitted in accordance with the conditional use review procedure, Sec. 12.6, as well as site plan review requirements.									
1. Artisan's display as per Sec. 9.14	-	200	N/A	-	-	-	-	-	-
2. Conversion of a dwelling as per Sec. 8.2	3.0 ac.	300	300	50	50	30	35	2	2
3. Kennels, animal shelters, veterinarian hospitals commercial stables and riding academies as per Sec. 9.4C	5.0 ac.	500	500	200	200	200	35	25	20
4. Planned residential cluster development as per Sec. 9.9	30.0 ac.	500	500	100	100	100	35	25	20
Individual lot within a cluster development	1.5 ac.	200	200	35	20	30	35	20	15
5. Recreational clubs, lodges, and assembly halls as per Sec. 9.11	5.0 ac.	300	500	200	200	200	40	20	30
6. Resource Extraction as per Sec. 9.12	25.0 ac.	500	1,000	300	300	300	40	5	25
7. Roadside stand as per Sec. 9.14	N/A	N/A	N/A	10	10	N/A	30	5	15
8. Studio or workshop as per Sec. 9.16	-	-	-	40	30	30	35	1	1
9. Temporary use of mobile home as per Sec. 9.5A	N/A	N/A	N/A	30	20	20	N/A	N/A	N/A
10. Towers and telecommunications facilities as per Sec. 9.17	N/A	N/A	N/A	-	-	-	-	-	-
11. Windmills, energy conservation devices, generators and private communications as per Sec. 9.19	N/A	N/A	N/A	50	30	50	-	1	0
C. Accessory uses, located on the same lot with and normally incidental and accessory to a permitted principal or conditional use as per Sec. 8.1.									
1. Any structure or use normally incidental and accessory to permitted principal or conditional use as per Sec. 8.1	N/A	N/A	N/A	50	30	40	35	5	5
2. Fences, walls and hedges as per Sec. 8.3	N/A	N/A	N/A	-	1	1	-	-	-
3. Woodcutting as per Sec. 8.5	-	-	N/A	-	-	-	-	-	-

Township of Commercial Schedule of District Regulations **RR – Rural Resource Zoning District**

In each district, only the uses listed below shall be permitted by right. Any use not listed within this schedule shall be deemed to be prohibited. All uses in the following list other than general purpose agriculture and normally incidental uses thereto, shall be subject to site plan review requirements in addition to complying with other applicable requirements. See **Notes** at the end of schedule on Page 2.

Permitted Uses	Minimum Lot Sizes			Minimum Yard			Height (Feet)	Maximum	
	Area (sq. ft. or acres)	Width (Feet)	Depth (Feet)	Front	Side	Rear		Lot Coverage (Percent)	Other
C. Accessory uses continued...									
4. Home occupation as per Sections 8.6A & B	N/A	N/A	N/A	-	-	-	-	-	-
5. Keeping of animals as per Sec. 9.4	-	N/A	N/A	-	-	-	40	1	1
6. Off-street parking and loading areas as Sections 8.7 & 8.8	-	N/A	N/A	-	-	-	-	1	-
7. Roadside stand as per Sec. 9.14	-	N/A	N/A	-	-	-	-	-	-
8. Signs as per Sec. 8.11	-	N/A	N/A	-	-	-	-	1	N/A
9. Swimming pools as per Sec. 8.12	-	-	-	50	30	40	10	2	N/A
10. Yard sales as per Sec. 9.20	-	N/A	N/A	20	20	20	N/A	N/A	N/A

NOTES:

1. If not shown in the above schedule or within the relevant text cited, all minimum and maximum dimensions related to any use listed shall be determined by the Land Use Board.
2. NA means "Not Applicable"
3. Mandatory clustering is required for certain size tracts. See Section 9.9

Township of Commercial Schedule of District Regulations

VB – Village Business Zoning District

In each district, only the uses listed below shall be permitted by right. All uses in the following list other than detached, single-family dwellings, general purpose agriculture and normally incidental uses thereto, shall be subject to site plan review requirements in addition to complying with other applicable requirements. See **Notes** at the end of schedule, p. 2

Permitted Uses	Minimum Lot Sizes			Minimum Yard			Maximum	
	Area (Sq. ft. or acres)	Width (Feet)	Depth (Feet)	Front	Side	Rear	Height (Feet)	Lot Coverage Building Other (Percent)
C. Accessory uses continued...								
conditional use as per 8.1.	N/A	N/A	N/A	50	30	40	35	5
2. Fences, walls and hedges as per Section 8.3	N/A	N/A	N/A	-	1	1	-	-
3. Home occupation as per Sections 8.6A & B	N/A	N/A	N/A	-	-	-	-	-
4. Off-street parking and loading areas as Sections 8.7 & 8.8	-	N/A	N/A	-	-	-	-	-
5. Outdoor storage as per Sec. 8.9	N/A	N/A	N/A	-	-	-	40	1
6. Signs as per Sec. 8.11	-	-	-	-	-	-	-	-
7. Swimming pools as per Sec. 8.12	-	-	-	50	30	40	10	1

NOTES:

1. If not shown in the above schedule or within the relevant text cited, all minimum and maximum dimensions related to any use listed shall be determined by the Land Use Board.
2. N/A means Not Applicable
3. See "Definition," Section 3.3

Township of Commercial Schedule of District Regulations

VB – Village Business Zoning District

In each district, only the uses listed below shall be permitted by right. All uses in the following list other than detached, single-family dwellings, general purpose agriculture and normally incidental uses thereto, shall be subject to site plan review requirements in addition to complying with other applicable requirements. See **Notes** at the end of schedule, p. 2.

Permitted Uses	Minimum Lot Sizes			Minimum Yard			Maximum		
	Area (Sq. ft. or acres)	Width (Feet)	Depth (Feet)	Front	Side	Rear	Height (Feet)	Lot Coverage Other (Percent)	
A. Principal Uses:									
1. Parks, playgrounds, and similar open space or recreational uses	20,000 sq. ft.	100	150	20	10	25	35	10	25
2. Education, civic, historical and cultural uses	20,000 sq. ft.	100	150	20	10	25	35	10	25
3. Church or place of worship	3.0 ac.	300	500	40	40	40	35	15	30
4. Convenience store for retail sale of food, periodicals, newspapers, sundry supplies, baked goods, and similar products	20,000 sq. ft.	125	160	20	10	25	35	10	25
5. Professional, financial, insurance, real estate or business offices, banks and similar uses.	20,000 sq. ft.	125	160	20	10	25	35	10	25
6. Village-oriented commercial or retail use	20,000 sq. ft.	125	160	20	10	25	35	15	20
7. Restaurant, take-out or fast food outlet, or bake shop	20,000 sq. ft.	125	160	20	10	25	35	10	25
8. Single-family, detached dwelling	20,000 sq. ft.	125	160	20	15	30	35	10	15
B. Conditional uses, as permitted in accordance with the conditional use review procedure, Sec. 12.6, as well as site plan review requirements.									
1. Artisan's display as per Sec. 9.14	2.0 ac.	300	300	40	30	30	35	5	2
2. Commercial use-related dwelling as per Sec. 9.1	2.0 ac.	300	300	40	20	30	35	2	1
3. Conversion of a dwelling as per Sec. 8.2	2.0 ac.	300	300	40	30	30	35	25	35
4. Gasoline service station and/or repair garages or car washes as per Sec. 9.3	20,000 sq. ft.	100	N/A	20	10	25	35	10	25
5. Nursery, day care and pre-school and day care facilities as per Sec. 9.14	3.0 ac.	300	300	30	30	40	35	25	35
6. Planned neighborhood commercial center as per Sec. 9.8	5.0 ac.	300	400	30	30	40	35	25	35
7. Professional or business office center as per Sec. 9.10	2.0 ac.	300	300	30	40	50	40	20	30
8. Recreational clubs, lodges and assembly halls as per Sec. 9.12	N/A	N/A	N/A	20	10	20	N/A	N/A	N/A
9. Temporary use of mobile home as per Sec. 9.5A	N/A	N/A	N/A	20	30	50	N/A	N/A	N/A
10. Energy conservation devices, generators and private communications facilities as per Sec. 9.19	N/A	N/A	N/A	20	30	50	-	1	-
11. Towers and telecommunications facilities as per Sec. 9.17	N/A	N/A	N/A	20	20	30	30	N/A	N/A
12. Studio or workshop as per Sec. 9.17	N/A	N/A	N/A	20	20	30	30	2	1
13. Village home commercial occupation as per Sec. 8.6C	N/A	N/A	N/A	40	20	30	35	-	20
14. Village-oriented commercial use as per Sec. 9.18	-	-	-	20	20	30	35	-	20
C. Accessory uses, located on the same lot with and normally incidental and accessory to a permitted principal or conditional use as per Sec. 8.1.									
1. Any structure or use normally incidental and accessory to permitted principal or									

Township of Commercial Schedule of District Regulations

VR-2 – Village Residential Zoning District

In each district, only the uses listed below shall be permitted by right. All uses in the following list other than detached, single-family dwellings, general purpose agriculture and normally incidental uses thereto, shall be subject to site plan review requirements in addition to complying with other applicable requirements. See **Notes** at the end of schedule.

Permitted Uses	Minimum Lot Sizes			Minimum Yard				Maximum		Lot Coverage (Percent)	Building Other
	Area (Sq. ft. or acres)	Width (Feet)	Depth (Feet)	Front	Side	Rear	Height (Feet)				
A. Principal Uses:											
1. General purpose agriculture	5.0 ac.	300	300	50	25	50	50	15	15		
2. Parks, playgrounds, and similar open space or recreational uses	20,000 sq. ft.	100	100	20	15	40	35	10	25		
3. Educational, civic and cultural uses	3.0 ac.	300	300	50	40	50	35	20	30		
4. Single-family, detached dwelling and permanent use of a mobile home as per Sec. 9.5B	10,000 sq. ft.	100	100	20	15	25	35	25	20		
5. Duplex or semi-detached dwelling as per Sec. 9.2	1.0 ac.	150	100	20	20	40	35	20	25		
B. Conditional uses, as permitted in accordance with the conditional use review procedure, Sec. 12.6, as well as site plan review requirements.											
1. Artisan's display as per Sec. 9.14B	-	-	-	-	-	-	-	-	-		
2. Conversion of a dwelling as per Sec. 8.3	1.0 ac.	150	150	20	10	40	35	1	1		
3. Temporary use of mobile home as per Sec. 9.5A	N/A	N/A	N/A	30	10	20	N/A	N/A	N/A		
4. Studio or workshop as per Sec. 9.16	N/A	N/A	N/A	30	20	30	30	3	3		
5. Energy conservation devices, generators and private communications as per Sec. 9.19	N/A	N/A	N/A	50	30	50	-	1	-		
C. Accessory uses, located on the same lot with and normally incidental and accessory to a permitted principal or conditional use as per Sec. 8.1.											
1. Any structure or use normally incidental and accessory to permitted principal or conditional use as per Sec. 8.1.	N/A	N/A	N/A	-	-	-	35	8	8		
2. Fences, walls and hedges as per Sec. 8.3	N/A	N/A	N/A	-	1	1	-	-	-		
3. Home occupation as per Sec. 8.6	N/A	N/A	N/A	-	-	-	-	-	-		
4. Keeping of animals as per Sec. 9.4	-	N/A	N/A	-	-	-	35	1	-		
5. Off-street parking and loading areas as Sections 8.7 & 8.8	-	N/A	N/A	-	-	-	-	1	-		
6. Signs as per Sec. 8.11	-	N/A	N/A	-	-	-	-	1	-		
7. Swimming pools as per Sec. 8.12	N/A	N/A	N/A	-	-	-	-	1	N/A		
8. Yard sales as per Sec. 9.20	N/A	N/A	N/A	20	15	20	N/A	N/A	N/A		

NOTES:

- If not shown in the above schedule or within the relevant text cited, all minimum and maximum dimensions related to any use listed shall be determined by the Land Use Board.
- NA means "Not Applicable"

Township of Commercial Schedule of District Regulations

VR-1 – Village Residential Zoning District

In each district, only the uses listed below shall be permitted by right. All uses in the following list other than detached, single-family dwellings, general purpose agriculture and normally incidental uses thereto, shall be subject to site plan review requirements in addition to complying with other applicable requirements. See **Notes** at the end of schedule.

Permitted Uses	Minimum Lot Sizes			Minimum Yard			Maximum		
	Area (Sq. ft. or acres)	Width (Feet)	Depth (Feet)	Front	Side	Rear	Height (Feet)	Lot Coverage Other Building (Percent)	
A. Principal Uses:									
1. General purpose agriculture	5.0 ac.	300	300	50	25	50	50	15	15
2. Parks, playgrounds, and similar open space or recreational uses	20,000 sq. ft.	100	200	20	10	30	35	10	25
3. Educational, civic and cultural uses	3.0 ac.	300	300	50	40	50	35	20	30
4. Single-family, detached dwelling and permanent use of a mobile home as per Sec. 9.5B	9,000 sq. ft.	90	100	20	15	25	35	15	20
5. Duplex or semi-detached dwelling as per Sec. 9.2	1.0 ac.	150	150	20	20	40	35	20	25
6. Churches or places of worship	3.0 ac.	200	300	20	20	40	35	15	30
B. Conditional uses, as permitted in accordance with the conditional use review procedure, Sec.12.6, as well as site plan review requirements.									
1. Artisan's display as per Sec. 9.14B	-	-	-	-	-	-	-	-	-
2. Conversion of a dwelling as per Sec. 8.3	1.0 ac.	150	150	20	10	40	35	1	1
3. Temporary use of mobile home as per Sec. 9.5A	N/A	N/A	N/A	30	10	20	N/A	N/A	N/A
4. Studio or workshop as per Sec. 9.16	N/A	N/A	N/A	30	20	30	30	3	3
5. Energy conservation devices, generators and private communications as per Sec. 9.19	N/A	N/A	N/A	50	30	50	-	1	-
C. Accessory uses, located on the same lot with and normally incidental and accessory to a permitted principal or conditional use as per Sec. 8.1.									
1. Any structure or use normally incidental and accessory to permitted principal or conditional use as per Sec. 8.1.	N/A	N/A	N/A	-	-	-	35	8	8
2. Fences, walls and hedges as per Sec. 8.3	N/A	N/A	N/A	-	1	1	-	-	-
3. Home occupation as per Sec. 8.6	N/A	N/A	N/A	-	-	-	-	-	-
4. Keeping of animals as per Sec. 9.4	-	N/A	N/A	-	-	-	35	1	-
5. Off-street parking and loading areas as Sections 8.7 & 8.8	-	N/A	N/A	-	-	-	-	1	-
6. Signs as per Sec. 8.11	-	N/A	N/A	-	-	-	-	1	N/A
7. Swimming pools as per Sec. 8.12	N/A	N/A	N/A	-	-	-	-	-	-
8. Yard sales as per Sec. 9.20	N/A	N/A	N/A	20	15	-	N/A	N/A	N/A

NOTES:

- If not shown in the above schedule or within the relevant text cited, all minimum and maximum dimensions related to any use listed shall be determined by the Land Use Board.
- NA means "Not Applicable"

Township of Commercial Schedule of District Regulations

VR-3 – Village Residential Zoning District

in each district, only the uses listed below shall be permitted by right. All uses in the following list other than detached, single-family dwellings, general purpose agriculture and normally incidental uses thereto, shall be subject to site plan review requirements in addition to complying with other applicable requirements. See **Notes** at the end of schedule, p. 2.

Permitted Uses	Minimum Lot Sizes			Minimum Yard			Maximum Height (feet)	Maximum	
	Area (Sq. ft. or acres)	Width (feet)	Depth (feet)	Front	Side	Rear		Lot Coverage (Percent)	Other
A. Principal Uses:									
1. General purpose agriculture	5.0 ac.	300	300	50	25	50	50	15	15
2. Parks, playgrounds, and similar open space or recreational uses	20,000 sq. ft.	100	100	20	15	40	35	10	25
3. Educational, civic and cultural uses	3.0 ac.	300	300	50	40	50	35	20	30
4. Single-family, detached dwelling and permanent use of a mobile home as per Sec. 9.5B	20,000 sq. ft.	100	100	20	10	25	35	20	20
5. Duplex or semi-detached dwelling as per Sec. 9.2	1.0 ac.	100	100	20	20	40	35	20	25
6. Cemeteries	1.0 ac.	150	150	10	10	10	35	20	25
7. Churches or places of worship	3.0 ac.	200	200	10	20	40	35	15	30
B. Conditional uses, as permitted in accordance with the conditional use review procedure, Sec. 12.6, as well as site plan review requirements.									
1. Artisan's display as per Sec. 9.14B	1.0 ac.	200	200	20	10	30	35	1	1
2. Conversion of a dwelling as per Sec. 8.3	N/A	-	N/A	20	10	30	35	-	-
3. Village home commercial occupation as per Sec. 8.6C	1.0 ac.	200	200	30	30	40	35	15	20
4. Nursery, day care and pre-school and day care facilities as per Sec. 9.7	N/A	N/A	N/A	30	10	20	N/A	N/A	N/A
5. Temporary use of mobile home as per Sec. 9.5A	N/A	N/A	N/A	30	20	30	30	3	3
6. Studio or workshop as per Sec. 9.16	N/A	N/A	N/A	50	30	50	-	1	-
7. Energy conservation devices, generators and private communications as per Sec. 9.19	N/A	N/A	N/A	20	10	25	35	5	5
C. Accessory uses, located on the same lot with and normally incidental and accessory to a permitted principal or conditional use as per Sec. 8.1.									
1. Any structure or use normally incidental and accessory to permitted principal or conditional use as per Sec. 8.1.	N/A	N/A	N/A	-	1	1	-	-	-
2. Fences, walls and hedges as per Sec. 8.3	N/A	N/A	N/A	-	-	-	-	-	-
3. Home occupation as per Sec. 8.6	N/A	N/A	N/A	-	-	-	-	-	-
4. Keeping of animals as per Sec. 9.4	-	N/A	N/A	-	-	-	35	1	-
5. Off-street parking and loading areas as Sections 8.7 & 8.8	-	N/A	N/A	-	-	-	-	1	-
6. Signs as per Sec. 8.11	-	N/A	N/A	-	-	-	-	1	-
7. Swimming pools as per Sec. 8.12	N/A	N/A	N/A	-	-	-	-	-	N/A
8. Yard sales as per Sec. 9.20	N/A	N/A	N/A	20	15	20	N/A	N/A	N/A

Township of Commercial Schedule of District Regulations
VR-3 – Village Residential Zoning District

In each district, only the uses listed below shall be permitted by right. All uses in the following list other than detached, single-family dwellings, general purpose agriculture and normally incidental uses thereto, shall be subject to site plan review requirements in addition to complying with other applicable requirements. See **Notes** at the end of schedule, p. 2.

Permitted Uses	Minimum Lot Sizes				Minimum Yard			Maximum	
	Area (Sq. ft. or acres)	Width (Feet)	Depth (Feet)		Front	Side	Rear	Height (Feet)	Lot Coverage Building Other (Percent)

NOTES:

1. If not shown in the above schedule or within the relevant text cited, all minimum and maximum dimensions related to any use listed shall be determined by the Land Use Board.
2. NA means Not Applicable

**Township of Commercial Schedule of District Regulations
PC/R – Public Conservation/Recreation Zoning District**

In each district, only the uses listed below shall be permitted by right. All uses in the following list other than detached, single-family dwellings, general purpose agriculture and normally incidental uses thereto, shall be subject to site plan review requirements in addition to complying with other applicable requirements. See **Notes** at the end of schedule, p. 2.

Permitted Uses	Minimum Lot Sizes				Minimum Yard			Maximum	
	Area (Sq. ft. or acres)	Width (Feet)	Depth (Feet)		Front	Side	Rear	Height (Feet)	Lot Coverage Building Other
A. Principal Uses:									
1. General purpose agriculture related to reforestation or other conservation or environmental research activities	5.0 ac.	200	300		50	25	50	35	5 5
2. Water, forest, wildlife conservation areas and uses	5.0 ac.	300	300		100	50	50	35	5 5
3. Parks, playgrounds, and similar open space or recreational uses	3.0 ac.	200	300		50	50	50	35	5 10
4. Public education, civic and cultural uses	5.0 ac.	300	300		50	30	50	35	20 15
B. Conditional uses, as permitted in accordance with the conditional use review procedures, Sec. 12.6, as well as site plan review requirements.									
1. Temporary use of mobile home as per Sec. 9.5A	-	-	-		40	20	20	-	N/A N/A
2. Windmills, energy conservation devices, and generators as per Sec. 9.19	N/A	N/A	N/A		-	-	-	-	N/A N/A
3. Wildlife shelters, refuges, preserves or fish hatcheries as per Sec. 9.4	5.0 ac.	300	500		100	100	100	35	5 10
C. Accessory uses, located on the same lot with and normally incidental and accessory to a permitted principal or conditional use.									
1. Any structure or use normally incidental and accessory to permitted principal or conditional use as per Sec. 8.1.	-	-	-		50	30	50	35	5 5
2. Trailheads for public conservation or open space/recreational areas	1.0 ac.	100	-		20	20	20	-	1 1
3. Fences, walls and hedges as per Sec. 8.3									
4. Signs as per Sec. 8.11									
5. Off-street parking and loading areas as Sections 8.7 & 8.8					30	30	30	35	
6. Outdoor storage as per Sec. 8.9									

NOTES:

1. If not shown in the above schedule or within the relevant chapter text cited, all minimum and maximum dimensions related to any use listed shall be determined by the Land Use Board.
2. N/A means "Not Applicable"

Township of Commercial Schedule of District Regulations
P- Public Zoning District

In each district, only the uses listed below shall be permitted by right. All uses in the following list other than detached, single-family dwellings, general purpose agriculture and normally incidental uses thereto, shall be subject to site plan review requirements in addition to complying with other applicable requirements. See **Notes** at the end of schedule, p. 2.

Permitted Uses	Minimum Lot Sizes				Minimum Yard			Maximum	
	Area (Sq. ft. or acres)	Width (Feet)	Depth (Feet)		Front	Side	Rear	Height (Feet)	Lot Coverage Building Other (Percent)
A. Principal Uses:									
1. General purpose agriculture	5.0 ac.	300	300		50	25	50	50	15
2. Water, forest, wildlife conservation areas and uses including trailheads	5.0 ac.	300	300		100	50	50	35	15
3. Parks, playgrounds, and similar open space or recreational uses	1.0 ac.	200	200		20	20	30	35	5
4. Public educational, civic and cultural uses	5.0 ac.	300	300		50	40	50	35	20
5. Office buildings, maintenance yards, garages or other similar structures or uses operated by a County, State or a Federal agency.									30
6. Municipal buildings, maintenance yards, garages, and other municipally-owned and operated buildings or uses	5.0 ac.	300	500		50	50	50	40	25
7. Office buildings for nonprofit corporations and associations	1.0 ac.	100	200		20	10	20	40	35
	2.0 ac.	300	300		30	30	40	35	20
B. Conditional uses, as permitted in accordance with the conditional use review procedures, Sec. 12.6, as well as site plan review requirements.									
1. Temporary use of mobile home as per Sec. 9.5	N/A	N/A	N/A		20	10	20	N/A	N/A
2. Towers and telecommunications facilities as per Sec. 9.17	N/A	N/A	N/A		-	-	-	-	N/A
3. Windmills, Energy conservation devices, and generators as per Sec. 9.19	N/A	N/A	N/A		50	30	50	-	1
C. Accessory uses, located on the same lot with and normally incidental and accessory to a permitted principal or conditional use as per Sec. 8.1									
1. Any structure or use normally incidental and accessory to permitted principal or conditional use as per Sec. 8.1	N/A	N/A	N/A		20	20	30	35	5
2. Fences, walls and hedges as per Sec. 8.3	N/A	N/A	N/A		-	1	1	-	-
3. Off-street parking and loading areas as Sections 8.7 & 8.8	-	N/A	N/A		-	-	-	-	1
4. Outside storage as per Sec. 8.9	-	-	-		50	40	40	25	-
5. Signs as per Sec. 8.11	-	N/A	N/A		-	-	-	-	1
									N/A

NOTES:

1. If not shown in the above schedule or within the relevant text cited, all minimum and maximum dimensions related to any use listed shall be determined by the Land Use Board.
2. N/A means Not Applicable

Township of Commercial Schedule of District Regulations
C/R – Commercial/Recreation Zoning District

2. Fences, walls and hedges as per Sec. 8.3	N/A	N/A	N/A	-	1	1	-	-	-
3. Off-street parking and loading areas as Sections 8.7 & 8.8	-	N/A	N/A	-	-	-	-	1	-
4. Signs as per Sec. 8.11	-	N/A	N/A	-	-	-	-	1	N/A

NOTES:

1. If not shown in the above schedule or within the relevant text cited, all minimum and maximum dimensions related to any use listed shall be determined by the Land Use Board.
2. NA means Not Applicable

Township of Commercial Schedule of District Regulations

C/R – Commercial/Recreation Zoning District

In each district, only the uses listed below shall be permitted by right. Any use not listed within this schedule shall be deemed to be prohibited. All uses in the following list shall be subject to site plan review requirements in addition to complying with other applicable requirements. See **Notes** at the end of schedule, p. 2.

Permitted Uses	Minimum Lot Sizes			Minimum Yard			Maximum		
	Area (Sq. ft. or acres)	Width (feet)	Depth (feet)	Front	Side	Rear	Height (feet)	Lot Coverage Building Other (Percent)	
A. Principal Uses:									
1. Parks, playgrounds and other similar open space or recreational uses	0.5 ac.	125	125	20	20	20	35	10	10
2. Museums, cultural, educational and civic use	1.0 ac.	200	200	20	20	20	35	20	25
3. Public buildings or uses and educational or marine-related research facilities	1.0 ac.	200	200	20	20	20	35	20	25
4. Commercial fishing processing plants and/or related storage facilities	1.0 ac.	200	200	20	20	20	35	30	30
5. Stores, shops and galleries for the conduct of village-oriented retail use and service businesses	1.0 ac.	200	200	20	20	30	35	10	25
6. Restaurant and eating establishments	2.0 ac.	300	200	20	30	20	35	20	25
7. Marina, shipyard or boat sales, service and/or repair facilities and other marine-related businesses	1.0 ac.	200	200	20	30	20	40	10	25
8. Seasonal outdoor commercial recreation	1.0 ac.	200	200	20	30	20	35	5	20
9. Light assembly or processing operations or uses as defined in Section 3.3	2.0 ac.	200	200	30	30	30	35	30	30
B. Conditional uses, as permitted in accordance with the conditional use review procedure, Sec.12.6, as well as site plan review requirements.									
1. Recreational clubs, lodge (halls) and assembly halls as per Sec. 9.11	3.0 ac.	300	300	50	40	50	40	20	30
2. Planned neighborhood commercial center as per Sec. 9.8	3.0 ac.	400	500	40	40	50	30	20	20
3. Temporary use of mobile home as per Sec. 9.5A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4. Windmills, energy conservation devices, generators and private communications as per Sec. 9.19	N/A	N/A	N/A	50	30	50	-	1	0
5. Commercial use-related dwelling as per Sec. 9.1	N/A	N/A	N/A	50	40	50	N/A	2	1
6. Studio or workshop as per Sec. 9.16	0.5 ac.	100	100	20	20	20	35	5	15
7. Artisan's display as per Sec. 9.14	0.5 ac.	100	100	20	20	20	35	5	15
8. Light industrial use: research, manufacturing, processing, fabrication assembly, freight assembly, freight handling, storage, warehousing or similar operations, provided the operation of such use complies with all of the performance standards and limitations as established in Sec. 12.6 of this ordinance.	3.0 ac.	300	300	40	40	40	40	25	25
C. Accessory uses, located on the same lot with and normally incidental and accessory to a permitted principal or conditional use.									
1. Any structure or use normally incidental and accessory to permitted principal or conditional use.	N/A	N/A	N/A	50	30	40	35	5	5

Township of Commercial Schedule of District Regulations **C – Conservation Zoning District**

In each district, only the uses listed below shall be permitted by right. All uses in the following list other than detached, single-family dwellings, general purpose agriculture and normally incidental uses thereto, shall be subject to site plan review requirements in addition to complying with other applicable requirements. See **Notes** at the end of schedule, p. 2.

Permitted Uses	Minimum Lot Sizes			Minimum Yard			Maximum		
	Area (Sq. ft. or acres)	Width (Feet)	Depth (Feet)	Front	Side	Rear	Height (Feet)	Lot Coverage	Other
10. Swimming pools as per Sec. 8.12	-	-	-	50	30	40	10	1	2
11. Yard sales as per Sec. 9.20	N/A	-	-	20	30	-	-	-	-

C. Accessory uses, located on the same lot with and normally incidental and accessory to a permitted principal or conditional use as per Sec. 8.1 continued

NOTES:

1. If not shown in the above schedule or within the relevant chapter text cited, all minimum and maximum dimensions related to any use listed shall be determined by the Land Use Board.
2. N/A means "Not Applicable"
3. Mandatory clustering is required for certain size tracts. See Section 9.9 for applicability

Township of Commercial Schedule of District Regulations

C – Conservation Zoning District

In each district, only the uses listed below shall be permitted by right. All uses in the following list other than detached, single-family dwellings, general purpose agriculture and normally incidental uses thereto, shall be subject to site plan review requirements in addition to complying with other applicable requirements. See **Notes** at the end of schedule, p. 2.

Permitted Uses	Minimum Lot Sizes			Minimum Yard			Maximum Height (Feet)	Maximum	
	Area (Sq. ft. or acres)	Width (Feet)	Depth (Feet)	Front	Side	Rear		Lot Coverage	Other
A. Principal Uses:									
1. General purpose agriculture related to reforestation or other conservation or environmental research activities	5.0 ac.	200	300	50	25	50	35	5	5
2. Water, forest, wildlife conservation areas and uses	5.0 ac.	300	300	100	50	50	35	5	5
3. Parks, playgrounds, and similar open space or recreational uses	3.0 ac.	200	300	50	50	50	35	5	10
4. Education, civic and cultural uses	5.0 ac.	300	300	50	30	50	35	20	15
5. Single-family, detached residence including permanent use of mobile home as per Sec. 9.5B (See Note 3 at the end of second page re: mandatory clustering)	3.0 ac.	300	300	50	50	50	35	20	15
B. Conditional uses, as permitted in accordance with the conditional use review procedures, Sec. 12.6, as well as site plan review requirements.									
1. Conversion of a dwelling as per Sec. 8.2	3.5 ac.	250	300	50	50	50	35	5	15
2. Roadside stand or artisan's display as per Sec. 9.14	N/A	-	-	20	30	N/A	20	1	1
3. Studio or workshop as per Sec. 9.16	-	-	-	60	50	50	25	1	1
4. Temporary use of a mobile home and trailers as per Sec. 9.5	N/A	-	-	-	-	-	-	1	1
5. Towers and telecommunications facilities as per Sec. 9.17	1.0 ac.	-	-	-	-	-	-	1	1
6. Windmills, energy conservation devices and private communications as per Sec. 13.18	-	-	-	50	50	50	35	-	-
7. Planned residential cluster development as per Sec. 9.9	30.0 ac.	500	1,000	100	100	100	35	25	25
Individual lots within a planned residential cluster development	1.5 ac.	200	200	40	40	40	35	20	20
C. Accessory uses, located on the same lot with and normally incidental and accessory to a permitted principal or conditional use as per Sec. 8.1.									
1. Any structure or use normally incidental and accessory to permitted principal or conditional use as per Sec. 8.1.	1.0 ac.	100	-	20	20	20	35	1	1
2. Trailhead for public conservation or open space/recreational areas	-	-	-	-	-	-	-	-	-
3. Fences, walls and hedges as per Sec. 12.1	N/A	-	-	-	-	-	-	-	-
4. Woodcutting as per Sec. 8.5	N/A	-	-	-	-	-	-	-	-
5. Home occupation as per Sec. 8.6A & B	N/A	-	-	-	-	-	-	-	-
6. Keeping of animals as per Sec. 9.4	N/A	-	-	20	20	20	35	-	-
7. Outdoor storage as per Sec. 8.9	N/A	100	100	20	20	20	20	1	-
8. Off-street parking and loading areas as Sections 8.7 & 8.8	N/A	-	-	10	10	10	-	0	10
9. Signs as per Sec. 8.11	N/A	-	-	-	-	-	-	-	-

Township of Commercial Schedule of District Regulations **A - Agricultural Zoning District**

In each district, only the uses listed below shall be permitted by right. All uses in the following list other than detached, single-family dwellings, general purpose agriculture and normally incidental uses thereto, shall be subject to site plan review requirements in addition to complying with other applicable requirements. See **Notes** at the end of schedule, p. 2.

Permitted Uses	Minimum Lot Sizes			Minimum Yard			Maximum Height (Feet)	Maximum	
	Area (Sq. ft. or acres)	Width (Feet)	Depth (Feet)	Front	Side	Rear		Lot Coverage	Other
C. Accessory uses, located on the same lot with and normally incidental and accessory to a permitted principal or conditional use as per Sec. 8.1 continued...									
8. Signs as per Sec. 8.11	N/A	-	-	-	-	-	35	-	-
9. Swimming pools as per Sec. 8.12	N/A	-	-	50	30	40	10	-	1
10. Yard sales as per Sec. 9.20	N/A	50	N/A	20	30	N/A	N/A	N/A	N/A

NOTES:

1. If not shown in the above schedule or within the relevant chapter text cited, all minimum and maximum dimensions related to any use listed shall be determined by the Land Use Board.
2. N/A means "Not Applicable"
3. Mandatory clustering is required for tracts of 30 acres or more. See Section 9.9 for applicability

Township of Commercial Schedule of District Regulations

A - Agricultural Zoning District

In each district, only the uses listed below shall be permitted by right. All uses in the following list other than detached, single-family dwellings, general Purpose agriculture and normally incidental uses thereto, shall be subject to site plan review requirements in addition to complying with other applicable requirements. See **Notes** at the end of schedule, P.2.

Permitted Uses	Minimum Lot Sizes			Minimum Yard			Maximum		
	Area (Sq. ft. or acres)	Width (Feet)	Depth (Feet)	Front	Side	Rear	Height (Feet)	Lot Coverage	Other
A. Principal Uses:									
1. General purpose agriculture	5.0 ac.	200	300	50	25	50	35	15	15
2. Water, forest, wildlife conservation areas and uses including trailheads	5.0 ac.	300	300	100	50	50	35	15	15
3. Parks, playgrounds, and similar open space or recreational uses	3.0 ac.	200	300	50	50	50	35	15	15
4. Education, civic and cultural uses	5.0 ac.	300	300	50	30	50	35	25	25
5. Farm	6.0 ac.	200	300	50	25	50	35	15	15
6. Single-family, detached dwelling including permanent use of a mobile home as per Sec. 9.5B (See Note 3 at end of second page re: mandatory clustering)	3.0 ac.	250	300	50	30	50	35	15	15
B. Conditional uses, as permitted in accordance with the conditional use review procedures, Sec. 12.6, as well as site plan review requirements.									
1. Animal hospital, kennel, riding academy, animal rescue operations or shelters as per Sec. 9.4C	5.0 ac.	300	700	100	100	100	35	5	15
2. Conversion of a dwelling as per Sec. 8.2	3.5 ac.	250	300	50	30	50	35	1	1
3. Planned residential cluster development as per Sec. 9.9	30.0 ac.	500	1,000	50	50	50	35	N/A	N/A
Individual lots within a cluster development	1.5 ac.	200	200	40	40	40	35	15	20
4. Temporary Use of a mobile home and trailers as per Sec. 9.5A	-	-	-	40	20	20	-	N/A	N/A
5. Recreational club, lodge or assembly halls as per Sec. 9.11	5.0 ac.	300	400	50	50	50	35	10	30
6. Roadside stand or artisan's display as per Sec. 9.14	N/A	-	-	20	30	N/A	20	1	1
7. Studio or workshop as per Sec. 9.16	-	-	-	60	30	30	25	1	1
8. Tower and telecommunications facilities as per Sec. 9.17	1.0 ac.	-	-	-	-	-	-	1	1
9. Windmills, energy conservation devices, generators and private communications as per Sec. 9.19	-	-	-	50	50	50	-	1	1
C. Accessory uses, located on the same lot with and normally incidental and accessory to a permitted principal or conditional use as per Sec. 8.1.									
1. Any structure or use normally incidental and accessory to permitted principal or conditional use as per Sec. 8.1	N/A	-	-	50	30	40	35	5	5
2. Fences, walls and hedges as per Sec. 8.3	N/A	-	-	-	-	-	-	-	-
3. Woodcutting as per Sec. 8.5	N/A	-	-	-	-	-	-	-	-
4. Home occupation as per Sec. 8.6	N/A	-	-	-	-	-	-	-	-
5. Keeping of animals as per Sec. 9.4	N/A	-	-	20	20	20	-	1	-
6. Outdoor storage as per Sec. 8.9	N/A	-	-	20	20	20	-	1	-
7. Off-street parking and loading areas as Sections 8.7 & 8.8	N/A	-	-	10	10	10	-	-	10

**Commercial Township Development Regulations Ordinance
Checklist Schedule "K" – Resource Extraction**

Name of Applicant or Development _____ Date _____

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

**Applicant's
Response**

**Official Use
Only**

E. Future Land Use Plan Details continued....

such, and not be considered a commitment to use portrayed. In addition to base data, the plan shall show the following details, if applicable:

[]

[] a. Proposed use or uses;

[]

[] b. Proposed open space and recreation areas;

[]

[] c. Total number of lots proposed, by use, if applicable;

[]

[] d. Acreage of site with total acreage for each proposed use type;

[]

[] e. Location of existing and proposed streets; and

[]

[] f. Zone district boundaries.

[]

APPENDIX B

COMMERCIAL TOWNSHIP

CUMBERLAND COUNTY, NEW JERSEY

DEVELOPMENT REGULATIONS ORDINANCE

SCHEDULES OF DISTRICT REGULATIONS

(In alphabetical order)

**Commercial Township Development Regulations Ordinance
Checklist Schedule "K" -- Resource Extraction**

Name of Applicant or Development _____ Date _____

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

**Applicant's
Response**

**Official Use
Only**

D. Reclamation Plan Details continued....

- | | |
|---|--------------------------|
| <input type="checkbox"/> f. Analysis of existing and cover soil and methods used to establish vegetation (i.e., fertilization, planting methods, etc.) | <input type="checkbox"/> |
| <input type="checkbox"/> g. Methods of disposing of any equipment or structures used in the mining operation upon completion; | <input type="checkbox"/> |
| <input type="checkbox"/> h. Description of degree of flexibility considered to be needed in execution of the plan; and | <input type="checkbox"/> |
| <input type="checkbox"/> i. Vegetation Management Plan describing methods to insure satisfactory vegetative cover, establishment of proper growth, and steps to be taken to remedy unsuccessful planting. | <input type="checkbox"/> |

E. Future Land Use Plan Details

Purpose The purpose of the Future Land Use Plan is to insure the Township that the remaining reclaimed land after the conclusion of the sand or resource extraction operation would be useable for future development opportunities. Twenty (20) copies of the Future Land Use Plan shall be provided and shall contain the following details and information:

- | | |
|---|--------------------------|
| <input type="checkbox"/> 1. The reclaimed site shall be analyzed (by plan, statement, or combination of both) as to its suitability for future development based on the following criteria: | |
| <input type="checkbox"/> a. Physical topography; | <input type="checkbox"/> |
| <input type="checkbox"/> b. Best use of water features, if permanent water bodies are provided, for water-related activities; | <input type="checkbox"/> |
| <input type="checkbox"/> c. Suitability for on-site sewage disposal; | <input type="checkbox"/> |
| <input type="checkbox"/> d. Compatibility with contiguous land uses | <input type="checkbox"/> |
| <input type="checkbox"/> e. Suitability of soils for development and storm drainage; and | <input type="checkbox"/> |
| <input type="checkbox"/> f. Suitability of soils for development in accordance with sound engineering and planning practices. | <input type="checkbox"/> |
| <input type="checkbox"/> 2. The plan shall be a conceptual plan at a scale of one (1) inch equals 200 feet utilizing the final land form for the Reclamation Plan as base data. The purpose is to show that the final land form portrayed has a viable land use compatible with land use trends of the surrounding area. On the plan shall be shown by overlays or separate drawings and notes, one or more developed schemes for land use or uses, each demonstrating that the developed areas are accessible by roads and that physical attributes of the final land form are compatible with potential future land use. It is understood that this may be a hypothetical exercise, but it will be evaluated as | |

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D. Reclamation Plan Details continued....

- | | |
|--|---|
| <input type="checkbox"/> b. Location and type of existing vegetation associates to remain undisturbed (such as wooded areas, successional areas, meadows, etc.) | <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> c. Estimated depth of excavation; | <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> d. Location and nature of existing and proposed surface water features (e.g., lakes, ponds, streams, etc.) and their connection to streams and drainage ways; | <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> e. Permanent buildings, structures or equipment to remain; | <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> f. Proposed typical landscaping plan in accordance with Sections 9-12 and 10.4 of the Township Development Regulations Ordinance including type, quantity, and size of plantings; | <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> g. Proposed permanent berms, dikes, or screen buffers; | <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> h. Location and nature of any areas to be filled with overburden or waste process materials; | <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> i. Roads to remain, with the nature and condition of each; | <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> j. Permanent soil erosion and sedimentation control facilities or structures, and | <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> k. A delineation of the phasing of areas (indicated by letters or numbers) showing the extent of each phase. | <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> 2 A reclamation statement which shall clearly describe the methods of accomplishment, phasing, and staging sequences and shall include, but not be limited to, the following: | <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> a. Description of the planned phasing, indicating areas to be reclaimed (referenced by letter or number on the plan (See Item No. E.1.k above), sequences and staging. This should be related to the Operation Plan and should clearly indicate the stage of reclamation to be accomplished during specific stages of the mining operation; | <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> b. Methods to be used to stabilize slopes or excavated areas; | <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> c. Analysis of stability of filled areas and methods to be utilized for stabilization, if necessary, to prevent "quick-sand" or caving conditions; | <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> d. Methods to prevent stagnation and pollution; | <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> e. Methods to be used to prevent soil erosion and sedimentation runoff; | <input type="checkbox"/> <input type="checkbox"/> |

**Commercial Township Development Regulations Ordinance
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C. Operational Plan Details continued...

- indicating when they will be used as reclamation material and temporary treatment to prevent erosion; []
- [] g. Fences and gates, including their type and construction; and []
- [] h. Site drainage features indicating flow direction. []
- [] 3. An operational statement which shall clearly describe the intended general method and sequence of the operation, and shall include, but not be limited to the following:
- [] a. The approximate date of commencement of the excavation and the duration of the operation; []
- [] b. Proposed hours of operation; []
- [] c. Estimated type and volume of excavation; []
- [] d. Method of extraction and processing including disposition of overburden and topsoil; []
- [] e. Equipment proposed to be used in the operation of the excavation; []
- [] f. A description of the sequence of operation indicating for the serial numbered areas as provided or in C.1.d above, the approximate starting date, phasing timing and duration; and []
- [] 4. A preliminary environmental impact assessment based on existing data which shall include an analysis of the impact of the proposed operation and measures taken to minimize any adverse impacts in accordance with Checklist "E" – Environmental Impact Statement Plan Information Requirements.

D. Reclamation Plan Details

Purpose The purpose of a Reclamation Plan is to provide the applicant for a resource extraction operation the opportunity to illustrate and describe the general methods and staging that will be undertaken to preserve the natural resources of the remaining areas of the site for some future development, as required by the Commercial Township Development Regulations Ordinance.

- [] 1. Twenty (20) copies of a sketch plan shall be submitted prepared at a scale of one (1) inch equals 200 feet, which shall show the following details and information: []
- [] a. Planned final land grades of the disturbed area with five (5) foot contour intervals for slopes of less than 15%, and ten (10) foot intervals for slopes greater than 15%, and delineations of slopes greater than 15%;

**Commercial Township Development Regulations Ordinance
Checklist Schedule "K" – Resource Extraction**

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B. Existing Conditions Site Plan Details continued...

so that the following shall be shown and indicated:

[]

[] a. The municipal tax map block and lot number and acreages of all parcels;

[]

[] b. All other parcels within 200 feet of that parcel of which the proposed permit area is a portion indicating block and lot number, owner's name and acreage determined from the most recent Township tax records;

[]

[] c. Present land use of all parcels shown (i.e., vacant farmland, dwelling, etc.) and general locations of all existing mining or resource extraction facilities or operations on the owner's or adjacent parcels indicating type of facility (i.e., pit, stockpiles, facilities or plants and equipment, etc.)

[]

[] d. Previously approved Permit Areas; and

[]

[] 3. Soil and groundwater results from one (1) soil boring per five (5) acres of permit area at a minimum depth of ten (10) inches or groundwater, whichever is greater, showing date of boring, depth to groundwater, and a log of general soil types encountered.

[]

C. Operational Plan Details

Purposes – The purpose of an operational plan is to provide the Township the opportunity to insure that the operation of a sand mining or resource extraction operation will conform with the environmental performance standards and the Reclamation Plan as required herein this Checklist "K." The following information and plan details are to be included in the Operation Plan as follows:

[] 1. Twenty (20) copies of the Operation Plan shall be provided prepared at a scale of one (1) inch equals 200 feet utilizing existing contours and topography from Item 3 of the required Existing Conditions Site Plan noted above, as base data which, in addition, shall show the following details:

[]

[] a. Processing with intended uses;

[]

[] b. Specific areas to be excavated including proposed depth of excavations;

[]

[] c. Proposed location of principal services or processing building(s), equipment, and enclosures;

[]

[] d. Phasing of operations showing involved areas serially numbers;

[]

[] e. Access roads to processing and mining areas indicating type of surface, traffic patterns, any proposed directional on- or off-site signs (*and their routes*) and nature of each;

[]

[] f. Location of screening berms, overburden storage, and topsoil stockpiling with notes provided

**Commercial Township Development Regulations Ordinance
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A. General Details continued...
amended.

[]

B. Existing Conditions Site Plan Details The applicant shall furnish twenty (20) copies of an Existing Conditions Site Plan including the following details and information:

- | | |
|---|--------|
| [] 1. A plan prepared by a N.J. licensed professional engineer or land surveyor, which shall bear The signature and seal of a N.J. licensed land surveyor drawn at a scale of one (1) inch equals 200 feet which shall clearly show conditions on the site at the time of the application submission and shall include the following details: | [] |
| [] a The perimeter metes and bounds data of the proposed permit area, based on physical features, and scaled distances to the nearest ten (10) feet; | [] |
| [] b. A site locator map based on the official Cumberland County Map showing the location of the site; | [] |
| [] c. Contour lines based on U.S.C. & G.S. datum at the minimum interval available from the existing data (e.g., U.S.C. & G.S. quadrangle sheets, County data, topography plan of the site, etc.) | [] |
| [] d. All roads and streets within 500 feet of the site proposed for resource extraction, showing the the name, right-of-way width, pavement width and pavement types; | [] |
| [] e. Primary and emergency routes of access to the site from dedicated Township or county roads showing ownership, pavement width and type, and any easements, if existing; | [] |
| [] f. Any and all easements through or adjacent to the site identifying the width and nature (i.e., electric, gas, drainage, etc.); | [] |
| [] g. Natural features such as watercourses, drainage ways, swamps, wetlands and wetlands transition areas, and wooded areas; | [] |
| [] h. Man-made features such as buildings, equipment structures, dams, dikes and impoundment of water; | [] |
| [] i. Location of soil borings as required by Section 3 below; | [] |
| [] j. Soil type classification plotted on the plan as determined by the Cumberland County Soil Survey, prepared by the U.S. Department of Agriculture, Soil Conservation Service; | [] |
| [] 2. A master area plan which shall show the entire tract (tax parcel) of land with the permit area portion delineated and all adjacent tracts of land owned by the same or related owner(s). The plan may be prepared at an appropriate scale to enable all tracts to be shown on a single sheet | |

**Commercial Township Development Regulations Ordinance
Checklist Schedule "K" – Resource Extraction**

Name of Applicant or Development _____ Date _____

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Applicant's
Response

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Only

Resource Extraction (Section 9-12) Application Requirements

A. General Details continued...

- | | | |
|-------|---|-------|
| [] | 3. A copy of the most recent tax map sheet indicating the location of the proposed permit area. | [] |
| [] | 4. A recent aerial photograph at a scale of one (1) inch equals 200 feet which accurately reflects Conditions of the site at the time of the application with the permit area delineated. | [] |
| [] | 5. Twenty (20) copies of all documents and plans required by Section 9-12 of the Township Development Regulations Ordinance including all relevant and applicable reports, maps, photographs, surveys and all of the following plans: an Existing Conditions Site Plan, an Operational Plan, a Reclamation Plan and a Future Land Use Plan (See below for each plan's details required to be shown; | [] |
| | Prior to approval, two (2) reproducible tracings or transparencies of each of plans' drawings shall be submitted to the Board for review and approval upon <i>which receipt of approval said tracings of each of plans' drawings, Board stamp with signatures shall be affixed</i> and one (1) copy of each will be returned to the applicant and the other to be retained by the applicant. | |
| [] | 6. A brief written statement generally describing the resource extraction operation proposed; | [] |
| [] | 7. Twenty (20) copies of a list identifying and stating the status of any local, county, state or Federal review approvals or permits which the applicant is required to obtain, to include, but not be limited to, the following: | |
| [] | a. N.J.D.E.P. Water Diversion | [] |
| [] | b. N.J.D.E.P. Stream Encroachment | [] |
| [] | c. Coastal Area Facilities Review Act (CAFRA) | [] |
| [] | d. New Jersey Wetlands | [] |
| [] | e. Cumberland County Soil Erosion and Sedimentation Control Plan | [] |
| [] | f. Local or county site plan review | [] |
| [] | g. Riparian Right | [] |
| [] | h. Detail other review approvals or permits required on the list | [] |
| [] | 9. Proof of notice by applicant as required by N.J.S.A. 40:55D as presently enacted or hereafter | |

**Commercial Township Development Regulations Ordinance
Checklist Schedule "K" – Resource Extraction**

Instructions: Fill in the name of the applicant or the development and date below. Then using the column of brackets at left place the appropriate letter that corresponds to the status of the item requested. An application shall not be considered complete until all the materials and information specified below have been submitted and found complete by the approving authority.

Name of Applicant or Development _____ Date _____

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

**Applicant's
Response**

**Official Use
Only**

Resource Extraction (Section 9-12) Application Requirements

A. General Details

- | | | |
|--------|--|--------|
| [] | 1. The applicant shall file twenty (20) copies of the completed application form and applicable checklists available from the Township Land Use Board office which shall include or be accompanied by the following information including plans: | [] |
| [] | a. The names, addresses and telephone numbers of applicants, lessees, mining operator, and property owner. In the case of a lease agreement between the landowner and mining operator, the application shall be accompanied by the written consent of the landowner granting the Township the right of access to make inspections to insure compliance during the periods of operation and to perform all necessary reclamation of bonded property in the event of forfeiture of the performance guaranty; | [] |
| [] | b. Names and day and night telephone numbers of the person(s) responsible for the daily operation of the mining or resource extraction having authority to act as agent for the operation; | [] |
| [] | c. The current Township Zoning Map designation of the area where the applicant proposes to engage in a mining or resource extraction operation; | [] |
| [] | d. Location of the property with all road names, tax map sheets, block and lot(s) number(s) for all lots involved in the application and all adjoining lots; | [] |
| [] | e. Total acreage (to nearest one-tenth of an acre) of the permit area, tax lot, and sum of all contiguous land owned or leased by the same owner or leaseholder; | [] |
| [] | f. Brief description of the proposed use; | [] |
| [] | g. Interest of the applicant if other than owner | [] |
| [] | 2. A written boundary description prepared by a New Jersey licensed professional engineer or land surveyor, of the specific land upon which the applicant proposes to engage in a mining or resource extraction operation and the total number of acres to the nearest one tenth of an acre for which a mining permit is being requested. This description may be either, a legal metes and bounds description or a description of natural boundaries such as roads and streams. | [] |

**Commercial Township Development Regulations Ordinance
Checklist Schedule "J" – Local Communications Facilities Application**

Name of Applicant or Development _____ Date _____

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

**Applicant's
Response**

**Official Use
Only**
[]

entitled: "Structural Requirements;"

- [] 10. Written technical evidence from a qualified engineer acceptable to the Fire inspector and the Construction Officer operating within the Township that the proposed site of the tower or telecommunications facility does not pose a risk of explosion, fire, or other danger to life or property due to its proximity to volatile, flammable, explosive or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals;
- [] 11. In order to assist the Land Use Board in evaluating the visual impact of the application, the applicant shall submit color photo simulation showing the proposed tower with a photo-realistic representation of the proposed tower as it would appear viewed from the closest residential property and from adjacent roadways and waterways. []
- [] 12. The federal Telecommunications Act of 1996 give the FCC sole jurisdiction of the field of regulations of RF emissions and does not allow the Township to condition or deny on the basis of RF impacts the approval of any telecommunications facilities (whether mounted on towers or antenna support structures) which meet FCC standards. Applicant shall be required to submit information on the proposed power density of their proposed telecommunications facility and demonstrate how this meets FCC standards;
- [] 13. Twenty (20) copies of a plot plan, survey and all other plans and documents required for submission to the Land Use Board as set forth in this Checklist; []
- [] 14. The applicant must provide an affidavit that the proposed installation shall be provided above ground and in the particular location proposed, setting forth the reasons in support thereof. The affidavit must also demonstrate that the installation and the proposed location is necessary for the efficiency and effectiveness of the utility system and for the provision of service to the general public or the neighborhood impacted by the installation. []
- [] 15. A written approval from the City of Millville Airport Authority certifying that the proposed facilities do not compromise public safety or the airport's operations; []
- [] 16. Written evidence that the tower shall not negatively impact upon the scenic qualities of the Maurice River system (i.e., including its tributaries) in the Township of Commercial; and []
- [] 17. Written statement from the Township Emergency Management Coordinator that the proposed tower shall not negatively impact upon any emergency medivac landing areas in regular use at the time of the application. []

Commercial Township Development Regulations Ordinance
Checklist Schedule "J" – Local Communications Facilities Application

Instructions: Fill in the name of the applicant or the development and date below. Then using the column of brackets at left place the appropriate letter that corresponds to the status of the item requested. An application shall not be considered complete until all the materials and information specified below have been submitted and found complete by the approving authority.

Name of Applicant or Development _____ Date _____

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Applicant's Response	Official Use Only
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 5%; text-align: center;">[]</div> <div style="width: 90%;"> 1. Affidavit of ownership. If the applicant is not the owner, applicant's interest in land e.g. tenant, contract/purchaser, lien holder, and a copy of the document creating that interest (prices may be deleted) and the written consent of the owner shall be evidenced in the application materials; </div> <div style="width: 5%; text-align: center;">[]</div> </div>	<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 5%; text-align: center;">[]</div> <div style="width: 90%;"></div> <div style="width: 5%; text-align: center;">[]</div> </div>
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 5%; text-align: center;">[]</div> <div style="width: 90%;"> 2. The legal description, lot and block number(s) and address of the parcel of land Upon which the tower is situated; </div> <div style="width: 5%; text-align: center;">[]</div> </div>	<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 5%; text-align: center;">[]</div> <div style="width: 90%;"></div> <div style="width: 5%; text-align: center;">[]</div> </div>
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 5%; text-align: center;">[]</div> <div style="width: 90%;"> 3. The names, addresses and telephone numbers of all owner of other towers or useable antenna support structures within the Township and also within a one-half (½) mile radius of the Township boundaries, including Township owned property; </div> <div style="width: 5%; text-align: center;">[]</div> </div>	<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 5%; text-align: center;">[]</div> <div style="width: 90%;"></div> <div style="width: 5%; text-align: center;">[]</div> </div>
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 5%; text-align: center;">[]</div> <div style="width: 90%;"> 4. A description of the design plans proposed by the applicant regarding the tower to be located within the Township. Applicant must identify its utilization of the most technological design, including microcell design, as part of the design plan. The applicant must demonstrate the need for towers and what design alternatives. </div> <div style="width: 5%; text-align: center;">[]</div> </div>	<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 5%; text-align: center;">[]</div> <div style="width: 90%;"></div> <div style="width: 5%; text-align: center;">[]</div> </div>
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 5%; text-align: center;">[]</div> <div style="width: 90%;"> 5. An affidavit attesting to the fact that the applicant has made diligent, but unsuccessful efforts to obtain permission to install or collocate the applicant's telecommunications on private or Township owned towers or removed antenna support structures located within the Township and a one-half (½) mile radius of the Township; </div> <div style="width: 5%; text-align: center;">[]</div> </div>	<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 5%; text-align: center;">[]</div> <div style="width: 90%;"></div> <div style="width: 5%; text-align: center;">[]</div> </div>
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 5%; text-align: center;">[]</div> <div style="width: 90%;"> 6. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful Effort to install or collocate the applicant's telecommunications facilities on towers or removes antenna support structures owned by other persons located within the Township and within a one-half (½) radius of the Township; </div> <div style="width: 5%; text-align: center;">[]</div> </div>	<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 5%; text-align: center;">[]</div> <div style="width: 90%;"></div> <div style="width: 5%; text-align: center;">[]</div> </div>
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 5%; text-align: center;">[]</div> <div style="width: 90%;"> 7. Written technical evidence from the engineer that the proposed tower or tele-communications facility cannot be installed or collocated on another person's tower or remove antenna support structures owned by other persons located within the Township and one-half (½) mile radius of the Township; </div> <div style="width: 5%; text-align: center;">[]</div> </div>	<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 5%; text-align: center;">[]</div> <div style="width: 90%;"></div> <div style="width: 5%; text-align: center;">[]</div> </div>
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 5%; text-align: center;">[]</div> <div style="width: 90%;"> 8. A written statement from the engineer that the construction and placement of the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television or other communications services enjoyed by adjacent residential and non-residential properties; </div> <div style="width: 5%; text-align: center;">[]</div> </div>	<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 5%; text-align: center;">[]</div> <div style="width: 90%;"></div> <div style="width: 5%; text-align: center;">[]</div> </div>
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 5%; text-align: center;">[]</div> <div style="width: 90%;"> 9. Written, technical evidence from an engineer that the proposed structure meets the Standards set forth in Township Ordinance No. 2000-46, as amended or supplemented, </div> <div style="width: 5%; text-align: center;">[]</div> </div>	<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 5%; text-align: center;">[]</div> <div style="width: 90%;"></div> <div style="width: 5%; text-align: center;">[]</div> </div>

Commercial Township Development Regulations Ordinance
Checklist Schedule "I" – General Development Plan

Name of Applicant or Development _____ **Date:** _____

**Applicant's
Response**

**Official Use
Only**

- ☐ 3. An open space plan showing the proposed land area and general location of parks and any other land and areas to be set aside for conservation and recreational purposes and a general description of improvements proposed to be made thereon, including a plan for the operation and maintenance of parks and recreational lands; ☐
- ☐ 4. A utility plan indicating the need for and showing the proposed location of sewage and water lines, any drainage facilities necessitated by the physical characteristics of the site, proposed methods for handling solid waste disposal; and a plan for the operation and maintenance of proposed utilities; ☐
- ☐ 5. A storm water management plan setting forth the proposed method of controlling and managing storm water on the site; ☐
- ☐ 6. An environmental inventory including general description of the vegetation, soils, topography, geology, surface hydrology, climate and cultural resources of the site existing man-made structures or features and the probable impact of the development on the environmental attributes of the site; ☐
- ☐ 7. A community facility plan indicating the scope and type of supporting community facilities which may include, but not be limited to, educational or cultural facilities, historic sites, libraries, hospitals, firehouses and police stations; ☐
- ☐ 8. A housing plan outlining the number of housing units to be provided and the extent to which any housing obligation assigned to the Township pursuant to N.J.S.A. 52:27D-301 et al. Will be fulfilled by the development; ☐
- ☐ 9. A local service plan indicating those public services which the applicant proposes to provide and which may include, but not be limited to, water, sewer, cable and solid waste disposal; ☐
- ☐ 10. A proposed timing schedule in the case of a planned development whose construction is contemplated over a period of years, including any terms or conditions which are intended to protect the interests of the public and of the residents who occupy any section of the planned development prior to the completion of the planned development in its entirety; and ☐
- ☐ 12. A municipal development agreement, which shall mean a written agreement between the Township of Commercial and the developer relating to the planned development. ☐

**Commercial Township Development Regulations Ordinance
Checklist Schedule "I" – General Development Plan**

Instructions: Fill in the name of the applicant or the development and date below. Then using the column of brackets at left place the appropriate letter that corresponds to the status of the item requested. An application shall not be considered complete until all the materials and information specified below have been submitted and found complete by the approving authority.

Name of Applicant or Development _____ **Date:** _____

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

Applicant's Response	[]	[]	Official Use Only
[] Twenty (20) copies of the appropriate application form(s) and checklist, completely filled in and signed by the applicant. If any item is not applicable to the application, it should be so indicated on the application form(s).	[]	[]	[]
[] Receipt indicating that all applicable escrow fees are paid and a signed escrow agreement.	[]	[]	[]
[] Affidavit of ownership - If the applicant is not the owner, applicant's interest in land, e.g. tenant contract purchaser, lien holder, etc., and a copy of the document creating that interest (prices may be deleted).	[]	[]	[]
[] If a corporation or partnership, list the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class as required by N.J.S.A. 40:55D-48.1 <u>et seq.</u>	[]	[]	[]
[] Name and addresses of witnesses and their expertise, if any	[]	[]	[]
[] Statement as to any application requirements for which waiver is sought, together with a statement of reasons why waivers should be granted.	[]	[]	[]
[] A list of all other requirements or standards of the Township Land Development Regulations Ordinance that are not met by the application and for which a waiver or variance is sought.	[]	[]	[]
[] Fourteen (14) copies of the general development plan separately folded with the title block showing. The plan shall be clearly and legibly drawn and shall be based on a field survey. The plan shall conform to the requirements, as set forth in the Township Land Development Regulations Ordinance, as to form, content and accompanying information	[]	[]	[]
[] 1. A general land use plan at a scale of not less than one (1) inch equals one hundred (100) feet indicating the tract area and general locations of the land uses to be included in the planned development. The total number of dwelling units and amount of nonresidential floor area to be provided and proposed land area to be devoted to residential or nonresidential uses shall be set forth. In addition, the proposed types of nonresidential uses to be included in the planned development shall be set forth, and the land area to be occupied by each proposed use shall be estimated. The density and intensity of use of the entire planned development shall be set forth, and a residential density and a nonresidential floor area ratio shall be provided;	[]	[]	[]
[] 2. A circulation plan showing the general location and types of transportation facilities, including facilities for pedestrian access within the planned development and any proposed improvements to the existing transportation system outside the planned development;	[]	[]	[]

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

**Commercial Township Development Regulations Ordinance
Checklist - Schedule "H" Supplemental Details For Specific Uses**

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

Applicant's Response	Official Use Only
<input type="checkbox"/> 6. Photographs of the proposed site of the facility showing current conditions;	<input type="checkbox"/>
<input type="checkbox"/> 7. The setback distance from the nearest structure not part of the facility project;	<input type="checkbox"/>

Roadside Stand or Artisan's Display (§ 9.14)

- | | |
|---|--------------------------|
| <input type="checkbox"/> 1. Twenty (20) copies of a drawing of the layout of the proposed roadside stand or area where the artisan's display will be located and identify its components, and other details sufficient in scope and accuracy to enable the Planning Board to determine if the proposed use meets the intent and standards of Section 9-14 in addition to any site plan review required. In the case of a building, structure or display piece are to be utilized, then front and side elevation of said structure, building or display piece shall be provided in triplicate. | <input type="checkbox"/> |
| <input type="checkbox"/> 2. Said drawing shall show details of any illumination proposed for said roadside stand or artisan's display with any required narrative description necessary. | <input type="checkbox"/> |

**Commercial Township Development Regulations Ordinance
Checklist - Schedule "H" Supplemental Details For Specific Uses**

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

**Applicant's
Response**

**Official Use
Only**

Planned Neighborhood Commercial Center (§ 9.8)

- [] A planned neighborhood commercial center may require the submission of a market analysis as provided for in Section 9.8B.1, and when required by the Land Use Board.

[]

Recreational Clubs, Lodges, Places of Worship and Assembly Halls (§ 9.11)

An applicant for a conditional use permit for a recreational club, lodge, place of worship, assembly hall or similar use or structure for congregation shall file with the application to the Land Use Board:

- [] 1. A statement setting forth full particulars on the operation and use of said facility;
- [] 2. A copy of the organization's articles of incorporation, if a corporation, or trade name certificate which is required to be filed under Title 56 of the New Jersey Revised Statutes; and
- [] 3. When so requested by the Land Use Board, a list of the names and addresses of all officers, directors, and/or trustees of said organization or group.

[]

[]

[]

Local Communication Facilities (§ 9.17)

An application for modification of a local communication facility as per the provision of Section 9.17 shall submit twenty (20) copies of the following documents or site plans:

- [] 1. A site plan with details stipulated in Checklist Schedule "D" including the type, method of construction and height of any proposed tower and any accessory structure(s); on-site land use and zoning for the property involved; land uses and zoning within 200 feet (including adjacent municipalities); any roads within 200 feet; proposed means of access; limits of clearing; and setbacks from property lines.
- [] 2. For modifications of the setback requirement; the application shall identify all parcels of land where the proposed tower could be located, attempts by the applicant to contact and negotiate an agreement for collocation, and the result of such attempts.
- [] 3. A description of how the plan addresses any adverse impact that might result from approving the modification.
- [] 4. Description of off-site or on-site factors which mitigate any adverse impact which might occur as a result of the modification.
- [] 5. A technical study that documents and supports the criteria submitted by the applicant upon which the request for modification is based. The technical study shall be certified by a licensed professional engineer and shall document the existence of the facts related to the proposed modification and its relationship and its relationship to surrounding rights-of-way and properties.

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**Commercial Township Development Regulations Ordinance
Checklist - Schedule "H" Supplemental Details For Specific Uses**

The following identified uses require that the subject subdivision plat and/or site plan include supplemental details for the specific use as listed and noted below. Any plats and/or plans which involve these specific uses shall include the following applicable information:

Instructions: Fill in the name of the applicant or the development and date below. Then in the column of brackets at left place the appropriate letter that corresponds to the status of the item requested. An application shall not be considered complete until all the materials and information specified below have been submitted and is determined complete by the Land Use Board.

Name of Applicant or Development: _____ **Date:** _____

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

**Applicant's
Response**

**Official Use
Only**

GASOLINE SERVICE STATIONS AND/OR REPAIR GARAGES OR CAR WASHES (§ 9.3)

- | | |
|--|-------|
| [] 1. The location of all fuel tanks and pumps. | [] |
| [] 2. The dimensions and capacity of each tank. | [] |
| [] 3. The depth the tanks will be buried. | [] |
| [] 4. The location and use of all structures, whether principal or accessory, to be constructed on the site. | [] |
| [] 5. The location and maximum number of automobiles or motor vehicles in need of service and which are to be garaged or parked on the premises at one time. | [] |
| [] 6. Design details for any proposed canopy structure including proposed lighting and any use of a portion of said canopy as a sign which if so proposed shall comply with the provisions of Section 9.3. A detailed elevation (drawing) with dimensions including sign area, design and location shall be provided. This detail requirement shall be applicable to any canopy structure including a separate canopy to be located over the motor fuel dispensing areas of the gasoline service station. | [] |
| [] 7. The actual floor space area and/or ground area to be devoted to or used for motor vehicle storage or parking on the premises. | [] |
| [] 8. The location of any church, hospital, nursing home or assisted living facility, theater, library, public playground, athletic field, public or private school, firehouse, municipal building, existing service station or public garage or any other public or other building in which the persons gather, which is located within one thousand (1,000) feet of the proposed gasoline dispensing area(s). | [] |

**Commercial Township Development Regulations Ordinance
Checklist - Schedule "G" - Variance Application**

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

Applicant's Response	Official Use Only
subject property.	
e. A copy the applicable wetlands map and soils map of the site involved, as well as a calculation of the acreage of wetlands and uplands for each existing and proposed lot shall be submitted in the event wetlands are located on the site	[] []
[] 10. All existing streets, roads, easements and rights-of-way within and adjoining the property involved, with existing right-of-way widths clearly indicated and as proposed in the Township Master Plan. Existing and proposed driveways or other entrances onto a public street. Street names, existing sight triangles or other easements and their purpose shall be shown.	[]
[] 11. The location and width of all existing or proposed utility easements on the property	[]
[] 12. The location of any existing or proposed open space or recreational areas within or adjacent to the lot involved	[]
[] 13. The location of any municipal boundary lines within two hundred (200) feet of the property	[]
[] 14. Copy of and plan delineation of any existing or proposed deed restriction(s)	[]
[] 15. Copy of and plan delineation of any existing or proposed easements or lands reserved or dedicated to public use or protective covenants	[]

**Commercial Township Development Regulations Ordinance
Checklist - Schedule "G" - Variance Application**

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

Applicant's Response	Official Use Only
revision.	[]
[] 3. Name and address of the owner and person preparing the plat or plan. If the owner is not the applicant, then the interest of the applicant and owner=s signed consent to the filing of the application.	[]
[] 4. The names of all adjoining property owners and property owners within 200 feet of the property involved as disclosed by the most recent tax records.	[]
[] 5. The classification of the zoning district in which the property is located. If the property is less in more than one (1) zoning district, the plat shall indicate all the zoning district lines. All front, side and rear setback lines shall be shown.	[]
[] 6. The legal description and street address, if any, of the subject property, its entire acreage and the acreage of the area(s) involved in the variance application.	[]
[] 7. All existing structures, uses and wooded areas within the property involved and within two hundred (200) feet of the subject property; also, any isolated trees with a diameter of eight (8) inches or more measured three (3) feet above ground level on the property involved.	[]
[] 8. All streams, lakes and drainage rights-of-way within the limits of the property and within five hundred (500) feet thereof, including the location, width and direction of flow of all streams, brooks and drainage structures; existing natural or man-made features to be removed or relocated; flood hazard area and floodway lines, steep slopes in excess of five percent (5%), including the location of all previously dedicated areas, whether accepted or not.	[]
[] 9. The location of any and all wetland areas and required wetlands transition areas or buffers within the proposed development as required under the A Fresh Water Wetlands Protection Act Rules - N.J.A.C. 7:7A, New Jersey Department of Environmental Protection; or letter of interpretation from the NJDEP indicating that the proposed activity within the property requires no wetlands permit or delineation. The Planning Board may waive this application requirement upon the recommendation of the Township Engineer, if the applicant submits a signed statement by a New Jersey licensed engineer or land surveyor that:	
a. He has personally visited the subject property and conducted a site investigation as necessary to determine that there are no wetlands or transition areas on the subject property.	
b. He has examined the subject property on a national wetlands inventory.	
c. He has reviewed the soils on the subject property as set forth in the Salem County Soil Survey Map as issued by the U.S. Department of Agriculture.	
d. He has certified that there are no wetlands or wetland transition areas on the	

Commercial Township Development Regulations Ordinance Checklist – Schedule “G” – Variance Application

Instructions: Fill in the name of the applicant or the development and date below. Then using the column of brackets at left mark with the appropriate letter that corresponds to the status of the item requested. An application shall not be considered complete until all the materials and information specified below have been submitted.

Name of Applicant or Development: _____ **Date:** _____

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

Applicant's Response		Official Use Only
[]	Twenty (20) copies of the appropriate application form(s) completely filled in and signed by the applicant and a map of the property involved in the application,. If any item is not applicable to the application, it should be so indicated on the application form(s). Said map shall be based upon and accompanied by a copy of survey of the property involved bearing the signature and seal of the licensed New Jersey land surveyor who prepared same.	[]
[]	Receipt indicating that all applicable application fees are paid	[]
[]	Receipt indicating that all applicable escrow fees are paid and a signed escrow agreement	[]
[]	Certificate that taxes are paid	[]
[]	Affidavit of ownership. If the applicant is not the owner, applicant=s interest in land, e.g., tenant contract/purchaser, lien holder, etc., and a copy of the document creating that interest (prices may be deleted)	[]
[]	If a corporation or partnership, list the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class as required by N.J.S.A. 40:55D-48.1, <i>et seq.</i>	[]
[]	Name and addresses of witnesses and their expertise, if any	[]
[]	Statement as to any application requirements for which waiver is sought, together with a statement of reasons why waivers should be granted	[]
[]	A list of all other requirements or standards of the Development Regulations Ordinance that are not met by the application and for which a waiver or variance is sought	[]
[]	Twenty (20) copies of a plan or plat of the property involved, separately folded, and drawn at a suitable scale to enable the entire tract to be shown on one (1) sheet and shall show the following items:	[]
[] 1.	A key map with North arrow showing the entire development and its relation to surrounding areas at a scale of not less than one (1) inch equals two thousand (2,000) feet	[]
[] 2.	The Township Tax Map sheet, block and lot numbers for the tract and all adjacent lots, title, graphic scale, date of original drawing and the date and substance of each	[]

Commercial Township Development Regulations Ordinance
Checklist - Schedule "F" - Site Plan for Sign Permit

INSTRUCTIONS: Fill in the name of the applicant or the development and date below. Then using the column of brackets at left mark with the appropriate letters corresponding to the status of the item requested. An application shall not be considered complete until all the materials and information specified below have been submitted and determined to be complete by the approving authority.

Name of Applicant/Development: _____ **Date:** _____

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

Applicant's Response	Official Use Only
<input type="checkbox"/> 1. Five (5) copies of sign plan or drawing separately folded with the title block showing. The plan shall be clearly and legibly drawn and shall conform to the requirements as of Section 8-11, "Signs," including the following:	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> A. Name, address and telephone number of the applicant, the person preparing and/or constructing the sign(s) and the person erecting or locating the sign(s).	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> B. Location of the building, the structure and/or the lot to which the sign is or is to be erected, attached or located.	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> C. A scaled drawing showing the size of the existing or proposed sign; the location of the sign on the building to which it is to be attached, or on the property on which it is to be place (in which case setback dimensions shall be shown); the materials to be utilized in the construction of the sign, including whether or not the sign will be illuminated and details of said illumination including intensity of light and type of lighting to be utilized; and the message, lettering, artwork, illustrations, photographs, color and appurtenances or other items to be placed or shown on the sign(s) or as part thereof.	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> 2. In the case of signs to be erected, constructed or placed on property or attached to structures not belonging to the applicant, evidence of the property or structure owner's approval and permission for the locating of said sign(s).	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> 3. Such other information as reasonably required by the approving authority in order to make a decision as to the approval of the sign based on the provisions of the Township Development Regulations Ordinance.	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> 4. The names of all adjoining property owners and property owners within 200 feet of the property which is the subject of the sign permit application and plan, as disclosed by the most recent tax records.	<input type="checkbox"/> <input type="checkbox"/>

**Commercial Township Development Regulations Ordinance
Checklist - Schedule "E" - Environmental Impact Statement
Plan Information Requirements**

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

Applicant's Response	Official Use Only
set forth and evaluated.	[]
[] G. A thorough description of the steps to be taken to minimize adverse environmental impacts before, during and after construction of the development, both at the development site and in the surrounding region affected thereby, such description to be accompanied by necessary maps, schedules of activity and other explanatory data as may be needed to clarify and explain the actions to be taken.	[]
[] H. Any irreversible or irretrievable commitment of resources which would be involved in the proposed development shall be identified and described.	[]
[] I. A statement of alternatives to the proposed development which might avoid some or all of the adverse environmental effects or impacts, including a no-action/no development alternative, with an objective evaluation of each alternative, including the no-action/no development alternative.	[]
[] J. A reference list of available, pertinent, published information relating to the development, the development site and the surrounding region affected.	[]
[] K. Notwithstanding the foregoing, the Land Use Board may waive the requirement for an environmental impact statement if sufficient evidence is submitted by the applicant to support a conclusion that the proposed development will have a slight or negligible environmental impact. Portions of such requirement may likewise be waived upon a finding by the Land Use Board that a complete statement need not be prepared in order to evaluate adequately the environmental impact of the development.	[]

**Commercial Township Development Regulations Ordinance
Checklist - Schedule "E" - Environmental Impact Statement
Plan Information Requirements**

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

Applicant's Response		Official Use Only
[]	2. Wildlife and including fish and aquatic organisms, and wild animals with emphasis on existing habitats and the impact of the development on same.	[]
[]	3. Man-made conditions and structures on or adjacent to the site	[]
[]	a. Sanitary and storm water sewers, including planned construction Off-site considerations of said planned construction shall be identified and discussed.	[]
[]	b. Noise characteristics and levels	[]
[]	c. Traffic generation with regard to environmental impacts	[]
[]	d. Land use, including maps and descriptions of zoning and Master Plan land use and the New Jersey State Development and Redevelopment Plan planning area delineation(s) of the development area	[]
[]	e. Aesthetics with consideration of scenic vistas, architectural character and the overall harmony with the surrounding natural and built environment	[]
[]	f. Community character	[]
[]	g. History, including maps and descriptions of sites of historical and archeological significance within the site or one (1) mile of the proposed development	[]
[]	h. Demography	[]
[]	i. Culture or cultural sites or structures as per Section 10.4K.5 on or within one (1) mile of the site of the development	[]
[]	j. Maps and descriptions of sites reserved or planned for recreation and/or conservation purposes	[]
[]	D. A listing of all licenses, permits or other approvals required by municipal, county, or state law, the status of each and proof that the applicant has contacted officials of any federal, state, county or municipal agency affected by the proposed development.	[]
[]	E. An assessment of the probable impact of the development upon all of the above items listed in subsection C above.	[]
[]	F. A listing and evaluation of adverse environmental impacts which cannot be avoided with particular emphasis upon air or water pollution, increases in noise during and after construction, damage to vegetation and wildlife systems and habitats, damage to natural resources, displacement of people and businesses, increases in sedimentation and siltation, flooding, potential storm water runoff damage, both on- and off-site, increases in municipal services and the health, safety and well-being of the public. Off-site and off-tract impact shall also be	

**Commercial Township Development Regulations Ordinance
Checklist - Schedule "E" - Environmental Impact Statement
Plan Information Requirements**

For major subdivisions or site plans, or whenever required by the Land Use Board, the applicant shall also submit twenty (20) copies of an environmental impact statement, signed and sealed by a New Jersey licensed professional engineer or a New Jersey licensed professional planner, preferably with experience in environmental studies, or by a recognized professional of environmental science. As used in herein, an "environmental impact statement" means a written description and analysis of all possible direct and indirect effects the development will have upon the development=s site, as well as upon the surrounding region affected thereby, with particular reference to the effect of the development upon the public health, welfare and safety, the protection of the public and private property and the preservation and enhancement of the natural environment.

Instructions: Fill in the name of the applicant or the development and date below. Then using the column of brackets at left place the appropriate letters that corresponds to the status of the item requested. An application shall not be considered complete until all the materials and information specified below have been submitted and determined to be complete by the Land Use Board.

Name of Applicant or Development _____ **Date:** _____

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

Applicant's Response	Official Use Only
[] A. A key map showing the location of the development and how it relates to the surrounding region affected thereby:	[]
[] B. A description of the development, specifying, in the form of maps, drawings, graphs or similar visual aids and also by narrative, what is to be done and how it is to be done during and after construction of the development, including information and technical data adequate to permit a careful assessment of the environmental impact of the development.	[]
[] C. An inventory of the existing environmental conditions at the development site and in the surrounding region affected thereby, and describe the following:	
[] 1. Physical site characteristics	[]
[] a. Hydrology, including maps and descriptions of streams, water bodies and flood plains and a discussion of water quantity and quality.	[]
[] b. Geology.	[]
[] c. Natural topography and drainage.	[]
[] d. Vegetation, existing and proposed.	[]
[] e. Air quality and ground and surface water quality shall be described with reference to the standards promulgated by the N.J. Department of Environment Protection and soils shall be described with reference to criteria contained in the New Jersey Soil and Conservation District Standards and Specifications.	[]

**Commercial Township Development Regulations Ordinance
Checklist Schedule "D" - Land Subdivision**

Final Subdivision Plat continued

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

Applicant's Response	Official Use Only
[] 10. The purpose of any easement or land reserved or dedicated to public use shall be designated, and the proposed use of sites other than residential shall be noted.	[]
[] 11. New blocks and lots shall be numbered so as to conform with the Township Tax Map	[]
[] 12. Minimum building setback lines on all lots and other sites shall be shown	[]
[] 13. Cross-sections, profiles and established grades of all streets as approved by the Township Engineer.	[]
[] 14. Plans and profiles of all storm and sanitary sewers and water mains as approved by the Township Engineer	[]
[] 15. A certificate from the Tax Collector that all taxes are paid to date	[]
[] 16. A statement by the Township Engineer that he is in receipt of a map showing all utilities at exact location and elevation, identifying those portions already installed and those to be installed, and that the applicant has installed all improvements in accordance with the requirements of these regulations or has filed a corporate surety bond, a certified check, returnable to the applicant after full compliance, or any other type of surety approved by the governing body and approved as to form by the Township Solicitor, which is in sufficient amount to assure the installation and maintenance of improvements. The provisions of N.J.S.A. 40:55D-53 shall govern said bonds and the completion, inspection and approval of said improvements and the payment of inspection fees.	[]
[] 17. The identification of all abutting land that is assessed as qualified farmland under the New Jersey Farmland Assessment Act	[]
[] 18. Signature blocks for the Planning Board officials, Township Engineer and all other endorsements required by law.	[]
[] 19. The location and description of all monuments as required by the Township Development Regulations Ordinance and the New Jersey Map Filing Law and all of other details as required by said Map Filing Law	[]
[] 20. For phased or staged development, only those portions for which approval is being requested and have been granted preliminary approval shall be shown on the final plat.	[]

**Commercial Township Development Regulations Ordinance
Checklist Schedule "D" - Land Subdivision**

Final Subdivision Plat

Twenty (20) copies of this completed checklist form and the final plat or plan of any approved subdivision shall be submitted to the Secretary of the Land Use Board showing and/or accompanied all of the required information detailed below.

A development application which is classified as a major subdivision shall not be considered complete until the information requirements of this section have been fulfilled, unless waived by the Land Use Board. In the box in the left column marked "Applicant's Response," please insert one of the following letters to indicate the status of the information or documentation required and included with this submission.

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

Applicant's Response	Official Use Only
<input type="checkbox"/> 1. The final plat shall be drawn in ink on tracing cloth or its equivalent, at a scale of not less than one (1) inch equals fifty (50) feet and in compliance with all the provisions of the Map Filing Law. The final plat shall be submitted in the following form: the original or equivalent duplicate, one (1) translucent tracing cloth or its equivalent copy, two (2) cloth prints and twenty (20) separately folded, black-on-white prints.	<input type="checkbox"/>
<input type="checkbox"/> 2. A key map at a scale in which one (1) inch equals not more than one thousand (1,000) feet, showing the entire subdivision and its relation to all features within one-half (2) mile of the limits of the subdivision with North arrow, and title box on each sheet	<input type="checkbox"/>
<input type="checkbox"/> 3. The name and address of the owner, subdivider and person preparing the plat.	<input type="checkbox"/>
<input type="checkbox"/> 4. The Township tax map sheet, block and lot numbers for the tract and all adjacent lots, title, graphic scale, North arrow, date of original drawing and the date and substance of each revision.	<input type="checkbox"/>
<input type="checkbox"/> 5. Names and addresses of all adjoining property owners as disclosed by the most recent tax records.	<input type="checkbox"/>
<input type="checkbox"/> 6. The identification of all abutting land that is currently assessed as qualified farmland under the New Jersey Farmland Assessment Act	<input type="checkbox"/>
<input type="checkbox"/> 7. The location of that portion which is to be subdivided in relation to the entire tract, along with the entire tract's acreage and the acreage of that portion to be subdivided.	<input type="checkbox"/>
<input type="checkbox"/> 8. All existing and proposed lot lines with dimensions and existing lot lines to be eliminated with said lines certified by a New Jersey licensed land surveyor.	<input type="checkbox"/>
<input type="checkbox"/> 9. Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way land to be reserved or dedicated to public use, all lot lines other site lines, with accurate dimensions, bearings or detection angles, and radii arcs and central angles of all curves	<input type="checkbox"/>

**Commercial Township Development Regulations Ordinance
Checklist Schedule "D" - Land Subdivision**

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

Preliminary Plat for a Major Subdivision continued

**Applicant's
Response**

**Official Use
Only**

- e. Provisions made for pro rata sharing of costs and assessments.
 - f. Capacity of the organization to administer common facilities and preserve the benefits of the common, buffer, open space or recreational areas or drainage improvement facilities.
 - g. The restrictions, covenants and other devices establishing the automatic membership in the association and the responsibilities of membership.
 - h. Such other information as necessary to assure that the provisions of Section 10.4L are satisfied. []
- [] 19. For any development located on an arterial or collector road as defined in the adopted Township Master Plan or any development which will be expected to provide parking spaces for fifty (50) or more vehicles, twenty (20) copies of a traffic analysis will be required to be submitted as part of the preliminary submission. Said analysis shall be prepared by a qualified professional traffic engineer or planner and shall include the following:
- a. Estimated trip generation for said development.
 - b. Directional distribution of traffic from development.
 - c. Trip assignment and analysis.
 - d. A capacity analysis of all roadways to be affected by said development as determined by the above referenced data.
 - e. Identification of congestion and turning-movement traffic.
 - f. An explanation of how the applicant proposes to handle any conflicts or problems, and/or recommendations for such conflicts' or problems' mitigation or elimination including an assessment of the developer's share of such conflict and cost for their mitigation or elimination. []
- [] 20. The identification of all abutting land that is currently assessed as qualified farmland under the New Jersey Farmland Assessment Act []
- [] 21. A copy of the applicable wetlands map and soils map(s) of the site involved as well as a calculation of the acreage of wetlands and uplands areas shall be submitted in the event wetlands are located on the tract involved. If wetlands are located on the tract involved, then there must be submitted a letter of certification from a New Jersey licensed professional engineer that at least fifty percent (50%) of the tract involved is upland as required by Section 6.3. Additionally, wetlands must be mapped on the plat or plan submitted. []

**Commercial Township Development Regulations Ordinance
Checklist Schedule "D" - Land Subdivision**

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

Preliminary Plat for a Major Subdivision continued

Applicant's Response	Official Use Only
indicate compliance with Sections 10.4E and AB.	[]
[] 13. A lighting plan indicating any existing or proposed street lighting to be installed as well as the location and design of proposed lighting for buildings, signs or grounds. The location of poles and distances from intersections for street lighting and illumination factors for all lighting is required to be provided.	[]
[] 14. An itemization of all improvements to be made to the site as required by Articles VIII, IX and X of Commercial Township Development Regulations Ordinance, and such other improvements on-site and off-tract as the public interest may require, together with a listing of the work and materials to be used in installing such improvements, including estimated quantities so that the Township Engineer may formulate a performance guaranty estimate.	[]
[] 15. Details, locations and information on any proposed signs to be erected, constructed or to be placed anywhere on the property involved in accordance with the provisions of Section 8.11 and any proposed outdoor storage as per Section 8.9.	[]
[] 16. In the case of a planned residential cluster development, the preliminary plat shall be accompanied by a set of detailed development plans showing density patterns, site design, open land designations, building locations, utilities and other improvements and landscaping proposals.	[]
[] 17. Twenty (20) copies of an environmental impact statement as per Checklist "E" are required to be submitted for all major subdivisions including, if applicable a cultural resource survey as required by Section 10.4K.5.	[]
[] 18. In the case of a development for which a homeowners association is required or proposed as per Section 10.4L the subdivision plat shall be accompanied by such information as will permit the Land Use Board to make detailed findings concerning the ability of the association to adequately perform the function for which it is designed. Information to be submitted by the applicant in this regard and subject to approval and revision is as follows:	
a. The time when the association is to be created in relation to the project's timetable.	
b. Mandatory or automatic nature of membership in the organization by a resident/ occupant and his/her successor(s) as well as the Township.	
c. Permanency of common, buffer, open space and recreational areas' or drainage improvement areas' protective covenants.	
d. Liability of the organization for insurance, taxes and maintenance of all facilities.	

**Commercial Township Development Regulations Ordinance
Checklist Schedule "D" - Land Subdivision**

C- Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

Preliminary Plat for a Major Subdivision continued

Applicant's Response	Official Use Only
retention basins, flood control devices, sedimentation basins, or other water conservation devices	[]
<input type="checkbox"/> c. Plans and computations for any storm water management systems as required by Section 10.4W including all existing and proposed storm sewer lines within or in lands or roads adjacent to the development and for all required off-site or off-tract drainage improvements showing size, profile and slope of lines, direction of flow and the location of each catch basin, inlet, manhole, culvert and head wall	[]
<input type="checkbox"/> 8. Preliminary plans and profiles of proposed improvements and utility layouts (sanitary sewers, storm sewers, erosion control, excavation, etc.) shall be provided at a scale of not more than one (1) inch equals fifty (50) feet horizontally and one (1) inch equals five (5) feet vertically, showing connections to existing and proposed utility systems	[]
<input type="checkbox"/> 9. When on-site wells and sewage disposal systems is proposed, the proposed location of the well and the location, results of permeation tests, and sufficient information to assure that the grading plan for the major subdivision will be maintained as a result of such on-site utility location. At a minimum, a test boring and permeation test shall be taken for every four (4) lots. When deemed necessary by the Land Use Board to determine the suitability of the soil to support new construction, further permeation test shall be submitted. Any subdivision or part thereof which does not meet the established sewage treatment requirements shall not be approved unless the proposed remedy to overcome such a situation is approved by the appropriate local, county or state agency. In a case where the exact location of such on-site utilities is not known, the preliminary plat shall contain a note stipulating that the integrity of the final grading plan for the major subdivision shall be maintained.	[]
<input type="checkbox"/> 10. Identification of an area to be reserved for public use and acceptable to Township recreational purposes, to be approved by the Land Use Board, comprising an amount of the land area as required by Section 10.4 T. In the case of any major subdivision involving twenty (20) or more lots, the location and other information regarding recreational or open space areas as set forth in Section 10.4S, "Planned developments," shall be provided.	[]
<input type="checkbox"/> 11. A copy of any easements, protective covenants or deed restrictions applying to the land being subdivided.	[]
<input type="checkbox"/> 12. A landscaping and buffering plan showing any existing or proposed buffered areas and the proposed landscaping to be undertaken within the subdivision including the planting of shade trees and typical lot landscaping. The plan shall show what existing or natural vegetation will remain and what will be planted including shade trees, indicating names of the plants and trees with dimensions, appropriate time and method of planting in detail. The plan shall	

**Commercial Township Development Regulations Ordinance
Checklist Schedule "D" - Land Subdivision**

C- Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

Preliminary Plat for a Major Subdivision continued

Applicant's Response	Official Use Only
two hundred (200) feet from the lots being created	[]
[] 5. Cross-sections and centerline profiles of proposed streets within the subdivision and existing streets which abut the subdivision	[]
[] 6. All existing and proposed watercourses shall be shown, accompanied by the following information:	
[] a. When a stream is proposed for alteration, improvement or relocation or when a drainage system is proposed within the flood way of an existing stream, evidence of submission of the improvement to the Division of Water Resources of the New Jersey Department of Environmental Protection shall accompany the subdivision application	[]
[] b. Cross-sections of watercourses and or drainage swales at an approximate scale showing the extent of the floodplain, top of bank, normal water level and bottom elevations at the following locations:	
[] (1) At any point where a watercourse crosses the boundary of a subdivision	[]
[] (2) At fifty-foot intervals for a distance of three hundred (300) feet upstream and downstream of any proposed culvert or bridge within or adjacent to the subdivision	[]
[] (3) Immediately upstream and downstream of any point of junction of two (2) or more watercourses	[]
[] (4) At a maximum of three-hundred-foot intervals along all watercourses which run through or adjacent to the subdivision	[]
[] c. When ditches, streams, brooks or watercourses are to be altered, improved, or relocated, the method of stabilizing slopes and the measures to control erosion and siltation as well as typical cross-sections and profiles shall be shown on the plat or accompany it	[]
[] d. The boundaries of the flood plains within or adjacent to the subdivision	[]
[] 7. Drainage information and plans:	
[] a. Preliminary plans and profiles, at a scale of one (1) inch equals fifty (50) feet horizontally and one (1) inch equals five (5) feet vertically, of all proposed and existing storm sewers, drainage swales and streams within the subdivision, together with locations, sizes, elevations and capacities of any existing storm drain, ditch or stream to which the proposed facility will be connected	[]
[] b. The location and extent of any proposed dry wells, groundwater recharge basins,	

**Commercial Township Development Regulations Ordinance
Checklist Schedule "D" - Land Subdivision**

Instructions: Fill in the name of the applicant or the development and date below. Then using the column of brackets at left place the appropriate letter that corresponds to the status of the item requested. An application shall not be considered complete until all the materials and information specified below have been submitted and determined to be complete by the Land Use Board.

Name of Applicant or Development: _____ **Date:** _____

Preliminary Plat for a Major Subdivision A development application which is classified as a major subdivision shall not be considered complete until the information requirements of this section have been fulfilled, unless waived by the Land Use Board. In the box in the left column marked Applicant's Response, please insert one of the following letters to indicate the status of the information or documentation required and included with this submission.

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

Applicant's Response	Official Use Only
<input type="checkbox"/> A. Twenty (20) copies of the preliminary plat shall be submitted and said preliminary plat shall be clearly and legibly drawn or reproduced in black on white, at a scale of not less than one (1) inch equals fifty (50) feet. It shall be prepared under the supervision of and be signed and sealed by a licensed New Jersey land surveyor, and any engineering design work shall be done by a licensed New Jersey professional engineer.	<input type="checkbox"/>
<input type="checkbox"/> B. The plat shall be prepared in compliance with the design standards of the Township Development Regulations Ordinance and shall show or be accompanied by the following information, in addition to all that is required for a minor subdivision plat, including:	
<input type="checkbox"/> 1. Accurate bearings, headings and other boundary details, North arrow and graphic scale, Township tax map sheet, block and lot numbers for the tract and all surrounding areas., key map showing the entire development and its relation to surrounding areas and a title box, name and address of the record owner and the person preparing the plan with the appropriate seal and signature affixed, the date of the original drawing and the date and substance of each revision on each sheet	<input type="checkbox"/>
<input type="checkbox"/> 2. The plan shall be based on a survey performed by a licensed New Jersey land surveyor.	<input type="checkbox"/>
<input type="checkbox"/> 3. Any structures of historic significance or a cultural resource within two hundred (200) feet of the subdivision shall be identified in accordance with the provisions of Sections 10.4K & L. (See Checklist E) Such survey may be included in an environmental impact statement, if required for the application	<input type="checkbox"/>
<input type="checkbox"/> 4. Topographic contours at two-foot intervals for slopes averaging five percent (5%) or greater and one-foot contours for slopes less than five percent (5%). All elevations shall be related to a bench mark noted on the plat and wherever possible shall be based on U.S.G.S. mean sea level datum or approved local datum. Contours should show existing ground elevations and proposed elevations in areas to be graded. Elevations and contours need not be shown for those portions of any parcel to be retained by the person subdividing in an undeveloped state that are more than	

**Commercial Township Development Regulations Ordinance
Checklist Schedule "D" - Land Subdivision**

Minor Subdivision Plats continued

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

**Applicant's
Response**

**Official Use
Only**

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|-------|--|-------|
| | by the approving engineer to be unnecessary in whole or in part. | [] |
| [] | 16. A grading plan showing existing and proposed spot elevations based upon the United States Coastal Geodetic datum at the building corners of the building envelope, center lines of all abutting roads, top and bottom curbs, property corners, gutters and other pertinent locations. | [] |
| [] | C. Minor Subdivision Filing. A plat containing all of the above information which is reviewed and approved as a minor subdivision may be filed as a plat if it is a certified survey that contains the signatures of the Chairman and Secretary of Planning Board and meets the requirements of the Map Filing Law. | |

**Commercial Township Development Regulations Ordinance
Checklist Schedule "D" - Land Subdivision**

Minor Subdivision Plats continued

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

Applicant's Response	Official Use Only
<input type="checkbox"/> 8. All existing structures and wooded areas within the portion to be subdivided and within two hundred (200) feet thereof. Also any isolated trees with a diameter of eight (8) inches or more measured three (3) feet above ground level on the property involved.	<input type="checkbox"/>
<input type="checkbox"/> 9. All existing and proposed streets, easements and rights-of-way within or adjoining the proposed subdivision with the existing rights-of-way widths and proposed widths as set forth in the adopted Township Master Plan or as classified by the County of Cumberland, clearly indicated. Existing and proposed driveways or other entrances onto a public street. Street names, existing and proposed sight triangle easements or other easements and their purpose shall be shown.	<input type="checkbox"/>
<input type="checkbox"/> 10. The location and width of all existing and proposed utility easements in the area of the subdivision.	<input type="checkbox"/>
<input type="checkbox"/> 11. The location, size and direction of flow of all streams, brooks, drainage structures and drainage ditches in the area to be subdivided or within two hundred (200) feet of the subdivision.	<input type="checkbox"/>
<input type="checkbox"/> 12. The classification of the zoning district in which the proposed subdivision is located. If the property lies in more than one (1) zoning district, the plat shall indicate all the zoning district lines. All front, side and rear setback lines shall be shown conforming to the requirements of the Township Development Regulations Ordinance.	<input type="checkbox"/>
<input type="checkbox"/> 13. The location of any and all wetland areas and required wetlands transition areas or buffers within the proposed development as required under the "Fresh Water Wetlands Protection Act Rules" - N.J.A.C. 7:7A, New Jersey Department of Environmental Protection. A copy of the applicable wetlands map and soils map of the site involved, as well as a calculation of the acreage of wetlands and uplands for each existing and proposed lot shall be submitted in the event wetlands are located on the site. If wetlands are located on the site, then there must be submitted a letter of certification from a New Jersey licensed professional engineer that at least fifty percent (50%) of the site involved is upland as required by Section 6.3. Additionally, said wetlands must be mapped on the plat submitted.	<input type="checkbox"/>
<input type="checkbox"/> 14. For any application having a reserve parcel resulting from the subdivision which is capable of being subdivided further and which will have insufficient road frontage as a result of the proposed subdivision, or which will require the installation of a new street to allow for subdivision, the subdivision plat shall show provision of an approximate indication of an acceptable layout for the remainder of the tract to assure that there is no adverse effect upon the development or the access to the remainder of the tract.	<input type="checkbox"/>
<input type="checkbox"/> 15. Contours at two-foot intervals for slopes averaging five percent (5%) or greater and one-foot contours for slopes less than five percent (5%), unless determined	

**Commercial Township Development Regulations Ordinance
Checklist Schedule "D" - Land Subdivision**

Instructions: Fill in the name of the applicant or the development and date below. Then using the column of brackets at left place the appropriate letter that corresponds to the status of the item requested. An application shall not be considered complete until all the materials and information specified below have been submitted and determined to be complete by the Land Use Board.

Name of Applicant or Development: _____ **Date:** _____

Minor Subdivision Plats

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

Applicant's Response	Official Use Only
<input type="checkbox"/> A. Twenty (20) copies of the preliminary subdivision plat prepared under the supervision of and be signed and sealed by a licensed New Jersey land surveyor, professional engineer, planner or registered architect, as relevant when submitted.	<input type="checkbox"/>
<input type="checkbox"/> B. The plat shall be based on an actual field survey, unless otherwise waived by the Land Use Board, in which case it shall be based on tax map information or some other similarly accurate base. It shall be at a scale of not more than one (1) inch equals two hundred (200) feet, to enable the entire tract to be shown on one (1) sheet.	<input type="checkbox"/>
C. The following information shall be shown or included on the plat unless waived by the Land Use Board:	
<input type="checkbox"/> 1. A key map at a scale in which one (1) inch equals not more than one thousand (1,000) feet, showing the entire subdivision and its relation to all features within one-half (2) mile of the limits of the subdivision with North arrow, and title box on each sheet	<input type="checkbox"/>
<input type="checkbox"/> 2. The name and address of the owner, subdivider and person preparing the plat	<input type="checkbox"/>
<input type="checkbox"/> 3. The Township tax map sheet, block and lot numbers for the tract and all adjacent lots, title, graphic scale, North arrow, date of original drawing and the date and substance of each revision.	<input type="checkbox"/>
<input type="checkbox"/> 4. Names and addresses of all adjoining property owners as disclosed by the most recent tax records.	<input type="checkbox"/>
<input type="checkbox"/> 5. The identification of all abutting land that is currently assessed as qualified farmland under the New Jersey Farmland Assessment Act	<input type="checkbox"/>
<input type="checkbox"/> 6. The location of that portion which is to be subdivided in relation to the entire tract, along with the entire tract's acreage and the acreage of that portion to be subdivided.	<input type="checkbox"/>
<input type="checkbox"/> 7. All existing and proposed lot lines with dimensions and existing lot lines to be eliminated with said lines certified by a New Jersey licensed land surveyor.	<input type="checkbox"/>

Commercial Township Development Regulations Ordinance
Checklist Schedule "C" - Preliminary Major Site Plan
Plan Information Requirements

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

**Applicant's
Response**

**Official Use
Only**

- 6. Capacity of the organization to administer common facilities and preserve the benefits of the common, buffer, open space or recreational areas or drainage improvement facilities;
- 7. The restrictions, covenants and other devices establishing the automatic membership in the association and the responsibilities of membership; and
- 8. Such other information as necessary to assure that the provisions of Section 10.4L are satisfied.

☐ ☐

- ☐ ☐ G. Such other information or submissions which shall have been made known to the applicant in writing at the time said applicant received the application form and this or other checklists for use in applying for development approval.

☐ ☐

**Commercial Township Development Regulations Ordinance
Checklist Schedule "C" - Preliminary Major Site Plan
Plan Information Requirements**

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

**Applicant's
Response**

**Official Use
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submitted as part of the preliminary submission. Said analysis shall be prepared by a qualified professional traffic engineer or planner and shall include the following:

1. Estimated trip generation for said development;
2. Directional distribution of traffic from development;
3. Trip assignment and analysis;
4. A capacity analysis of all roadways to be affected by said development as determined by the above referenced data;
5. Identification of congestion and turning-movement traffic;
6. An explanation of how the applicant proposes to handle any conflicts or problems, and/or recommendations for such conflicts' or problems' mitigation or elimination including an assessment of the developer's share of such conflict and cost for their mitigation or elimination; and
7. Such other information and/or data as found necessary and/or required by the Land Use Board

[]

[] E. A soil erosion and sediment control plan or statement of non-applicability is required. []

[] F. Twenty (20) copies of an environmental impact statement as per Checklist "E", are required to be submitted for site plans including where applicable, a cultural resource survey as set forth in Section 10.4K.5, See Checklist "K". []

[] G. In the case of a development for which a homeowners association is required or Proposed and as per Section 10.4L, the site plan shall be accompanied by such information as will permit the Land Use Board to make detailed findings concerning the ability of the association to adequately perform the function for which it is designed. Information to be submitted by the applicant in this regard and subject to approval and revision is as follows:

1. The time when the association is to be created in relation to the project's timetable;
2. Mandatory or automatic nature of membership in the organization by a resident/ occupant and his/her successor(s) as well as the Township;
3. Permanency of common, buffer, open space and recreational areas= or drainage improvement areas' protective covenants;
4. Liability of the organization for insurance, taxes and maintenance of all facilities;
5. Provisions made for pro rata sharing of costs and assessments;

Commercial Township Development Regulations Ordinance
Checklist Schedule "C" - Preliminary Major Site Plan
Plan Information Requirements

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

Applicant's Response	Official Use Only
<input type="checkbox"/> 17. Grading plan showing existing and proposed spot elevations based upon the United States coastal geodetic datum at all building corners, all floor levels, center lines of abutting roads, top and bottom curbs, property corners, gutters and other pertinent locations.	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> 18. A copy of the applicable wetlands map and soils map of the site involved as well as a calculation of the acreage of wetlands and uplands areas shall be submitted when wetlands are located on the site involved. If wetlands are located on the tract involved, then there must be submitted a letter of certification from a New Jersey licensed professional engineer that at least fifty percent (50%) of the tract involved is uplands as required by Section 6.3.	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> 19. The location, size, and direction of flow of all streams, brooks, ditches, lakes and ponds. The boundaries of the flood plains of all watercourses shall also be shown.	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> 20. Plans, design details and calculations for all storm drainage facilities	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> 21. A lighting plan for the site including the location and design of proposed lighting for buildings, signs, parking and loading areas, driveways and grounds	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> 22. Cross sections and centerline profiles of all existing and proposed streets and watercourses	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> 23. Preliminary plans and profiles of proposed utility layouts and water and sewer facilities	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> 24. If on-site sewage disposal is required, the results and location of all permeation tests and test boring locations shall be shown on the plan	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> 25. The size, type, location and design including content of all proposed signs	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> 26. The identification of all abutting land that is assessed as qualified farmland under the New Jersey Farmland Assessment Act.	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> 27. All easements existing, acquired or required on the tract and on adjacent properties shall be shown, and copies of legal documentation that support the granting of the easement(s) by an adjoining property owner shall be included in the application package submitted.	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> C. A listing of all county, State and federal approvals or permits required in connection with the proposed development to the extent known shall be submitted.	<input type="checkbox"/> <input type="checkbox"/>
<input type="checkbox"/> D. For any development located on an arterial or collector road as defined in the adopted Township Master Plan or as so classified by the County of Cumberland, or any development which will be expected to provide parking spaces for fifty (50) or more vehicles, twenty (20) copies of a traffic analysis will be required to be	

Commercial Township Development Regulations Ordinance
Checklist Schedule "C" - Preliminary Major Site Plan
Plan Information Requirements

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

Applicant's Response	Official Use Only
<input type="checkbox"/> 8. The names, location, dimensions and arrangement of existing or proposed streets, vehicular access ways and driveways, sight triangles, off-street parking areas, methods of separating land traffic and parking traffic within off-street parking areas and loading and unloading areas, and the computations used to determine the number of off-street parking and loading spaces required.	<input type="checkbox"/>
<input type="checkbox"/> 9. A survey prepared by a land surveyor licensed by the State of New Jersey shall accompany site plans and shall show the boundaries of the parcel and the limits of the proposed streets, recreation areas and other property to be dedicated to public use or to common open space. In case of new commercial, industrial or public buildings, the site plan shall be accompanied by preliminary architectural floor plans and elevations of the front, side and rear of any structures with the name, address, professional number and seal of the architect involved; and all signs to be erected, constructed, and placed on-site or modified to the extent necessary to appraise the Planning Board of the scope of the proposed work, shall be shown. Any existing structures shall be identified either as to remain or be removed.	<input type="checkbox"/>
<input type="checkbox"/> 10. The location of all existing trees or tree masses, indicating general sizes and species of trees.	<input type="checkbox"/>
<input type="checkbox"/> 11. A lighting plan for the entire site involved in the site plan shall be provided and include the type of lighting fixtures or standards proposed with intensity level, angle, direction, height and reflection of each source of light shall be shown.	<input type="checkbox"/>
<input type="checkbox"/> 12. Date of the original drawing and each subsequent revision or amendment thereto; title of plan and development name on each sheet; and total area to one (1) square foot.	<input type="checkbox"/>
<input type="checkbox"/> 13. All dimensions, areas and distances needed to confirm conformity with the ordinance such as, but not limited to, building lengths, building coverage, lot lines, parking and loading spaces with calculations for same, setbacks and yard dimensions (the building envelope), and buffer areas.	<input type="checkbox"/>
<input type="checkbox"/> 14. The location, design and dimensions of open areas, buffer areas, pedestrian Walkways and any recreation areas and facilities proposed by the developer.	<input type="checkbox"/>
<input type="checkbox"/> 15. A landscaping and buffering plan showing what will remain and what will be planted, indicating names of plants and trees and dimensions, approximate time and method of planting and all non-plant material to be used in landscaping. Said plan shall including a planning schedule demonstrating that said plan can be accomplished within six (6) months with approximate start date for same.	<input type="checkbox"/>
<input type="checkbox"/> 16. Contours at two-foot intervals for slopes averaging five percent (5%) or greater And one-foot contours for slopes less than five percent (5%), unless determined by The Township Engineer to be unnecessary in whole or in part	<input type="checkbox"/>

Commercial Township Development Regulations Ordinance
Checklist - Schedule "C" – Preliminary Major Site Plan
Plan Implementation Requirements

In addition to the information required for a zoning permit, all site plans shall fulfill the information requirements of Sections 12.10 and 12.11 of the Development Regulations Ordinance prior to review by the Land Use Board.

Instructions: Fill in the name of the applicant or the development and date below. Then using the column of brackets at left place the appropriate letter that corresponds to the status of the item requested. An application shall not be considered complete until all the materials and information specified below have been submitted and determined to be complete by the Land Use Board.

Name of Applicant or Development _____ **Date:** _____

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

Applicant's Response	Official Use Only
<input type="checkbox"/> A. The site plan shall be prepared under the supervision of and be signed and sealed by either a New Jersey licensed professional engineer, planner or a registered architect as relevant. The plan shall be drawn in black on white at a scale not less than one (1) inch equals fifty (50) feet.	<input type="checkbox"/>
<input type="checkbox"/> B. Twenty (20) separately folded copies of the site plan are to be submitted and said plan shall clearly show the conditions on and adjacent to the site at the time of application, the features of the site which are being incorporated into the proposed use or building and the appearance and function of the proposed use or building.	<input type="checkbox"/>
 At a minimum, the preliminary site plan shall include the following information:	
<input type="checkbox"/> 1. A key map at an appropriate scale, showing the location of the site and its relationship to surrounding areas and to existing street locations adjacent to or within fifty (50) feet of the tract, and any municipal boundary within one hundred (100) feet) of the tract involved.	<input type="checkbox"/>
<input type="checkbox"/> 2. North arrow, title block, zone district(s) in which the lot(s) involved is/are located and is/are adjacent. Names and addresses of the owner, developer and person preparing the plan	<input type="checkbox"/>
<input type="checkbox"/> 3. The tax map sheet, block and lot numbers	<input type="checkbox"/>
<input type="checkbox"/> 4. The names of all adjoining property owners as disclosed by the most recent tax records	<input type="checkbox"/>
<input type="checkbox"/> 5. The entire property in question, even though only a portion of said property is involved in the site plan; provided, however, that where it is physically impossible to show the entire property on the required sheet, a separate map at an appropriate scale may be submitted.	<input type="checkbox"/>
<input type="checkbox"/> 6. The location, design and dimensions of each new and existing use and building	<input type="checkbox"/>
<input type="checkbox"/> 7. The building(s) or use(s) setback distances from all property lines	<input type="checkbox"/>

**Commercial Township Development Regulations Ordinance
Checklist Schedule "B" - Minor Site Plan Application
Plan Information Requirements**

Name of Applicant or Development _____ Date: _____

C – Complete I – Incomplete NA - Not Applicable WR - Waiver Requested

**Applicant's
Response**

**Official Use
Only**

established at least to the adjoining road(s) grade elevation(s).

[]

- [] 18. The location of existing or proposed potable water and sanitary sewer facilities for the site and their suitability for the use proposed and such other details as may apply to the proposed improvements or change of use as necessary to reasonably determine the suitability of the site for the use proposed and the requirements of the Township Development Regulations Ordinance.

[]

- [] B. Such other details as may apply to the proposed construction, improvements or change of use.

[]

Commercial Township Development Regulations Ordinance
Checklist Schedule "B" - Minor Site Plan Application
Plan Information Requirements

Name of Applicant or Development _____ Date: _____

C – Complete I – Incomplete NA - Not Applicable WR - Waiver Requested

Applicant's Response		Official Use Only
	the property involved. A landscaping plan shall be provided which plan conforms to the standards in Section 10.4AB.	[]
[]	9. Streams, lakes and drainage rights-of-way within the limits of the property involved including the location, width and direction of flow of all streams, brooks and drainage structures; existing natural or man-made features to be removed or relocated; flood hazard area and floodway lines, and steep slopes in excess of five percent (5%).	[]
[]	10. A copy of the applicable wetlands map and soils map of the site involved as well as a calculation of the acreage of wetlands and uplands shall be submitted in the event wetlands are located on the site. If wetlands are located on the site, then there must be submitted a letter of certification from a New Jersey licensed professional engineer that at least fifty percent (50%) of the site involved is upland as required by Section 6.3. Additionally, wetlands must be mapped on the plan submitted.	[]
[]	11. All existing streets, roads, easements and rights-of-way within and adjoining the site, with existing right-of-way widths clearly indicated and as proposed in the Township Master Plan, and all existing and proposed driveways or other entrances onto a public street with all street names, existing and proposed sidewalks and sight triangle and other easements and their purpose shall be shown. Any curb openings, existing and proposed, with referenced location and width at curb line and at the property line shall be shown.	[]
[]	12. The location and width of all existing or proposed utility easements in the area	[]
[]	13. The location of any existing or proposed open space or recreational areas within or adjacent to the site.	[]
[]	14. The location of any municipal boundary lines within two hundred (200) feet of the site.	[]
[]	15. If a sign or signs are to be erected, attached to a structure or otherwise located on the site, the site plan shall be accompanied by details and information on the number, size, design and content of any sign or signs as permitted for in Section 8.11.	[]
[]	16. Any existing and/or proposed type of paving	[]
[]	17. The location of all storm water inlets within 100 feet of the property boundaries along with a plan to accommodate stormwater runoff on the site or to direct same to a proper location. The site plan shall show the grade of the site	

Commercial Township Development Regulations Ordinance
Checklist Schedule "B" - Minor Site Plan Application
Plan Information Requirements

In addition to the information required for a zoning permit, all minor site plans shall fulfill the information requirements of the Development Regulations Ordinance prior to review by the Land Use Board.

Instructions: Fill in the name of the applicant or the development and date below. Within the left column of brackets, mark with the appropriate letter that corresponds to the status of the item requested. An application shall not be considered complete until all the materials and information specified below have been submitted and determined to be complete by the Land Use Board.

Name of Applicant or Development _____ **Date:** _____

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

Applicant's Response		Official Use Only
[]	A. Twenty (20) copies of the minor site plan which shall show the proposed improvements, alterations or change of use on a copy of a site plan which has been duly approved, if there be one, or on a plan signed by a New Jersey licensed engineer, architect or land surveyor who prepared it, showing the following:	[]
[]	1. The site plan shall be drawn at a scale of not less than fifty (50) feet to the inch. All distances shall be in decimals of a foot, and all bearing shall be given to the nearest ten (10) seconds. The error of closure shall not exceed one (1) in ten thousand (10,000).	[]
[]	2. A key map showing the entire development and its relation to surrounding areas at a scale of not less than one (1) inch equals two thousand (2,000) feet.	[]
[]	3. Title of development, north point, graphic scale, name, address of record owner and person preparing the plan with the appropriate seal and signature affixed to said plan.	[]
[]	4. The Township tax map sheet, block and lot numbers for the tract and all adjacent lots, date of original drawing and the date and substance of each revision.	[]
[]	5. Name and address of the property owner, applicant and person preparing the map. If the owner is not the applicant, then the interest of the applicant and owner's signed consent to the filing of the application.	[]
[]	6. The signature and seal of licensed land surveyor	[]
[]	7. The classification of the zoning district in which the proposed development is located. If the property is in more than one (1) zoning district, the plan shall indicate all zoning district lines. All front, side and rear yard setback lines shall be shown conforming to the Development Regulation Ordinance for zoning district in which said development is located.	[]
[]	8. The existing and proposed use of all buildings, structures (and including fences, sheds, bridges or sidewalks) or parts thereof located on site and any wooded areas within the tract involved along with any isolated trees with a diameter of eight (8) inches or more measured three (3) feet above ground level located on	

**Commercial Township Development Regulations Ordinance
Checklist Schedule "A" - General Requirements**

Name of Applicant or Development _____ Date _____

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

**Applicant's
Response**

**Official Use
Only**

- the subject property;
- b. He has examined the subject property on the national wetlands inventory map;
 - c. He has reviewed the soils on the subject property as set forth in the Cumberland County Soil Survey Map as issued by the United States Department of Agriculture; and
 - d. He has certified that there are no freshwater wetlands or freshwater wetland transition areas on the subject property.

[]

Commercial Township Development Regulations Ordinance
Checklist Schedule "A" - General Requirements

Instructions: Fill in the name of the applicant or the development and date below. Then using the column of brackets at left place the appropriate letter that corresponds to the status of the item requested. An application shall not be considered complete until all the materials and information specified below have been submitted and found complete by the approving authority.

Name of Applicant or Development _____ Date _____

C - Complete I - Incomplete NA - Not Applicable WR - Waiver Requested

Applicant's Response	Official Use Only
[] 1. Twenty (20) copies of the appropriate application form(s), completely filled in and signed by the applicant.	[]
[] 2. A statement from the Township Tax Collector's office indicating tax status for properties involved in application.	[]
[] 3. Receipt indicating that all relevant fees are paid.	[]
[] 4. Twenty (20) folded copies of any required plot plan, site plan or subdivision plan.	[]
[] 5. Twenty (20) copies of the completed checklist(s) relevant to the application.	[]
[] 6. Affidavit of ownership. If the applicant is not the owner, applicant's interest in land e.g. tenant, contract/purchaser, lien holder, and a copy of the document creating that interest (prices may be deleted)	[]
[] 7. If a corporation or partnership, list the names and addresses of all stockholders or individual partners owning at least ten percent (10%) of its stock of any class, as required by N.J.S.A. 40:55D-48.2 et seq.	[]
[] 8. Five (5) copies of a list of the names and addresses of witnesses and their expertise, if any.	[]
[] 9. Twenty (20) copies of a list of all other requirements or standards of the Township Development Regulations Ordinance that are not met by the application and for which a waiver(s) or variance(s) are sought and a statement as to any application requirements for which a waiver is sought, together with a statement of reasons why the waiver(s) should be granted.	[]
[] 10. Five (5) copies of a letter of interpretation from the New Jersey Department of Environmental Protection stating that there is no freshwater wetland or freshwater wetland transition area within the subject property or, in the alternative, a New Jersey Department of Environmental Protection verification of the freshwater wetland and freshwater wetland transition area boundary delineations on the subject property. The Township Engineer may waive this application requirement if the applicant submits a signed statement by a New Jersey licensed engineer or land surveyor that:	
<div style="margin-left: 20px;">a. He has personally visited the subject property and conducted a site investigation as necessary to determine that there are no freshwater wetlands or transition areas on</div>	

APPENDIX A

COMMERCIAL TOWNSHIP

CUMBERLAND COUNTY, NEW JERSEY

DEVELOPMENT REGULATIONS ORDINANCE

CHECKLISTS FOR DETERMINING COMPLETENESS

AS PER SECTION 12.11

(In alphabetical order)

17. 17

All other Ordinances and parts of Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, and this Ordinance shall be in full force and effect immediately upon its adoption and its publication, as provided by Law.

17. 18

Should any section, paragraph, sentence, clause or phrase of the INTERNATIONAL Property Maintenance Code be in conflict with or inconsistent with any provision of this Ordinance, this Ordinance shall be considered controlling.

17. 19

Should any section, paragraph, sentence; clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

17. 20.

Nothing in this Ordinance or in the Code adopted hereby shall amend, supersede, abrogate or impair any Ordinance or part of Ordinance adopted by Commercial Township having standards more stringent than those adopted herein. The provisions of any and all such Ordinances shall supersede the standards set forth herein.

17. 21

This Ordinance shall take effect upon its final passage and publication according to Law.

FIRST READING:

PUBLICATION:

ADOPTION:

PUBLICATION:

GEORGE W. GARRISON, Mayor

ATTEST:

HANNAH E. NICHOLS, Clerk

the maintenance of said property and the names and addresses of the lessee of the property.

c) Beginning March 14, 2004 and, at least once every five years thereafter, the owner of the building in which the unit of dwelling space is situated shall test the water supply in accordance with N.J.S.A. 5 8: 12A-26, et seq., and provide a copy of the County water certificate of the Housing Officer.

d) In addition to the application fee the owner shall pay a fee of **Forty (\$40.00) DOLLARS** for each unit of dwelling space requiring a re-inspection by the Housing Officer. For each inspection appointment made by the Housing Officer, said fee shall be paid prior to any re-inspection and a new occupancy permit shall be required on all changes of occupancy of the unit.

17.13

Should any investigation or inspection pursuant to Section 4 reveal that the "unit of dwelling space" does not conform in all respects with the provisions of this Ordinance and to the provisions of the INTERNATIONAL Property Maintenance Code, the Housing Office and/or the Construction Office may proceed in accordance with Sections 5, 6 and 7 of this Ordinance including notice to alleged violations; establishment of reasonable time for correction of violations, and opportunity of affected persons to be heard. In the event a re-inspection reveals that the alleged violations have not been corrected and the "unit of dwelling space" space continues to not conform in all respects to the provisions of this Ordinance and the provisions of the INTERNATIONAL Property Maintenance Code, the Housing Officer, in addition to all other remedies provided by this Order, may revoke the permit issued pursuant to Section 11.

17.14

(a) This Section shall be in addition to the requirement of obtaining a occupancy permit as provided in Section 11 of this Ordinance.

(b) No person shall rent, lease or let any occupant to occupants, whether or not for consideration any dwelling, dwelling unit, hotel rooming house or rooming unit unless a Occupancy Permit shall first have been obtained from the Housing Officer. Said Permit shall certify that the building or unit is fit for human habitation and complies with the requirements of all Ordinances of the Township of Commercial which relates to housing. No tenant or occupant shall sublease, sublet or permit use of dwelling or lodging units without following the above procedure. This Section shall not be deemed to allow any such occupancy other than where allowed by the Zoning Ordinance.

17.15

No tenant or occupant of any dwelling, dwelling hotel, rooming house or rooming unit shall sublease, sublet or permit use of the dwelling or lodging unit without complying with the provisions of this Ordinance.

17.16

Any person, firm or corporation violating the provisions of this Ordinance shall, upon conviction thereof, be subject, for the first offense, to a fine of not more than **FIVE HUNDRED (\$500.00) DOLLARS**. For a second offense, a person shall be subject to a fine of not more than **ONE THOUSAND (\$1,000.00) DOLLARS** or be imprisoned in the County jail for a period not exceeding six (6) months.

Officer and Construction Official, shall be afforded a hearing as soon as possible, and if reasonably, possible within 24 hours. After such hearing and depending upon the findings, whether the provisions of this Ordinance and of the rules and regulations adopted pursuant thereto have been complied with, the Housing Officer and /or the Construction Official shall continue such order in effect to modify or revoke it.

17.9

The Housing Official is hereby authorized and empowered to make and adopt such written rules and regulations as he may deem necessary for the proper enforcement of the provisions of this Ordinance, provided, however, that such rules and regulations shall not be in conflict with the provisions of this Ordinance nor in any way alter, amend or supersede any of the provisions thereof, The Housing Officer shall file a certified copy of all rules and regulations which he may adopt in this office and in the Office of the Clerk of the Township of Commercial.

17.10

No person shall occupy as owner occupant or rent to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not conform to the provisions of the "INTERNATIONAL Property Maintenance Code" established hereby as the standard to be used in determining whether a dwelling is safe, sanitary and fit for human habitation, and to determine whether the premises are being in maintained in such condition as to not constitute a blighting effect upon neighboring properties nor an element leading to a progressive deterioration and downgrading of neighboring properties with an accompanying diminution of property values.

17.11

No person shall rent, lease or let to any occupant or occupants, whether or not for consideration, any "unit of dwelling space" unless an occupancy permit has been obtained from the Housing Officer. The occupancy permit shall be valid for a period of one year and shall be on a form prepared by the Housing Officer. The occupancy permit shall be posted on the interior door of the entrance to the "unit of dwelling space". A sticker will also be issued by the Housing Officer that will indicate the date of inspection and approval for such year. The sticker shall be placed on the interior of a kitchen cabinet door.

The record title owner and all responsible persons as set forth in Section 6 of this Ordinance shall be responsible to renew the occupancy permit annually.

17.12

The occupancy permit referred to in Section 11 of this Ordinance shall not be issued by the Housing Officer unless the following conditions are satisfied:

a) An application fee in the amount of **SEVENTY-FIVE (\$75.00) DOLLARS** per year and per unit is paid to the Township Commercial. Said fee shall be paid no later than March 31st.

1. (If not received by March 31st, the application fee shall be **ONE HUNDRED (\$100.00) DOLLARS** in addition to any sanctions imposed by Section 16. All inspections shall be completed by November 1.

b) The owner of the building in which the unit of dwelling space is situated has, upon a form provided by the Housing Officer, registered said premises, thereon with the name and address of the owner and the name and address of the local resident charged with the responsibility of

17.6

The following persons shall be considered affected by the notice provided in Section 5 and shall be responsible for corrections of alleged violations:

- a). The record title owner as listed in the office of the Assessor. A record title owner shall not be relieved of any responsibility for correction of alleged violations by the existence of an agreement of sale unless the agreement of sale is properly recorded in the Book of Deed in the records of the Cumberland County Clerk's Office.
- b) An occupant of the property.

17.7

- (a) Any person affected by any notice which has been; issued in connection with the enforcement of any. provisions of this Ordinance, or of any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing before the Housing Officer and the Construction Official, provided such persons shall request a hearing in writing to the Housing Officer and the Construction Official within then (10) days of the date of service of the notice.
- (b) Upon receipt of the written request for a hearing, the Housing Officer and the Construction Official shall schedule a time and place for the hearing and notify all persons affected by the notice as provided in Section 6, which time shall not be later than ten (10) days after the request. At such hearing all affected persons shall be given an opportunity to be heard and show why the notice should be modified or withdrawn.
- (c) After the hearing as provided in Subsection (b) above, the Housing Officer and or the Construction Official shall sustain, modify or withdraw the notice depending upon his finding as to whether the provisions of the Ordinance and the rules and regulations have been complied with.
- (d) If the Housing Officer and or the Construction Official shall sustain or modify the notice, it shall be deemed an order. The finding and decisions of the Housing Officer and or the Construction Official shall be summarized, reduced to writing and served on all responsible and affected persons, as provided in Section 5(d) and 5(c).
- (e) . If a responsible or affected person does not file a written request for a hearing on a notice, the notice shall automatically become an order to correct the matters contained in the notice then (10) days after the date of the notice.
- (f) An person aggrieved by the decision of the Housing Officer and/or the Construction Official may seek relief there from in any court of competent jurisdiction within the time and according to the method provided by the Laws of the State of New Jersey.

17.8

Whenever the Housing Officer and/or Construction Officials find that an emergency exists which requires immediate action to protect the public health or safety, he may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding any other provision of this Ordinance, such order shall be effective immediately. Any persons to whom such order is directed shall comply therewith immediately, but upon written request to the Housing

neighboring properties nor an element leading to a progressive deterioration and downgrading of neighboring properties with an accompanying diminution of property values. A copy of the "International Property Maintenance Code" is annexed to this Ordinance and three copies of the same have been placed on file in the Office of the Township Clerk and are available to all people desiring to use and examine same. The latest INTERNATIONAL Code published by INTERNATIONAL Code Council shall remain in effect under this Ordinance:

17.4

The Housing Officer or his representative is hereby authorized and directed to make inspections to determine the conditions of the dwellings, dwelling units, rooming units, and premises located within the Township of Commercial in order that he may perform his duty of safeguarding the health and safety of the occupants of the dwellings and of the general public. For the purpose of making such inspections, the Housing Officer or his representative is hereby authorized to enter, examine and survey at all reasonable times, all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit and rooming unit, or the person in charge thereof, shall give the Housing Officer or his representative free access to such dwellings, dwelling units, or rooming units, and its premises at all reasonable times for the purpose of such inspect examinations and surveys. Every occupant of a dwelling or dwelling unit shall give the owner or his agent or employee thereof, access to any part of such dwelling or dwelling unit, or its premises, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Ordinance or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this Ordinance.

17.5

Whenever the Housing Officer or his representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the record title owner and to all persons responsible therefore and hereinafter provided. Such notice shall:

- a) be in writing;
- b) include a statement of reasons why it is being issued;
- c) allow a reasonable time for the performance of any act it requires;
- d) be served upon the following persons:
 - 1 the record title owner as listed in the Office of the Tax Assessor, and
 - 2. the occupants.
- e) as per the INTERNATIONAL Code to include but not limited to service of notice as provided by this section shall be deemed properly served if a copy thereof is served upon that person personally or by certified and regular mail, or if a copy thereof is posted in a conspicuous place in and about the dwelling affected by the notice.

COMMERCIAL TOWNSHIP

ARTICLE XVII

AN ORDINANCE REGULATING FACILITIES, MAINTENANCE OCCUPANCY AND REGISTRATION OF DWELLINGS AND ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE AS A STANDARD AND FIXING THE PENALTIES AND VIOLATIONS AND TO PROVIDE FOR CERTAIN ADJUSTMENTS TO THE FEES AND PENALTIES AND REQUIRING WATER TESTING RESULTS FOR RENTAL DWELLING UNITS.

BE IT ORDAINED by the To Committee of the Township of Commercial, County of Cumberland and State of New Jersey as follows:

17.1

The Housing Officer and or Construction Official are designated as the officers to exercise the powers prescribed by the within Ordinance.

17.2. DEFINITIONS

“Housing Officer” shall mean the officer of the Department of Housing and Inspections of the Township of Commercial.

“Unit of Dwelling Space” shall mean any room or rooms, or suite or apartment thereof, whether furnished or unfurnished, which is occupied, or intended, arranged or designed to be occupied for sleeping or dwelling purposes by one or more person’ provided that this definition shall not be construed to include:

- 1) Any Rooming House or Boarding House as defined by the “Rooming and Boarding Act of 1979, N.J.S.A. 55:13B-1, et seq.
- 2) Any hotel, motor hotel; motel, or established guest house which is commonly regarded as a motor hotel, motel or established guest house which contains at least 10 or more units of dwelling space or has sleeping facilities for at least 25 or more persons and is kept, used, maintained, advertised as, or held out to be, a place where sleeping or dwelling accommodations are available to transient guests.

“Rental Property shall mean a unit of dwelling space in which occupancy is allowed for the payment of rent or other consideration, including occupancy for which rent is charged.

17.3

Pursuant to the pro of N.J.S.A. 40:49 the International Property Maintenance Code as maintained by the International Code Council, is hereby accepted, adopted and established as a standard to be used as a guide in determining whether premises are being maintained in such condition as to not constitute a blighting effect upon

Article XVI

CERTIFICATE OF OCCUPANCY

16.1

That upon the transfer of title to, or any change in occupancy of any residential or commercial unit in Commercial Township, the owner of such unit shall obtain a certificate that the unit satisfies the requirements of statute and regulations for the Cumberland County Health Department for Water Certificate, Carbon Monoxide Detectors and Fire Extinguisher and the unit is in compliance with the International Property Maintenance Code. The above certifications shall be obtained from the Commercial Township Construction Office

16.2

Fees - The charge for such certification and inspection shall be **\$75.00** and **\$40.00** for each re-inspection performed. All fees must be paid prior to inspections.

16.3

Transfers of title or change in occupancy without compliance with Section 16.1 hereafter shall be subject to a fine not to exceed **\$500.00**

Commercial Township Land Development Regulations Ordinance

ARTICLE XV INTERPRETATION AND AMENDMENT

- 15.1 Questions of interpretation; conflicting provisions** It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Officer and that such questions shall be presented to the Land Use Board only as required by Section 4.6 of this Ordinance or on appeal from a decision of the Zoning Officer and that recourse from decisions of the Land Use Board shall be to the courts as provided by law. In the case of a conflict between a provision of this Ordinance and any other Township, County, or State requirement, the most stringent regulation shall apply.
- 15.2 Amendments and references to statutes and other regulations and agencies**
- A. The regulations, restrictions and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed or repealed in accordance with the procedures established in accordance with applicable New Jersey statutes.
 - B. In the case of reference to New Jersey statutes it is the intent that current statutes as amended or revised shall be recognized as controlling, and said current statutes shall supersede the terms or provisions of this Ordinance wherever conflict occurs, but only to the extent of such conflict.
 - C. Notwithstanding any other provisions of this Ordinance, it is the intent of this Ordinance, that, whenever reference is made to regulations of another agency or publication, the most recent edition of said publications or regulation with any amendments thereto shall apply.
 - D. In the case of reference made in this Ordinance to various governmental agencies, it is the intent of this Ordinance that such references shall include any successor agency or a new agency to which duties of any given agency referenced herein have been transferred in accordance with law.
- 15.3 Pending applications** All applications for development filed prior to the effective date of this Ordinance may be continued according to procedures and time schedules in effect at the time of filing said applications, but any appeals arising out of decisions made on such applications shall be governed by the provisions of this Ordinance.
- 15.4 Filing of provisions with county** Immediately upon adoption of this Ordinance, the Municipal Clerk shall file a copy of this Ordinance with the Cumberland County Planning Board as required by N.J.S.A. 40:55D-16.
- 15.5 Validity and inconsistencies** The various parts of this Ordinance, including sections, subsections, sentences, clauses, phrases and words, are separate, and if any part is properly found to be invalid or unconstitutional by a court of competent jurisdiction, such finding(s) shall not affect the remaining portions of this Ordinance.

Any ordinance or portion therefore, inconsistent with the provisions of this Ordinance is hereby repealed, but only to the extent of such inconsistency.

Commercial Township Land Development Regulations Ordinance

by a plan drawn to scale, showing any existing or proposed building or open land uses and their exact relation to all lot and street lines. Accompanying the application also must be a written statement giving satisfactory evidence to the effect that the lines of the street boundaries have been accurately located and staked on the ground and that the said application is intended to comply with all provisions of this Ordinance or any lawful order of the Land Use Board.

The Township Committee has determined that considerable problems related to flooding on private property in the area of occupied structures have resulted from the location of such structures in such a manner that storm waters have accumulated in close proximity thereto, creating a danger to human safety and of property damage, and a hazard of breeding insect pests. As a result of said determination, all construction or location of any structure or unit intended for human occupancy shall in addition to the zoning permit application form to be provided by the Zoning Office, shall be accompanied by a drawing of the lot in question by a licensed land surveyor or professional engineer on a survey plan prepared by the licensed land surveyor showing the following:

1. The proposed location and use of all proposed structures
2. Compliance with all setback requirements as set forth in the Schedule of District Regulations for the zoning district in which the lot involved is located
3. The grade and elevation of the lot in sufficient detail to demonstrate that the building location is at least at the same grade as the road providing access to the lot
4. Detail showing that no storm water will accumulate in the area of the proposed structures or be diverted to the area of other structures so as to create a danger to the public health or safety
5. Detail showing any improvement, grading or other conditions required to prevent any such accumulation or diversion of storm water

In reviewing any such application and accompanying drawing the Zoning Officer may obtain the advice of the Township Engineer on any such permit request and any denial may be appealed to the Land Use Board pursuant to the provisions of N.J.S.A. 40:55D-70a. Additionally, upon request of the applicant, the Land Use Board may grant waivers from the formal drawing requirements noted hereinabove upon the advice of the Township Engineer.

- C. Except as provided otherwise in Section 12.6, Conditional Uses, and Section 12.1, Subdivision and Site Plan Review, a zoning permit shall be either granted or denied by the Zoning Officer within ten (10) days after he/she shall have received an application complete in all respects, together with any required fee(s).
- D. A zoning permit shall not be issued by the Zoning Officer for development of or improvements to property for which there exist taxes or assessments for local improvements then due or delinquent.

14.3 Duration of certain permits. If after a zoning permit or conditional use permit has been authorized by the Zoning Officer or Land Use Board, the applicant has not obtained the permit within a period of six (6) months from the date of such authorization or as provided by N.J.S.A. 40:55D-1 *et seq.*, then such authorization shall be null and void, and no permit shall be issued there under unless the applicant shall have, prior to the expiration of the aforesaid six (6) month period, made written application for an extension. Such extension shall be granted by the

Commercial Township Land Development Regulations Ordinance

appropriate approval authority, for a period not to exceed six (6) months, upon good cause having been shown by the applicant.

- 14.4 Appeals to the Land Use Board.** An appeal to the Land Use Board may be taken by any interested party affected by any decision of the administrative officer of the municipality based on or made in the enforcement of this Ordinance or any adopted Official Map. Such appeal shall be taken within twenty (20) days by filing notice of appeal in the manner set forth in Section 12.7 of this Ordinance.
- 14.5 Violations and penalties.** Any person violating any of the provisions hereof shall, upon conviction, be subject to a penalty either by imprisonment for not more than ninety (90) days or by a fine not exceeding one thousand dollars (\$1,000.), or both, in the discretion of the court. Each and every day that any violation continues shall be considered a separate offense, punishable by a like fine or penalty.

Commercial Township Land Development Regulations Ordinance

ARTICLE XIV ADMINISTRATION AND ENFORCEMENT

14.1 Enforcement officer.

- A. The Township Committee shall appoint a Zoning Officer to administer and enforce the provisions of this Ordinance, except as otherwise provided by law or by this Ordinance. Said Officer shall be appointed for the term of one (1) year beginning on the date of appointment by the Township Committee and after taking the oath of office, and shall receive such compensation for his/her services as shall be fixed from time to time by ordinance of the Township.
- B. The Zoning Officer shall perform the following duties:
 - 1. Issue permits for such construction and uses as are in accordance with the terms and provisions of this Ordinance or any lawful order of the Land Use Board or Township Committee.
 - 2. Record and file all applications for zoning permits, together with the plans, documents and other papers accompanying such applications.
 - 3. Collect all fees that may be payable to the Township under the provisions of this Ordinance, unless otherwise specifically provided.
 - 4. Prepare a monthly report for the Township Committee, listing all zoning permits applied for and those granted, and all ordinance violations and actions taken by his office consequent thereto. A copy of each such report shall be filed with the Township Tax Assessor at the same time.
 - 5. Institute and conduct lawful proceedings to prevent threatened violation of this Ordinance and, in order to correct conditions resulting from the violation of the Ordinance, prosecute persons who shall have violated or who shall be engaged in violating any of the terms or provisions of this Ordinance, and the Zoning Officer shall have recourse to any and all remedies, including injunction, restraining orders and proceedings in lieu of prerogative writs.
 - 6. At the direction and guidance of the Land Use Board, maintain a record of current land use and report any changes of land use to the Land Use Board every six (6) months. Said report shall include such information as required by the Land Use Board.

14.2 Zoning Permits.

- A. No person shall hereafter erect, locate or alter any building or portion thereof or begin or change the use of land or a structure without first obtaining a zoning permit therefore from the Zoning Officer. No zoning permit shall be issued except in conformance with the provisions of this Ordinance or, where authorized, upon written order of the Land Use Board or the Township Committee.
- B. All requests for zoning permits shall be made in writing to the Zoning Officer on forms provided by the Zoning Officer and shall be signed by the owner of the land and/or structure involved in the request, or by his authorized representative or agent. The applicant shall include a description of the use or intended use or uses of the building and/or land. Each application shall be accompanied

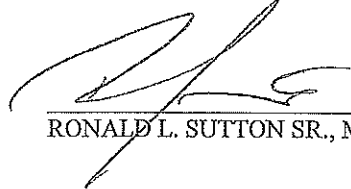
Commercial Township Land Development Regulations Ordinance

2. Where deemed applicable and not detrimental to the intent and purpose of this Article, the Land Use Board, in its sole discretion, may determine that the number of acres included in a subdivision or site plan application for which an escrow fee is payable shall be limited to a particular portion of a larger tract.
3. All application or permit fees received by the Zoning Officer or Secretary of the Land Use Board, or other municipal officials designated to receive applications for zoning, forestry or sign permits, or applications for variances, conditional uses, subdivision or site plan review, or other matters provided for under the requirements of this Ordinance, shall be duly recorded and reported to the Township Committee and deposited with the Municipal Chief Financial Officer on a monthly basis. The Municipal Chief Financial Officer shall deposit said fees in the General Fund of the Township or as may be directed by the provisions of this Article.
4. The payment of interest on escrow review or inspection accounts shall be made in accordance with the provisions of N.J.S.A. 40:55D-53.1.

**SECTION 7.0
ENACTMENT**

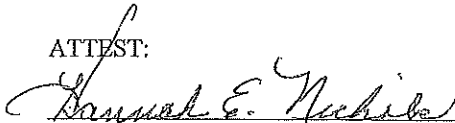
7.01 ADOPTION

This Ordinance shall be effective upon adoption and shall remain in force until modified, amended or rescinded by the Township of Commercial, Cumberland County, New Jersey.



RONALD L. SUTTON SR., MAYOR

ATTEST:



HANNAH E. NICHOLS, TOWNSHIP CLERK

Introduction: March 17, 2016
Publication: March 24, 2016
Second Reading: April 21, 2016
Adoption: April 21, 2016
Publication: April 28, 2016

- ii. With all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in section 5.4-2 d).

b) STRUCTURAL SUPPORT

- i. All new construction and substantial improvements shall be securely anchored on piling or columns.
- ii. The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- iii. Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, V, and Coastal A on the community's FIRM.

c) CERTIFICATION

A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of section 5.4-2 a) and 5.4-2 b) i. and ii.

d) SPACE BELOW THE LOWEST FLOOR

- i. Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.
- ii. Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.
 - (i) breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,
 - (ii) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.
- iii. If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.
- iv. Prior to construction, plans for any breakaway wall must be submitted to the Construction Code Official or Building Sub-Code Official for approval.

5.4-3 SAND DUNES

Prohibit man-made alteration of sand dunes within Coastal A Zones, VE and V Zones on the community's DFIRM which would increase potential flood damage.

**SECTION 6.0
SEVERABILITY**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

- a) Elevated to or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive; and
- b) Require within any AO or AH zone on the municipality's DFIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; or
- c) Be floodproofed so that below the base flood level plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, the structure is watertight with walls substantially impermeable to the passage of water;
- d) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- e) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 4.3-3 b) ii.

5.2-3 MANUFACTURED HOMES

- a) Manufactured homes shall be anchored in accordance with section 5.1-1 b).
- b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
 - i. Be consistent with the need to minimize flood damage,
 - ii. Be constructed to minimize flood damage,
 - iii. Have adequate drainage provided to reduce exposure to flood damage; and,
 - iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive.

5.3 FLOODWAYS

Located within areas of special flood hazard established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b) If section 5.3 a) is satisfied, all new construction and substantial improvements must comply with section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- c) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the accumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

5.4 COASTAL HIGH HAZARD AREA AND COASTAL A ZONE

Coastal high hazard areas (V or VE Zones) and coastal A Zones are located within the areas of special flood hazard established in section 3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

5.4-1 LOCATION OF STRUCTURES

- a) All buildings or structures shall be located landward of the reach of the mean high tide.
- b) The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or subdivision.

5.4-2 CONSTRUCTION METHODS

a) ELEVATION

All new construction and substantial improvements shall be elevated on piling or columns so that:

- i. The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 4-1, whichever is more restrictive, and

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- d) For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-4 SUBDIVISION PROPOSALS

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
- d) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5.1-5 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in section 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

- a) For Coastal A Zone construction see section 5.4 COASTAL HIGH HAZARD AREA AND COASTAL A ZONE.
- b) New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at or above the base flood elevation plus one (1) foot or as required by ASCE/SFI 24-14, Table 2-1, whichever is more restrictive
- c) Require within any AO or AH zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

5.2-2 NONRESIDENTIAL CONSTRUCTION

- a) In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone (for Coastal A Zone construction see section 5.4 COASTAL HIGH HAZARD AREA AND COASTAL A ZONE). shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:
either

- ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - xi. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- e) Upon consideration of the factors of section 4.4-1 d) and the purposes of this ordinance, the Land Use Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
 - f) The Township shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request:

4.4-2 CONDITIONS FOR VARIANCES

- a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i.-xi. in section 4.4-1 d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e) Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 4.4-1 d), or conflict with existing local laws or ordinances.
- f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

5.1-1 ANCHORING

- a) All new construction to be placed or substantially improved and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b) All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

data available from a Federal, State or other source, in order to administer sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

- a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b) For all new or substantially improved floodproofed structures:
 - i. verify and record the actual elevation (in relation to mean sea level); and
 - ii. maintain the floodproofing certifications required in section 4.1 c).
- c) In coastal high hazard and Coastal A Zone areas, certification shall be obtained from a registered professional engineer or architect that the provisions of 5.4-2 a) and 5.4-2 b) i. and ii. are met.
- d) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

- a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

4.3-5 SUBSTANTIAL DAMAGE REVIEW

- a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
- b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section.
- c) Ensure substantial improvements meet the requirements of sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

4.3-6 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

4.4 VARIANCE PROCEDURE

4.4-1 APPEAL BOARD

- a) The Land Use Board as established by the Township Committee shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The Land Use Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Officer in the enforcement or administration of this ordinance.
- c) Those aggrieved by the decision of the Land Use Board, or any taxpayer, may appeal such decision to a court of competent jurisdiction, as provided under law.
- d) In passing upon such applications, the Land Use Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - i. the danger that materials may be swept onto other lands to the injury of others;
 - ii. the danger to life and property due to flooding or erosion damage;
 - iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. the importance of the services provided by the proposed facility to the community;
 - v. the necessity to the facility of a waterfront location, where applicable;
 - vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii. the compatibility of the proposed use with existing and anticipated development;
 - viii. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;

3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and,
- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Township of Commercial, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 4.0 ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in section 3.2. Application for a Development Permit shall be made on forms furnished by the Township and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to mean sea level to which any structure has been floodproofed.
- c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 5.2-2; and,
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Zoning Officer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Zoning Officer shall include, but not be limited to:

4.3-1 PERMIT REVIEW

- a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 5.3 a) are met.
- d) Review all development permits in the coastal high hazard and Coastal A Zone area of the area of special flood hazard to determine if the proposed development alters sand dunes so as to increase potential flood damage.
- e) Review plans for walls to be used to enclose space below the base flood level in accordance with section 5.4-2 d).

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Township shall obtain, review, and reasonably utilize any base flood elevation and floodway

structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Township of Commercial, Cumberland County, New Jersey.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Township of Commercial, Community No. 340166, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Cumberland County, New Jersey (All Jurisdictions)" dated June 16, 2016.
- b) "Flood Insurance Rate Map for Cumberland County, New Jersey (All Jurisdictions)" as shown on Index and panel(s) 34011C0330E, 34011C0331E, 34011C0333E, 34011C0334E, 34011C0337E, 34011C0339E, 34011C0341E, 34011C0342E, 34011C0343E, 34011C0344E, 34011C0353E, 34011C0361E, 34011C0363E, 34011C0426E, 34011C0427E, 34011C0428E, 34011C0429E, 34011C0431E, 34011C0432E, 34011C0433E, 34011C0434E, whose effective date is June 16, 2016.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at the Commercial Township Municipal Building, 1768 Main Street, Port Norris, New Jersey.

3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Commercial from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Lowest Floor — The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

Manufactured Home — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Manufactured Home Subdivision — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New Construction — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Primary Frontal Dune — A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

Recreational Vehicle — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand Dunes — Naturally occurring or man-made accumulations of sand in ridges or mounds landward of the beach.

Start of Construction — For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure — A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

Substantial Damage — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the

Coastal High Hazard and Coastal A Zones "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

Erosion — The process of the gradual wearing away of land masses.

Existing Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Flood or Flooding — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

Floodplain Management Regulations — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without accumulatively increasing the water surface elevation more than 0.2 foot.

Freeboard — A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade — The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

Historic Structure — Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

Limit of Moderate Wave Action (LiMWA) — Inland limit of the area affected by waves greater than 1.5 feet during the Base Flood. Base Flood conditions between the V Zone and the LiMWA will be similar to, but less severe than those in the V Zone.

AO Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

AH Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone

Appeal — A request for a review of the Township's interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding — A designated AO or AH zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard — Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

Base Flood — A flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) — The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect ($BFE = SWEL + \text{wave effect}$) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement — Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway Wall — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Coastal A Zone — The portion of the Special Flood Hazard Area (SFHA) starting from a Velocity (V) Zone and extending up to the landward Limit of the Moderate Wave Action delineation. Where no V Zone is mapped the Coastal A Zone is the portion between the open coast and the landward Limit of the Moderate Wave Action delineation. Coastal A Zones may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces. Construction and development in Coastal A Zones is to be regulated the same as V Zones/Coastal High Hazard Areas.

Coastal High Hazard Area — An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Development — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Digital Flood Insurance Rate Map (DFIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Elevated Building — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor or, in the case of a building in a Coastal High-Hazard Area or Coastal A Zone, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In Areas of

**COMMERCIAL TOWNSHIP
ORDINANCE NO. 2016-576**

AN ORDINANCE ENTITLED FLOOD DAMAGE PREVENTION ORDINANCE

SECTION 1.0

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Committee of the Township of Commercial of Cumberland County, New Jersey does ordain as follows:

1.2 FINDINGS OF FACT

- a) The flood hazard areas of the Township of Commercial are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a) Protect human life and health;
- b) Minimize expenditure of public money for costly flood control projects;
- c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) Minimize prolonged business interruptions;
- e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f) Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

**SECTION 2.0
DEFINITIONS**

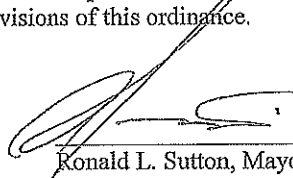
Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

SECTION 10 –VIOLATIONS AND PENALTIES.

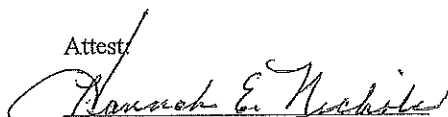
Any person, firm or corporation violating any of the provisions of this ordinance shall be subject to a fine not exceeding \$500 or to imprisonment for a period not exceeding to 90 days, or both.

SECTION 11 –EXEMPTIONS.

Street openings and excavations performed by the Township of Commercial or agents of the Township of Commercial are exempt from the provisions of this ordinance.



Ronald L. Sutton, Mayor

Attest:


Hannah E. Nichols, Township Clerk

Introduction: March 17, 2016
Publication: March 24, 2016
Second Reading: April 21, 2016
Adoption: April 21, 2016
Publication: April 28, 2016

- A. Emergency opening: In the event that an entity shall be required to open a street and/or roadway as a result of an emergency, said emergency opening shall be reviewed by the Township Engineer. If the Township Engineer determines that no such emergency existed, then the entity so opening the street and/or roadway shall be subject to the penalties prescribed in Section 10 of this ordinance.
- B. Hardship condition: In the event in which an entity has a hardship condition which requires a street opening permit to be issued contrary to this section, the Township Committee may grant relief. Requests for relief must be submitted in writing to the Township Clerk detailing the hardship and necessity of opening the street in lieu of waiting the prescribed period of time.
- C. Roadway restoration: In the event that an emergency or hardship requires the opening of a roadway that has been resurfaced by the Township during the previous five years, the Township Engineer may require enhanced roadway restoration beyond the limits of the area to be opened, disturbed or undermined.

SECTION 6 -- PERFORMANCE SURETY.

- A. The Township Engineer may require an applicant to post a performance surety prior to issuance of a permit. The performance surety shall be in the form of either a corporate guarantee bond or a surety guarantee bond issued by a company authorized to do business in the State of New Jersey, in the penal sum of one hundred (100%) percent of the full amount of the total estimated construction costs. A check drawn in favor of the Township of Commercial for the same amount may be substituted for the performance surety. The estimated costs of the proposed work shall be determined by the Township Engineer based upon documented construction costs for public improvements which prevail in the vicinity of the municipality.
- B. In lieu of the above-mentioned performance surety, public utility companies or authorities may post an annual performance surety for \$10,000 or for an increased amount determined by the Township Engineer. The form of surety shall be approved by the Township Solicitor.

SECTION 7 -- INSURANCE.

All applicants and their agents and employees are required to be covered by a policy or policies of liability insurance acceptable to the Township Solicitor.

SECTION 8 -- PROTECTION OF TRAFFIC.

Protection of traffic must be in accordance with the current Manual on Uniform Traffic Control Devices for Streets and Highways, and as directed by the New Jersey State Police.

SECTION 9 -- RESPONSIBILITY AND LIABILITY OF THE TOWNSHIP.

- A. The Township shall not be responsible for any injury or damage to persons or property resulting from the negligence of the applicant or his servants, agents or employees in making, grading or filling any excavation permitted under the terms of this ordinance.
- B. This ordinance shall not be construed as imposing upon the Township or any official or employee any liability or responsibility for damages to any person injured in the performance of any excavation work for which an excavation permit is issued hereunder; nor shall the Township or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any excavation work.

**COMMERCIAL TOWNSHIP
ORDINANCE NO. 2016-575**

STREET OPENINGS AND EXCAVATIONS

SECTION 1 – PERMIT REQUIRED.

It shall be unlawful to dig, excavate, open or in any manner interfere with or disturb within the right-of-way of any municipal street within the Township of Commercial for any purpose whatsoever without first securing a permit therefore as hereinafter provided.

SECTION 2 – PERMIT APPLICATION AND FEES.

- A. Application for permission to make any street opening shall be made to the Township Engineer. Such application shall be made on the required application form and shall be signed by the applicant.
- B. An application fee of \$100 shall be made payable to the Township of Commercial for each street opening.
- C. An additional fee of \$400 shall be made payable to the Township of Commercial for payment to the Township Engineer for inspection of all excavations of less than or equal to six square yards. If the area to be opened, disturbed or undermined exceeds six square yards, the additional yardage shall be classified as "excess yardage," and an additional fee shall be due and payable by the applicant for all yardage in excess of six square yards at a rate of \$10 per square yard.
- D. The area to be opened, disturbed or undermined by the applicant shall be measured and determined by the Township Engineer.

SECTION 3 – ISSUANCE OF PERMIT; TERMS OF PERMIT.

The Township Engineer upon receipt and examination of an acceptable application and the fee referred to herein above, shall issue a permit for the excavation. The permit shall be valid for a thirty-day period from the date of issuance. The applicant shall notify the Township Engineer at least 24 hours before the commencement of any work so that appropriate inspections can be made where required.

SECTION 4 – RESTORATION OF EXCAVATED AREA.

The applicant to whom such permit is issued shall, within a reasonable time period, replace the earth and pavement in the excavated area as specified by the Township Engineer. All construction shall be performed in accordance with the applicable provisions of the current New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction.

SECTION 5 – NEWLY PAVED STREETS.

No permit shall be issued for any street opening which would disturb the pavement of any road having been constructed, reconstructed or overlaid until a period of five years after the completion of said construction, reconstruction or overlay, except in the event of an emergency or hardship as described below. The five-year period as articulated herein shall be calculated from December 31 of the year in which the road was constructed, reconstructed or overlaid and run five years thereafter.

ORDINANCE 2015-569

AMENDING ORDINANCE 2007-487 COMMERCIAL TOWNSHIP
DEVELOPMENT REGULATION ORDINANCE

BE IT ORDAINED by the Township Committee of the Township of Commercial that
Ordinance 2007-487, Commercial Township Development Regulation Ordinance be amended
as follows:

SECTION 8.11: SIGNS

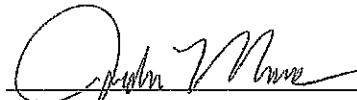
A.6 Portable signs that are advertising a business located on private property and/or commercial property while such business service is being conducted on said property shall be permitted. The sign(s) shall be removed 30 days after such service is completed at the private property and/or commercial property.

C. or the unnecessary intrusion of commercial advertising activity into non-commercially and commercially zoned areas, to include all roadsides throughout the Township and on private property roadsides or areas zoned for protection of natural landscapes within the community, the following signs are prohibited in all districts:

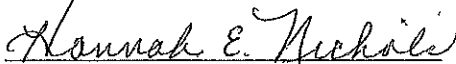
C.2 The advertised business whose name appears on the sign shall be warned and fined for posting portable signs on any roadway throughout the township including portable signs posted on private property along roadsides.

FINES

Failure to follow the provisions of this ordinance shall be a violation as determined by the Commercial Township Code Enforcement Official who may file a complaint in the Commercial Township Municipal Court along with recommended fine, which shall range from \$50.00 to \$500.00 as determined by the Judge of the Commercial Township Municipal Court


Judson Moore, Mayor

Attest:


Hannah E. Nichols, Township Clerk

Introduction: June 18, 2015
Publication: June 25, 2015
Second Reading: July 16, 2015
Adoption: July 16, 2015
Publication: July 23, 2015

COMMERCIAL TOWNSHIP
ORDINANCE 2015-567

AN ORDINANCE CLOSING CERTAIN ROADWAYS TO TRUCK TRAFFIC

BE IT ORDAINED by the Township Committee of the Township of Commercial as follows:

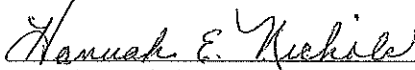
SECTION 1. Areas closed to truck traffic

The following described roadways within the Township shall be closed to trucks having a gross weight in excess of (4) tons with the exception that on-time delivery or pickup visits, such as those made by moving vans or delivery trucks to businesses or residents within the closed area, and trucks that are driven by Township residents remaining at their personal properties shall be permitted. The areas of roadways closed are all roadways throughout Mauricetown, County roadway 676 through Haleyville and County Road 767 in Laurel Lake Roadways included the following:

1. Mauricetown-Buckshutem Road from, Mauricetown bridge approach road (County Road 649) to Highland Street (County Road 676)
2. Highland Street from North Avenue (Haleyville) going east through Mauricetown to the Maurice River (park) County Road 676
3. Noble Street from Sand Plant entrance to Maurice River (County Road 744)
4. Front Street from Highland Street to South Street
5. Stable Lane
6. Second Street
7. Bacon Street
8. Bateman Street
9. South Street
10. Battle Lane (Laurel Lake) County Roadway 767


Judson Moore, Mayor

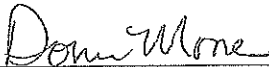
Attest:


Hannah E. Nichols, Township Clerk


Introduction: June 18, 2015
Publication: June 25, 2015
Second Reading: July 16, 2015
Adoption: July 16, 2015
Publication: July 23, 2015

SECTION 8.0: ENACTMENT & ADOPTION

This Ordinance shall take effect immediately upon final passage and publication according to law and shall remain in force until modified, amended or rescinded by the governing body of the Township of Commercial, Cumberland County, New Jersey.


Donna Moore, Mayor

Attest:


Hannah E. Nichols, Township Clerk

Introduction: October 17, 2013
Publication: October 24, 2013
Second Reading: November 21, 2013
Adoption: November 21, 2013
Publication November 28, 2013

lattice-work or insect screening are used as provided for in this section.

- (b) Breakaway walls, open wood lattice-work or insect screening shall be allowed below the Base Flood Elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a licensed / registered professional engineer or architect certifies that the designs proposed meet the following conditions.
 - (i) breakaway wall collapse shall result from a water load less than that which would occur during the base flood, and
 - (ii) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.
- (c) If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.
- (d) Prior to construction, plans for any breakaway wall must be submitted to the Construction Code Official or Building Sub-Code Official for approval.

5.4-3 Sand Dunes

Prohibit man-made alteration of sand dunes within Zones VE and V on the community's DFIRM which would increase potential flood damage.

SECTION 6.0: SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 7.0: REPEALER

All Ordinances of the Township of Commercial inconsistent herewith are hereby repealed.

1.4 Methods of Reducing Flood Losses

In order to accomplish its purposes, this Ordinance includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 2.0: DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

"Appeal" means a request for a review of the Zoning Officer's interpretation of any provision of this ordinance or a request for a variance.

"Area of shallow flooding" means a designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one-percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood Hazard" means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

"Base flood" means the flood having a one-percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation (BFE)" means the flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect ($BFE = SWEL + \text{wave effect}$) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Best Available Flood Hazard Data" means the most recent available flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be

- (1) Elevated to or above the Base Flood Elevation (published FIS / FIRM) or the Best Available Flood Hazard Data Elevation whichever is more restrictive, plus one (1) foot; and
- (2) Require within any AO Zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including Basement, elevated above the highest adjacent grade one (1) foot above the depth number specified in feet (at least three [3] feet if no depth number is specified) or at or above the Best Available Flood Hazard Data Elevation plus one (1) foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

OR

- (3) Be Floodproofed so that below the Base Flood Level plus one (1) foot, or the Best Available Flood Hazard Data Elevation plus one (1) foot, (whichever is more restrictive), the structure is watertight with walls substantially impermeable to the passage of water;
- (4) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (5) Be certified by a licensed / registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in Section 4.3-3(2) [ii].

5.2-3 Manufactured Homes

- (1) Manufactured Homes shall be anchored in accordance with Section 5.1-1(2).
- (2) All Manufactured Homes to be placed or substantially improved within an Area of Special Flood Hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the Base Flood Elevation (published FIS / FIRM) or the Best Available Flood Hazard Data Elevation, plus one (1) foot (whichever is more restrictive).

5.3 Floodways

Located within an Area of Special Flood Hazard established in Section 3.2 are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that the encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If Section 5.3(1) is satisfied, all new construction and substantial improvements must comply with Section 5.0 Provisions for Flood Hazard Reduction.
- (3) In all Areas of Special Flood Hazard in which Base Flood Elevation data has been provided and no Floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface

"Flood Insurance Study" (FIS) means the official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

"Floodplain Management Regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure" means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a Registered Historic District or a district preliminarily determined by the Secretary to qualify as a Registered Historic District;
- (3) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved State program as determined by the Secretary of the Interior; or
 - (b) Directly by the Secretary of the Interior in States without approved programs.

"Land Use Board" means the Commercial Township Land Use Board, established pursuant to N.J.S.A. 40:55D-25(c)(1) and operating pursuant to the various regulations of the Township's Development Ordinance, the Municipal Land Use Law, the Local Redevelopment & Housing Law and other relevant statutes.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including Basement). An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a Basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of CFR Section 60.3.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a

- (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
- (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 4.4-1(4), or conflict with existing local laws or ordinances.
- (6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a Lowest Floor Elevation below the Base Flood Elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced Lowest Floor Elevation.

SECTION 5.0: PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 General Standards

In all Areas of Special Flood Hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

5.1-1 Anchoring

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) All Manufactured Homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

5.1-2 Construction Materials and Methods

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 Utilities

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- (4) For all new construction and substantial improvements, the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-4 Subdivision Proposals

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "Historic Structure", provided that the alteration will not preclude the structure's continued designation as a "Historic Structure".

"Variance" means a grant of relief from the requirements of this Ordinance that permits construction in a manner that would otherwise be prohibited by this Ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with this Ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

SECTION 3.0: GENERAL PROVISIONS

3.1 Lands to Which this Ordinance Applies

This Ordinance shall apply to all Areas of Special Flood Hazards within the jurisdiction of Commercial Township, Cumberland County, New Jersey.

3.2 Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard for Commercial Township, Community No. 340166, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) A scientific and engineering report entitled "Flood Insurance Study, Township of Commercial, New Jersey, Cumberland County" dated June 1, 1982.
- (2) Flood Insurance Rate Map, Township of Commercial, New Jersey, Cumberland County, as shown on Index and panel(s) 3401660002B, 3401660004B, 3401660006B, 3401660008B, 3401660011B, 3401660012B, 3401660013B, 3401660014B, 3401660017B and 3401660020B, whose effective dates are December 1, 1982.
- (3) Cumberland County, NJ Preliminary Work Map, Panel 0342, last modified August 1, 2013.
- (4) Best Available Flood Hazard Data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping or Base Flood Elevation conflict or overlap with the Best Available Flood Hazard Data, whichever imposes the more stringent requirement shall prevail.

- improved structures, and whether or not the structure contains a Basement.
- (2) For all new or substantially improved floodproofed structures:
- (a) verify and record the actual elevation (in relation to mean sea level); and
 - (b) maintain the floodproofing certifications required in Section 4.1 (3).
- (3) In Coastal High Hazard Areas, certification shall be obtained from a licensed / registered professional engineer or architect that the provisions of 5.4-2[1] and 5.4-2[2](i) and (ii) are met.
- (4) Maintain for public inspection all records pertaining to the provisions of this Ordinance.

4.3-4 Alteration of Watercourses

- (1) Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

4.3-5 Interpretation of FIRM Boundaries

Make interpretations where needed, as to the exact location of the boundaries of the Areas of Special Flood Hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.4.

4.4 Variance Procedure

4.4-1 Land Use Board as Appeal Board

- (1) The Land Use Board as established by the Township Code shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- (2) The Appeal Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this Ordinance.
- (3) Those aggrieved by the decision of the Appeal Board, or any taxpayer, may appeal such decision to a court of competent jurisdiction, as provided under law.
- (4) In passing upon such applications, the Appeal Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Ordinance, and
 - (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;

question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation, in relation to mean sea level, of the lowest floor (including Basement) of all structures;
- (2) Elevation, in relation to mean sea level, to which any structure has been floodproofed;
- (3) Certification by a licensed / registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.2-2; and
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;

4.2 Designation of the Zoning Officer as Local Administrator

The Zoning Officer is hereby appointed to administer and implement this Ordinance by granting or denying development permit applications in accordance with its provisions. The Zoning officer may be referred to as the Local Administrator in this Ordinance.

4.3 Duties and Responsibilities of the Local Administrator

The duties of the Local Administrator shall include, but not be limited to:

4.3-1 Permit Review

- (1) Review all Development Permits to determine that the permit requirements of this Ordinance have been satisfied.
- (2) Review all Development Permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- (3) Review all Development Permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 5.3 (1) are met.
- (4) Review all Development Permits in the Coastal High Hazard Area of the Area of Special Flood Hazard to determine if the proposed development alters sand dunes so as to increase potential flood damage.
- (5) Review plans for walls to be used to enclose space below the Base Flood Level in accordance with Section 5.4-2 (4).

4.3-2 Use of Other Base Flood and Floodway Data

When Base Flood Elevation and Floodway Data has not been provided in accordance with Section 3.2, Basis for Establishing the Areas of Special Flood Hazard, the Local Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and Floodway Data available from a Federal, State or other source, in order to administer Sections 5.2-1, Specific Standards, Residential Construction, and 5.2-2, Specific Standards, Nonresidential Construction.

4.3-3 Information to be Obtained and Maintained

- (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including Basement) of all new or substantially

The above documents are hereby adopted and declared to be a part of this Ordinance. The Flood Insurance Study, maps and documents are on file at Township Hall, 1768 Main Street, Port Norris, New Jersey 08349.

3.3 Penalties for Noncompliance

No Structure or land shall hereafter be constructed, located, re-located to, extended, converted, or altered without full compliance with the terms of this Ordinance and other applicable regulations. Violation of the provisions of this Ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than Five Hundred (\$500.00) dollars or imprisoned for not more than ninety (90) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Commercial from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 Abrogation and Greater Restrictions

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 Interpretation

In the interpretation and application of this Ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood Heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Area of Special Flood Hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Commercial Township, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

SECTION 4.0: ADMINISTRATION

4.1 Establishment of Development Permit

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any Area of Special Flood Hazard established in Section 3.2. Application for a Development Permit shall be made on forms furnished by the Zoning Officer and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in

- (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (f) the compatibility of the proposed use with existing and anticipated development;
 - (g) the relationship of the proposed use to the Township Master Plan and flood plain management program of that area;
 - (h) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (i) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - (j) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (5) Upon consideration of the factors of Section 4.4-1(4) and the purposes of this Ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (5) The Local Administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

4.4-2 Conditions For Variances

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in Section 4.4-1(4) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Variances shall only be issued upon:
 - (a) a showing of good and sufficient cause;

permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

"Manufactured Home Park" or "Manufactured Home Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New Construction" means structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

"New Manufactured Home Park" or "Subdivision" means a Manufactured Home Park or Manufactured Home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by the municipality.

"Preliminary Flood Insurance Rate Map (FIRM)" means the draft version of the FIRM released for public comment before finalization and adoption.

"Preliminary Work Map (PWM)" shall have the same meaning as "Preliminary Flood Insurance Rate Map"

"Primary Frontal Dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

"Recreational Vehicle" means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the longest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Sand Dunes" means naturally occurring or man-made accumulations of sand in ridges or mounds landward of the beach.

"Start of Construction" For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a Manufactured Home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a Basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a Substantial Improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, a Manufactured Home, or a gas or liquid storage tank, that is principally above ground.

- (1) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and
- (4) Base Flood Elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5.1-5 Enclosure Openings

For all new construction and substantial improvements, having fully enclosed areas below the Lowest Floor that are usable solely for parking of vehicles, building access or storage in an area other than a Basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed / registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

5.2 Specific Standards

In all Areas of Special Flood Hazards where Base Flood Elevation data have been provided as set forth in Section 3.2, Basis for Establishing the Areas of Special Flood Hazard or in Section 4.3-2, Use of Other Base Flood Data, the following standards are required:

5.2-1 Residential Construction

- (1) New Construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including Basement, together with the attendant utilities and sanitary facilities, elevated at or above the Base Flood Elevation (published FIS / FIRM) or the Best Available Flood Hazard Data Elevation, whichever is more restrictive, plus one (1) foot;
- (2) Require within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three feet if no depth number is specified) or at or above the Best Available Flood Hazard Data Elevation plus one (1) foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

5.2-2 Nonresidential Construction

In an Area of Special Flood Hazard, all New Construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall have the lowest floor, including Basement, together with the attendant utilities and sanitary facilities, either:

depicted on, but not limited to, (Preliminary) Work Maps or Preliminary FIS and FIRM.

"Best Available Flood Hazard Data Elevation" means the most recent available flood elevation FEMA has provided. The Best Available Flood Hazard Data Elevation may be depicted on (Preliminary) Work Map or Preliminary FIS and FIRM.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

"Coastal High Hazard Area" means an Area of Special Flood Hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the Area of Special Flood Hazard.

"Digital Flood Insurance Rate Map (DFIRM)" means the official map on which the Federal Insurance Administration has delineated both the Areas of Special Flood Hazards and the Risk Premium Zones applicable to the community.

"Elevated Building" means a non-Basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor or, in the case of a building in a Coastal High-Hazard Area, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the Base Flood Elevation by means of piling, columns (posts and piers) or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In Areas of Coastal High Hazard "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

"Erosion" means the process of the gradual wearing away of land masses.

"Existing Manufactured Home Park or Subdivision" means a Manufactured Home Park or Subdivision for which the construction of facilities for servicing the lots on which the Manufactured Homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the Floodplain Management Regulations adopted by a community.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map" (FIRM) means the official map on which the Federal Insurance Administration has delineated both the Areas of Special Flood Hazards and the Risk Premium Zones applicable to the community.

elevation of the base flood more than two-tenths (0.2) of a foot at any point.

5.4 Coastal High Hazard Area

Coastal High Hazard Areas (V or VE Zones) are located within the Areas of Special Flood Hazard established in Section 3.2. These Areas have Special Flood Hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

5.4-1 Location of Structures

- (1) All buildings or structures shall be located landward of the reach of the mean high tide.
- (2) The placement of Manufactured Homes shall be prohibited, except in an existing Manufactured Home Park or Manufactured Home Subdivision.

Deleted: manufactured home

5.4-2 Construction Methods

(1) Elevation

All new construction and substantial improvements shall be elevated on piling or columns so that:

- (a) The bottom of the Lowest Horizontal Structural Member of the lowest floor (excluding the piling or columns) is elevated to or above the Base Flood Elevation (published FIS / FIRM), the Best Available Flood Hazard Data Elevation or as required by the Uniform Construction Code (N.J.A.C. 5:23), whichever is more restrictive, and
- (b) With all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in Section 5.4-2 (4).

(2) Structural Support

- (a) All new construction and substantial improvements shall be securely anchored on piling or columns.
- (b) The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- (c) There shall be no fill used for structural support.

(3) Certification

A licensed / registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of Sections 5.4-2 [1] and 5.4-2 [2] (i) and (ii).

(4) Space Below the Lowest Floor

- (a) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this Ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood

COMMERCIAL TOWNSHIP

ORDINANCE 2013-551

AN ORDINANCE ENTITLED THE FLOOD DAMAGE PREVENTION ORDINANCE

BE IT RESOLVED by the Township Committee of the Township of Commercial, County of Cumberland, and State of New Jersey as follows:

SECTION 1.0: STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE & OBJECTIVES

1.1 Statutory Authorization

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and the general welfare of its citizenry. Therefore, the Township Committee of Commercial Township, of Cumberland County, New Jersey does ordain as follows:

1.2 Findings of Fact

- (1) The Flood Hazard Areas of Commercial Township are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in Areas of Special Flood Hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 Statement of Purpose

It is the purpose of this Ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in Areas of Special Flood Hazard;
- (6) Help maintain a stable tax base by providing for the second use and development of Areas of Special Flood Hazard so as to minimize future flood blight areas;
- (7) Ensure that potential buyers are notified that property is in an Area of Special Flood Hazard; and
- (8) Ensure that those who occupy the Areas of Special Flood Hazard assume responsibility for their actions.

COMMERCIAL TOWNSHIP
ORDINANCE 2014-558

ORDINANCE AMENDING COMMERCIAL TOWNSHIP
DEVELOPMENT REGULATIONS ORDINANCE 2007-487

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF COMMERCIAL THAT
THE FOLLOWING INCLUSION BE MADE TO ORDINANCE 2007-487

ARTICLE XX: COSTS ASSOCIATED WITH PROPERTY MAINTENANCE PERFORMED BY TOWNSHIP
OR BY VENDORS EMPLOYED BY THE TOWNSHIP BE RECOUPED IN AN AMOUNT
THAT IS SUFFICIENT TO SATISFY TOWNSHIP'S ACTUAL COSTS

WHEREAS, the Township of Commercial believes it is in the best interest of the public
that costs associated with property cleanup be recouped by the Township of Commercial in an
amount that is sufficient to satisfy the Township for the actual costs associated with property
maintenance performed by the Township and/or vendors employed by public agencies; and

WHEREAS, the costs of performing certain activities by the township need to be
recouped.

NOW THEREFORE, BE IT ORDAINED, by the Township of Commercial Committee of the
Township of Commercial, County of Cumberland, State of New Jersey that Ordinance 2007-487
be amended to include the following language:

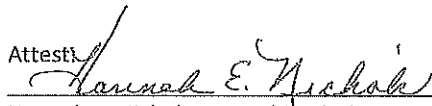
ARTICLE XX: COSTS ASSOCIATED WITH PROPERTY MAINTENANCE PERFORMED BY
TOWNSHIP OR BY VENDORS EMPLOYED BY THE TOWNSHIP BE
RECOUPED IN AN AMOUNT THAT IS SUFFICIENT TO SATISFY
TOWNSHIP'S ACTUAL COSTS

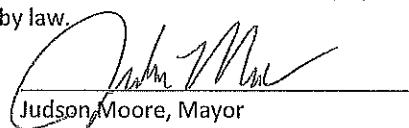
A. The following costs to be charged and collected against said lands and premises
For non-compliance of Ordinance 2007-487 shall be as follows:

1. The actual costs paid for by or on behalf of the Township of Commercial
For the cleanup of said property; or
2. In the event that the Township of Commercial Public Works Employees
Perform any property maintenance an amount equal to \$500.00 minimum
Charge, thereafter \$100.00 per hour per employee plus \$100.00 per hour
Piece of equipment for the time spent performing said property
maintenance.

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately upon final
passage, adoption and publication as provided by law.

Attest:


Hannah E. Nichols, Township Clerk


Judson Moore, Mayor

Introduction: October 20, 2014
Publication: October 27, 2014
Second Reading: November 20, 2014
Adoption: November 20, 2014
Publication: November 27, 2014

COMMERCIAL TOWNSHIP
ORDINANCE 2014-557

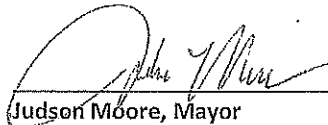
AN ORDINANCE OF THE TOWNSHIP OF COMMERCIAL TO AMEND
ORDINANCE 2007-487 "THE DEVELOPMENT REGULATIONS ORDINANCE
OF THE TOWNSHIP OF COMMERCIAL"

BE IT ORDAINED by the Township Committee of the Township of Commercial that
Ordinance 2007-487 be amended as follows:

ARTICLE V – ZONING DISTRICTS AND ZONING MAP

SECTION: 5.3 – Zoning Maps, Establishment

The boundaries of all zone districts shall be shown on the Zoning Map, Township of Commercial, dated April 2014, as amended; which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be part of this Ordinance. The original of said map shall be maintained by the Township Land Use Board and all changes in zone districts thereon shown shall be entered upon such map upon enactment, after which it will not be necessary to refer to such changes by metes and bounds.


Judson Moore, Mayor

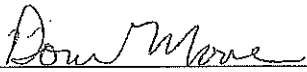
Attest:


Hannah E. Nichols, Township Clerk

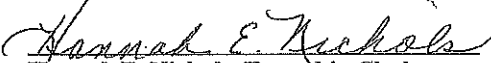
Introduction:	July 17, 2014
Publications:	July 24, 2014
Second Reading:	August 18, 2014
Adoption:	August 18, 2014
Publication:	August 29, 2014

competent jurisdiction, such holding shall not affect or impact upon any other section, sentence, clause, provision or portion of this Ordinance.

BE IT FURTHER ORDAINED AND ENACTED by the Township Committee of Commercial Township, County of Cumberland and State of New Jersey that this Ordinance shall take effect immediately upon the adoption and publication of notice of adoption as prescribed by law.


Donna Moore, Mayor

Attest:


Hannah E. Nichols, Township Clerk

Introduction:	August 15, 2013
Publication:	August 22, 2013
Second Reading:	September 19, 2013
Adoption:	September 19, 2013
Publication:	September 26, 2013

**COMMERCIAL TOWNSHIP
ORDINANCE 2013-547**

**AN ORDINANCE OF COMMERCIAL TOWNSHIP, CUMBERLAND
COUNTY, NEW JERSEY, TO RELEASE, VACATE AND EXTINGUISH
ANY AND ALL PUBLIC RIGHTS IN AND TO A PORTION OF FERRY ROAD**

WHEREAS, Commercial Township is of the opinion that the public interest will be best served by abandoning, vacating, release and extinguishing any and all public rights which said Township may have in and to the following described portion of Ferry Road, a dedicated but unimproved roadway containing width of 66'.

NOW, THEREFORE, BE IT ORDAINED that the Township Committee of the Township of Commercial, Cumberland County, New Jersey, as follows:

SECTION 1 – That, except as set forth in Section 3 hereof, all public rights and interest are hereby abandoned, vacated, terminated, released and extinguished in and to that portion of Ferry Road, as originally established, and described by metes and bounds, in an attachment hereto (Schedule "A"), and otherwise depicted in and on a map entitled "Plan of Proposed Vacation of a Portion of Ferry Road, Project No. 13-024, dated August 5, 2013, prepared by Anthony F. DiRosa, New Jersey Professional Land Surveyor, License No. 42570, of Tri State Engineering and Surveying, PC (Schedule "B"), located along a section of the southerly line of property owned by Unimin Corporation, designated on the Township Tax Map as Lot 1 in Block 179, and along a section of the northerly line of other property also owned by Unimin Corporation, designated on the Township Tax Map as Lot 3 in Block 179, said portion of Ferry Road, having width of 66' and length of approximately 2,107.66' along its southerly edge and approximately 2,110.10' along its northerly edge, comprising total area of 3.195 acres.

A copy of the metes and bounds description of the roadway hereby vacated is attached hereto and made a part hereof as Schedule "A".

A copy of the aforesaid plan on which the vacation is depicted is attached hereto as Schedule "B".

SECTION 2 – That, upon the filing of a certified copy of this Ordinance, together with copies of all Proofs of Publication, all easement rights, except as set forth in SECTION 3 below, heretofore in place in favor of the Township of Commercial and in favor of the general public by virtue of the existence of the section of Ferry Road which is hereby vacated, shall terminate and the title(s) of all adjacent property owners shall be free of the encumbrance of all such easement rights, and each such property owner shall have a fee simple interest to the centerline of the vacated portion of Ferry Road free and clear of all such easement rights.

SECTION 3 – The vacation ordained hereby shall not affect any rights or privileges held by, or previously granted to, any utility companies in and to the section of Ferry Road described herein.

SECTION 4 – All costs incident to, or otherwise associated with, the filing of this Ordinance and Proofs of Publication, meeting the requirements of N.J.S.A. 40:67-1 et. Seq. shall be borne by Unimin Corporation.

SEVERABILITY – If any section, sentence, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of

Section 1-N VIOLATIONS AND PENALTIES

- a. **Violations:** Any person, firm or corporation that shall violate any provisions of this chapter shall be subject to some portion or all of one or more of the following: a penalty of one thousand dollars (\$1,000.) or imprisonment for a term not exceeding ninety (90) days or community service up to but no greater than ninety (90) days, or a combination any of the above.
- b. **Continuing violations:** If the violation is continuing in nature, each day during which it continues shall constitute an additional; separate and distinct offense.
- c. **Other remedies.** No provisions of this chapter shall be construed to impair any common law or statutory course for action or legal remedy which may be otherwise provided in law or equity for any violation of this chapter.

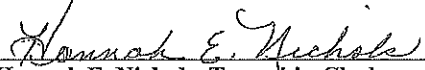
Section 2. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any sections, articles or provisions of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other sections, articles or provision of this ordinance except insofar as the provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall become effective immediately upon final passage and publication as required by law.


Donna Moore, Mayor

Attest:


Hannah E. Nichols, Township Clerk

Introduction:	July 18, 2013
Publication:	July 25, 2013
Second Reading:	August 15, 2013
Adoption:	August 15, 2013
Publication:	August 26, 2013

- c. Instances where it is not possible to replant the required number of trees, an applicant may request that the Decisional Authority permit the applicant to contribute to the township tree fund as established by this ordinance. The contribution, in lieu of planting trees, shall be an amount reasonably established by the Environmental Commission from time-to-time as the fair market value of replacement trees which meet the standards set forth in this section. No more than 75% of tree replacement may be by way of contribution.

- d. All replacement trees should be native to New Jersey.

Section 1-K TOWNSHIP TREE FUND

1-k.1 TREE TRUST FUND. All contributions to the Township Tree Fund pursuant to paragraph "b" above shall be deposited in a separate interest-bearing tree trust fund. All interest accrued in the tree trust fund shall become part of the fund.

1-K.2 USE OF MONEY.

- a. The Township may use revenues collected from the Tree Fund for any purpose which promotes the planting and maintenance of trees in the Township. Such activities include, but are not limited to: Planting trees in the Township rights-of-way, in Township parks and on other public lands, offering free trees to township residents at special events. In addition, this money may be used for educational pamphlets detailing the benefits of healthy trees.
- b. Funds shall not be expended to reimburse the Township for past tree planting and maintenance activities.
- c. No more than 20% of the revenues collected from the Township Tree Fund shall be expended on consultant fees necessary to develop or implement a tree planting and maintenance program.
- d. Expenditure of funds from the Township Tree Fund shall be authorized by resolution of the governing body authorizing the expenditure of funds by dedication by rider pursuant to N.J.S.A. 40A:4-39. A copy of that resolution shall be sent in duplicate to the Division of Local Government Services for the director's approval.

Section 1-L FEES

For major and minor subdivision a fee of one hundred (\$100) dollars per acre or portion thereof shall be paid for that portion of land being cleared or developed.

Section 1-M APPEAL PROCEDURE

Appeals from decisions of the Approving Authority shall be taken in accordance with the Municipal Land Use Law and the Township Land Development Ordinances. Ten (10) copies of the petition of appeal and all supporting plans and documentation must be submitted to the Township Clerk or the appeal will be deemed incomplete.

- a. Prior to taking final action upon any application for tree removal, an inspection of the site shall be made by the Township Zoning Officer.
- b. Prior to any tree removal, all such trees shall be individually marked and areas to be cleared must be clearly identified for inspection by a municipal representative. In the case of proposed new dwelling construction on a wooded lot, the four corners of the building envelope shall be clearly staked. The municipal representative shall not enter upon contiguous and neighboring lands without permission of the property owners.
- c. The Township Zoning Officer shall periodically inspect the site throughout the duration of construction in order to ensure compliance with this ordinance. Such inspection shall be made of the site referred to in the application, and with the permission of the property owners of contiguous and neighboring lands, as well as of lands in the vicinity of the application, for the purpose of determining drainage conditions and physical conditions existing thereon.

1.1.4 NOTICE OF COMMENCEMENT OF TREE REMOVAL

- a. The holder of a tree removal permit shall notify the Environmental Commission in writing at least four (4) business days in advance of when the tree removal activity will commence.
- b. The notice shall also include advice as to the manner of disposal of the removed trees.
- c. Removed dead or diseased trees shall not be turned into mulch chips and applied to the site, but shall be disposed of in a manner so as not to spread disease to other trees on site.

Section 1.J TREE REPLACEMENT

- a. The replacement of trees shall occur as prescribed in the following table:

DBH of Existing Tree Removed	Number of Replacement Trees (3" caliper)
Less than 6 inches	- 1
Between 6 and 12 inches	- 2
Between 12.5 and 18 inches	- 3
Between 18.5 and 24 inches	- 5
Between 24.5 and 30 inches	- 7
Between 30.5 and 36 inches	- 10
Between 36.5 inches or greater	- The equivalent of 3" Caliper trees or greater needed to equal the DBH of the removed tree

- b. All required replacement tree(s) shall be of nursery grade quality, balled and burlapped and planted on the site from which trees were removed. Relief from any portion or all of the on-site tree replacement requirement may be granted by the Land Use Board. Any relief shall be based upon practical physical difficulties and undue hardship related to conditions of the site from which the trees are to be removed. The Land Use Board shall solicit the comments and recommendations of the Township Engineer in determining whether the relief requested by the applicant shall be granted.