

**MASTER PLAN REEXAMINATION REPORT  
CONDUCTED BY THE LACEY TOWNSHIP  
PLANNING BOARD  
DECEMBER 10, 2012**

**RESOLUTION OF APPROVAL**

**PLANNING BOARD, TOWNSHIP OF LACEY**

**WHEREAS**, the Township of Lacey has conducted a comprehensive study of the Master Plan Reexamination Report prepared by Gravatt Consulting Group dated October, 2012.

**WHEREAS**, a public hearing on said Master Plan Reexamination was held on December 10, 2012, after notice as required by N.J.S.A 40:55D-13

**WHEREAS**, the Planning Board of Lacey Township fully examined the Master Plan Reexamination Report prepared by Gravatt Consulting Group dated October, 2012 at its meeting of December 10, 2012.

**WHEREAS**, the Planning Board approves the Master Plan Reexamination Report prepared by Gravatt Consulting Group dated October, 2012.

**NOW, THEREFORE, BE IT RESOLVED**, by the Lacey Township Planning Board that the Master Plan Reexamination Report prepared by **Gravatt Consulting Group dated October, 2012** be and hereby approved by the Township of Lacey Planning Board.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that a copy of this Resolution and the Master Plan Reexamination Report prepared by Gravatt Consulting Group dated October, 2012 be forwarded to the County of Ocean Planning Board, the Mayor and Township Committee, and to the Township Clerk.

MOVED BY: Cortese

SECONDED BY: Curtin

**ROLL CALL**

Those in Favor: Cortese, Curtin, Slota, Whittleigh, Kennis

Those Opposed:

Those Absent: Layton, Reid

Those Not Voting: Quinn, Most, Conaty, Laureigh

**CERTIFICATION**

I, **SUSAN CONNOR**, Secretary to the Planning Board of the Township of Lacey, County of Ocean, State of New Jersey, do hereby certify that I am duly authorized to certify Resolutions. I certify that the foregoing Resolution was adopted by the Planning Board of the Township of Lacey at a meeting held on the **14<sup>th</sup> day of January 2013**.

  
**SUSAN CONNOR, SECRETARY  
LACEY TOWNSHIP PLANNING BOARD**



**MASTER PLAN**

**REEXAMINATION REPORT**

**CONDUCTED BY THE**

**LACEY TOWNSHIP**

**PLANNING BOARD**

October 2012

  
Bruce A. Jacobs, P.E., P.P., C.M.E.  
Planning Board Engineer / Planner

## INTRODUCTION

The Municipal Land Use Law, specifically, N.J.S.A. 40:55D-89, requires that a municipality undertake a periodic general reexamination of its Master Plan and Development Regulations every six (6) years. Pursuant to that statute, the Lacey Township Planning Board is obligated to prepare and adopt by Resolution this reexamination report and forward same to the County Planning Board and Municipal Clerk of each adjoining municipality.

The Lacey Township Planning Board, pursuant to its obligations under that statute, began its task of reexamining the Master Plan on October 11, 2011, and continued the reexamination at meetings on June 11, 2012 and October 9, 2012.

The Reexamination Report is required by law to state the major problems and objectives relating to land development at the time of the adoption of the last Reexamination Report, the extent to which such problems and objectives have been reduced or increased, the extent to which significant changes in assumptions that were the basis for the Master Plan have occurred and specific changes recommended for the Master Plan and/or Development Regulations.

This report will constitute a third review of the last "complete" Master Plan, dated April 8, 1991, including its goals and objectives, underlying philosophies and the assumptions which, it is believed, were in existence at the time of its adoption. Additionally, the Planning Board's effort consisted of: reexamining the 1996/1997 Reexamination Report, as adopted on January 12, 1998; reexamining the Addendum to the Lacey Township Master Plan Circulation Element, as adopted on December 14, 1998; reexamining the Master Plan Update-Revised Land Use Element, as adopted on March 13, 2000; reexamining the Master Plan Reexamination Report as adopted on May 10, 2004; reexamining the Master Plan Housing Element & Fair Share Plan adopted on December 14, 2005.

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**REVIEW OF THE 1991 LACEY TOWNSHIP MASTER PLAN, THE 1996/1997 REEXAMINATION  
REPORT, THE 1998 ADDENDUM TO THE CIRCULATION ELEMENT, THE 2000 REVISED  
LAND USE ELEMENT, THE 2004 REEXAMINATION REPORT, AND THE 2005 HOUSING  
ELEMENT & FAIR SHARE PLAN ELEMENT**

**A. GOALS & OBJECTIVES**

The first step in the analysis of the 1991 Master Plan, the 1996/1997 Reexamination Report, the 2004 Reexamination Report and the previous element updates was a review of the Goals and Objectives of the 2003 Reexamination. The Board makes the following comments with respect to those goals and objects:

1. Remove the imposition of a recreation assessment fee for new development from the open space objectives as this assessment has been ruled unconstitutional by the courts.

**B. REEXAMINATION OF THE MASTER PLAN ELEMENTS**

The Board makes the following findings concerning the specific elements included within the prior Master Plan and the need for amendment:

**1. LAND USE PLAN ELEMENT****a. Changes since last Reexamination:**

- Adoption of Cross-Acceptance Report prepared by Ocean County – January 2005.
- Adoption of the Pinelands Comprehensive Management Plan Amendments for Wetlands Management, Forestry And Residential Cluster Developments In Pinelands Forest and Rural Development Areas – September 22, 2011

**b. Current Reexamination:**

- There is a need for an Updated Land Use Element to incorporate zoning for non-age restricted multi-family residential development as a conditional use. The main purpose is to encourage affordably priced workforce housing for the residents of Lacey Township in close proximity to public transportation. (The updated Land Use Element recommendations are included in this report as Appendix 1.)
- There is a need to incorporate zoning for wireless communication equipment in the Township as a permitted use on municipal owned lands. (The updated Land Use Plan Element recommendations are included in this report as Appendix 1.)
- There is a need to incorporate zoning for solar energy and small wind systems in the Township to reflect changing trends and conditions and other similar items governing alternative energy sources. (The updated

Land Use Plan Element recommendations are included in this report as Appendix 1.)

- In anticipation of the decommissioning of the nuclear power plant, it is recommended that the M-100 Zone should be expanded to include Lots 4.03, 4.04, 4.05 and 4.06 in Block 1001 that are currently in the M-6 Industrial Zone and that the permitted and conditionally permitted uses of the M-100 Zone be expanded to include those permitted and conditionally permitted uses specifically mentioned in the M-6 Zone. This will allow the Township more flexibility in enticing other alternative type power plants to develop in this area.

## 2. HOUSING PLAN ELEMENT

### a. Changes since last Reexamination:

- Adoption of "Housing Element" – December 2005.
- Adoption of "Fair Share Plan" – December 2005.
- Application to State for Certification by the N. J. Council on Affordable Housing (C.O.A.H.); still pending since that time.

### b. Current Reexamination:

- With the current status of the State's certification of the Township's C.O.A.H. Plan still unknown, the need for further master planning of the Housing Element cannot be determined at this time.

## 3. CIRCULATION PLAN ELEMENT

### a. Changes since last Reexamination:

- Lacey Road from Route 9 to the Garden State Parkway entrance has been improved to a two-lane roadway with curbs and sidewalks.

- Exit 74 of the Garden State Parkway has been improved to be a four-way interchange with toll plazas at the northbound entrance and southbound exit ramps.
- Extensions of Laurel Boulevard and Sunrise Boulevard westerly from their signalized intersections at Route 9 to connect to the future Railroad Avenue North roadway.
- Preparation of construction plans for the former railroad right-of-way (Railroad Avenue North) from Lacey Road to Bay Way. The plans incorporate provisions for the Barnegat Branch Trail to be constructed by Ocean County. This plan has been submitted to the NJDEP. CAFRA approval is pending.
- The NJDOT is evaluating and preparing improvement plans of existing signalized intersections along Route 9, more specifically the intersection of Lacey Road.

b. Current Reexamination:

- There is a need for the evaluation and improvement of the intersection of Route 9 and Taylor Lane.
- There is a need to evaluate and restrict parking on side streets within commercial zones that intersect Lacey Road to help reduce the number of accidents between Route 9 and the Garden State Parkway entrance/exit ramps.
- There is a need to incorporate a Complete Streets Policy as a means to provide safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of

transportation options. (The updated Circulation Plan Element recommendations are included in this report as Appendix 2.)

4. UTILITY SERVICE PLAN ELEMENT

- a. Changes since last Reexamination: Yes.
- b. Current Reexamination:
  - The construction of a significant number of new subdivisions and commercial developments has occurred since the last master plan was last updated in 2004. There is a need to obtain maps of current public water and sewer facilities from the Lacey M.U.A. and include them in the new Master Plan.
  - It is recommended that the Township should consider installing lights along the walkway at Gillie Park.
  - It is recommended that the Board of Education should extend the hours of the high school parking lot lights to provide lighting in order to increase safety for students before and after school.

5. COMMUNITY FACILITIES PLAN ELEMENT

- a. Changes since last Reexamination:
  - Education: The Lacey Township School District has improved its facilities to now have a high school, middle school, four elementary schools and a stand alone administration building.
- b. Current Reexamination:
  - Lacey Township is situated equidistant between Community Memorial Hospital in Toms River and Southern Ocean County Hospital in Manahawkin. There is a need for an urgent care facility to reduce the demand on the hospital emergency rooms, while lessening the economic hardship of the township's residents.



## 6. RECREATION PLAN ELEMENT

- a. Changes since last Reexamination: Yes.
- b. Current Reexamination:
  - In light of the significant additional construction and upgrade of recreational facilities since the previous Master Plans, there is the need to update the list and mapping of Recreation Facilities, including bikeways and pedestrian ways. (The updated list of Recreation Facilities is noted on the Recreation Plan Element included in this report as Appendix 3.)
  - Create a Municipal Public Access Plan to enhance public access to New Jersey's beaches, bays and waterways.
  - There should be the promotion of the identification and designation of "Forked River Mountain" as a "historic feature" and the creation of a passive park accessible to the public.
  - The "Leone / Clayton" mining site, which 13 years ago, more or less, had a 20-year window for mining, should be included in the Recreation Plan. Then, when the mining window has expired, the site is to be dedicated to the Township for recreational use, with a planned lake and adjacent lands.
  - There is a need to provide fields for the Lacrosse recreation league in the Township.

## 7. CONSERVATION PLAN ELEMENT

- a. Changes since last Reexamination:
- b. Current Reexamination:

- There is the need to update the list and mapping of lands that have been acquired and / or otherwise conserved by both the public and private sectors.
- Any natural resources inventory mapping, which has been completed, should be obtained and included in the plan.
- The Conservation Plan element should be amended to be updated in light of the significant efforts which have occurred in the past years, specifically by way of recycling and environmental regulation.
- Comments and input should be obtained from the Lacey Township Environmental Commission.
- The Township should consider the requirement of "tree-save plans" for proposed development in an effort to save significant trees through more creative site design techniques.

8. ECONOMIC PLAN ELEMENT

- a. Changes since last Reexamination: Yes.
- b. Current Reexamination:
  - There is a need for an Updated Economic Plan Element, including reference to the Lacey Business Park and uses therein.
  - Comments and input should be obtained from the Lacey Township Economic Development Commission, including suggestions to be incorporated within this report regarding a review of development regulations to encourage appropriate economic development through Zoning Ordinance amendments, including with the Historic Preservation District and the Oyster Creek Nuclear Power Plant property.

## 9. HISTORIC PRESERVATION PLAN ELEMENT

### a. Changes since last Reexamination:

- There has been some additional development within the Historic District.

### b. Current Reexamination:

- There is a need to prepare and adopt a Historic Preservation Element that would: identify historic areas containing historic structures; promote the adoption of development regulations that would encourage their preservation; and encourage the use of architectural design consistent with the residential and historical characteristics of Lacey Township.
- Bay Avenue, which was formerly known as "Captain's Road", should be an emphasized element of the Historic District.
- Examples of appropriate design features in the District would include parking areas behind or beside buildings, which would be set back less distance from the street; traditional or colonial type lighting; benches along walkways and sidewalk areas; sidewalks comprised of paver blocks or with paver blocks integrated with other materials; and "banners" identifying the District on light poles.
- Examples of architectural standards for new construction of renovations would include building accents; appropriate siding and shingles; roofing materials; etc.

## 10. RECYCLING PLAN ELEMENT

### a. Changes since last Reexamination:

- Adoption of a Solid Waste Ordinance in 2009 and updated October 1, 2010.

- The municipal compost facility has been upgraded to be a Class "C" facility.
  - Incorporation of Single Stream Recycling.
- b. Current Reexamination:
- There is a need for an Updated Recycling Plan Element that reflects the goals and objectives of the Township's Solid Waste Ordinance. (The updated Recycling Plan Element is included in this report as Appendix 4.)

11. FARMLAND PRESERVATION PLAN ELEMENT

- a. Changes since last Reexamination: None.
- b. Current Reexamination:
- A new plan is not required. (However, the Board recognizes the current Ocean County program, which has more applicability elsewhere in the County.)

12. STORMWATER MANAGEMENT PLAN ELEMENT

- a. Changes since last Reexamination:
- Adoption of a Municipal Stormwater Plan – February 2008.
- b. Current Reexamination:
- The construction of stormwater infrastructure in a significant number of new subdivisions and commercial developments coupled with many upgrades to the existing municipal stormwater collection system have been made since the stormwater mapping was last updated in 1996. There is a need to update the stormwater facilities and include them in the new master plan.

As a part of this Master Plan Reexamination Report, the Board has indicated that the following entities and organizations will be consulted during calendar year 2012 for input during the preparation of an amended Lacey Township Master Plan:

- Lacey Township Police Chief; Fire Companies & First Aid Companies.
- Lacey Township Public Works Director.
- Lacey Township Recreation Director.
- Lacey Township Board of Education.
- Lacey Township Board of Adjustment.
- Lacey Township Environmental Commission & Ocean County Shade Tree Commission.
- Lacey Municipal Utilities Authority.
- Lacey Historical Society and Ocean County Cultural & Heritage Commission.
- Lacey Township Economic Development Commission.
- Lacey Township Recycling Coordinator.

**C. REEXAMINATION OF THE DEVELOPMENT REGULATIONS**

1. Changes since last Reexamination:
  - Miscellaneous amendments from time to time, as needed.
2. Current Reexamination:
  - As a result of the widening of Lacey Road, it is recommended that the Township amend footnote 1.b. of Zoning Table 1 that refers to parking stall setbacks within the OC Office-Commercials zone to read, "The face of the interior perimeter curb of parking stalls closest to Lacey Road shall not be less than 10 feet from the right-of-way of Lacey Road."

- There is a need to update the design standards for Shade Trees §297-48. (The updated Shade Tree ordinance recommendations are included in this report in Appendix 5.)
- There is a need to prepare new landscape design standards for the Lacey Road and Route 9 corridors. (The proposed recommendations for the Lacey Road and Route 9 Corridor Design Standards are included in this report in Appendix 5.)

# APPENDIX 1

## MASTER PLAN - LAND USE PLAN ELEMENT

### 2012 REEXAMINATION

- Zoning For Non-Age Restricted Multi-Family Residential Development
- Zoning For Wireless Communication Equipment
- Zoning For Small Wind and Solar Energy Systems

## **MASTER PLAN LAND USE ELEMENT ZONING FOR NON-AGE RESTRICTED MULTI-FAMILY RESIDENTIAL DEVELOPMENT 2012 REEXAMINATION**

### Introduction

1. This Land Use Element concerns lands in Lacey Township east of the Garden State Parkway; recognizing that lands west of the Parkway are within the N.J. Pinelands Protection Area and subject to the provisions of the Pinelands Comprehensive Management Plan.
2. East of the Parkway, Lacey Township is predominately (more than 60%) developed with a fully developed infrastructure. Remaining vacant lands are generally within planned infrastructure service areas and accessible by public roadways.
3. A main purpose is to encourage affordably priced workforce housing for the residents of Lacey Township in close proximity to public transportation.

### Current Reexamination

There is a need for an Updated Land Use Element to incorporate zoning for non-age restricted multi-family residential development as a conditional use in the C-100, C-150 and C-200 Zones; dwelling units in mixed-use buildings in the C-150, C-200 and OC Zones; and two-family dwellings and mixed use buildings along Manchester Avenue in the RO-100 Zone.

### Proposed Use Category Descriptions

The Planning Board envisions the following accessory and conditional uses, which would be "new" to Township Zoning and are proposed in the Land Use Element:

#### 1. C-100 Marine Commercial & C-200 Limited Business Zones

Types of housing permitted as an accessory use:

- (1) Dwelling units in mixed-use buildings and accessory buildings.
  - a) Any building containing both residential and nonresidential uses shall have a secured entrance for the residential uses.
  - b) No dwelling unit shall be permitted on the same floor level as a nonresidential use.
  - c) Dwelling units shall be permitted only in buildings in which the ground floor is devoted to retail sales, professional office or personal service uses.
  - d) Dwelling units shall be no less than seven hundred (700) square feet in area.
  - e) A maximum of two (2) apartments shall be permitted unless age-restricted.



Types of housing permitted as a conditional use:

- (1) Townhouses.
- (2) Condominiums.
- (3) Garden apartments.

Location restrictions. Multifamily residential buildings shall be permitted no closer than 500 feet from the right-of-way of Lacey Road.

Permitted density. The maximum permitted density shall be 10 units per gross acre.

Area and size requirements:

- (1) The minimum tract size shall be 5 acres.
- (2) The maximum building coverage shall be 30% of the gross tract area.
- (3) The minimum open space shall be 30% of the gross tract area. Natural features shall be preserved to the maximum extent. Open space may include recreational amenities.

Bulk requirements (principal structures):

- (1) The minimum setbacks for buildings from an exterior roadway shall be 50 feet; except that the minimum setback from Route 9 shall be 100 feet. Buildings shall not front on an exterior roadway without the provision of either an intervening parking area or a vegetated screening buffer a minimum of 50 feet in width.
- (2) The minimum setbacks for buildings facing interior roadways or circulation driveways shall be 20 feet, which shall be increased to 25 feet for dwellings with garages.
- (3) The minimum setbacks for buildings from interior parking lots shall be 20 feet.
- (4) The minimum distances between buildings shall be as follows:
  - a) For attached unit buildings oriented essentially at 90° to each other the minimum distance between same shall be 35 feet.
  - b) For attached unit buildings oriented essentially side to side to each other, the minimum distance between shall be 25 feet.
  - c) For attached unit buildings oriented essentially with parallel axis facing each other, the minimum distance between same shall be 50 feet.
- (5) The maximum height of buildings shall be 45 feet, but a maximum of three stories.

- (6) The minimum distance from any lot line that is adjacent to a residential zone shall be 50 feet.
- (7) The minimum rear or side yard setback from any exterior lot line shall be 50 feet.

**Bulk requirements (accessory structures):**

- (1) The minimum rear or side yard setback from any exterior lot line shall be 50 feet.
- (2) The minimum rear or side yard setback shall be 20 feet.
- (3) The maximum height of accessory buildings shall be 16 feet.

**Minimum parking requirements:**

- (1) The minimum number of required parking spaces shall be 2.0 spaces per unit.
- (2) Additional spaces shall be provided for sales, rental and administrative offices at the rate of one space per 200 square feet of gross floor area.
- (3) A private driveway to a unit with capacity for off-street parking of one automobile shall be deemed to constitute one parking space.

**Buffer requirements.** Buffer requirements shall be provided in accordance with the requirements for planned residential developments, as contained in §335-48B(2); except that the minimum required buffer of 50 feet may include required yard areas, stormwater management areas, underground utilities and other site plan elements such as parking areas.

**Additional requirements:**

- (1) Garages that are used to meet the required parking demand under the Residential Site Improvement Standards are prohibited from being converted to living space.
- (2) All first-floor units shall be constructed to be barrier-free adaptable.
- (3) Garden apartments shall be age-restricted.
- (4) Ownership, preservation and maintenance of open space. The developer shall make provisions which ensure that common areas and open space shall continue as such be properly maintained in perpetuity. The developer shall utilize such methods as approved by the Planning Board and Township Committee in ensuring the preservation and maintenance of common areas and open space.

**2. C-150 Highway Business Zone**

**Types of housing permitted as an accessory use:**

- (1) Dwelling units in mixed-use buildings and accessory buildings.
  - a) Any building containing both residential and nonresidential uses shall have a secured entrance for the residential uses.
  - b) No dwelling unit shall be permitted on the same floor level as a nonresidential use.
  - c) Dwelling units shall be permitted only in buildings in which the ground floor is devoted to retail sales, professional office or personal service uses.
  - d) Dwelling units shall be no less than seven hundred (700) square feet in area.
  - e) A maximum of two (2) apartments shall be permitted unless age-restricted.

Types of housing permitted as a conditional use:

- (1) Townhouses.
- (2) Condominiums.
- (3) Garden apartments

Location restrictions. Multifamily residential buildings shall be permitted no closer than 500 feet from the right-of-way of Lacey Road.

Permitted density. The maximum permitted density shall be 10 units per gross acre.

Area and size requirements:

- (1) The minimum tract size shall be 45,000 square feet.
- (2) The maximum building coverage shall be 30% of the gross tract area.
- (3) The minimum open space shall be 30% of the gross tract area. Natural features shall be preserved to the maximum extent. Open space may include recreational amenities.
- (4) No fewer than 4 dwelling units shall be allowed in any project.

Bulk requirements (principal structures):

- (1) The minimum setbacks for buildings from an exterior roadway shall be 50 feet; except that the minimum setback from Route 9 shall be 100 feet. Buildings shall not front on an exterior roadway without the provision of either an intervening parking area or a vegetated screening buffer a minimum of 50 feet in width.

- (2) The minimum setbacks for buildings facing interior roadways or circulation driveways shall be 20 feet, which shall be increased to 25 feet for dwellings with garages.
- (3) The minimum setbacks for buildings from interior parking lots shall be 20 feet.
- (4) The minimum distances between buildings shall be as follows:
  - a) For attached unit buildings oriented essentially at 90° to each other the minimum distance between same shall be 35 feet.
  - b) For attached unit buildings oriented essentially side to side to each other, the minimum distance between shall be 25 feet.
  - c) For attached unit buildings oriented essentially with parallel axis facing each other, the minimum distance between same shall be 50 feet.
- (5) The maximum height of buildings shall be 45 feet, but a maximum of three stories.
- (6) The minimum distance from any lot line that is adjacent to a residential zone shall be 50 feet.
- (7) The minimum rear or side yard setback from any exterior lot line shall be 50 feet.

**Bulk requirements (accessory structures):**

- (1) The minimum rear or side yard setback from any exterior lot line shall be 50 feet.
- (2) The minimum rear or side yard setback shall be 20 feet.
- (3) The maximum height of accessory buildings shall be 16 feet.

**Minimum parking requirements:**

- (1) The minimum number of required parking spaces shall be 2.0 spaces per unit.
- (2) Additional spaces shall be provided for sales, rental and administrative offices at the rate of one space per 200 square feet of gross floor area.
- (3) A private driveway to a unit with capacity for off-street parking of one automobile shall be deemed to constitute one parking space.

**Buffer requirements.** Buffer requirements shall be provided in accordance with the requirements for planned residential developments, as contained in §335-48B(2); except that the minimum required buffer of 50 feet may include required yard areas, stormwater management areas, underground utilities and other site plan elements such as parking areas.

Additional requirements:

- (1) All units that have an attached garage that is used to meet the required parking demand under the Residential Site Improvement Standards are prohibited from being converted to living space.
- (2) All first-floor units shall be constructed to be barrier-free adaptable.
- (3) Garden apartments shall be age-restricted.
- (4) Ownership, preservation and maintenance of open space. The developer shall make provisions which ensure that common areas and open space shall continue as such be properly maintained in perpetuity. The developer shall utilize such methods as approved by the Planning Board and Township Committee in ensuring the preservation and maintenance of common areas and open space.

3. OC- Office-Commercial Zone

Types of housing permitted as an accessory use:

- (1) Dwelling units in mixed-use buildings.
  - a) Any building containing both residential and nonresidential uses shall have a secured entrance for the residential uses.
  - b) No dwelling unit shall be permitted on the same floor level as a nonresidential use.
  - c) Dwelling units shall be permitted only in buildings in which the ground floor is devoted to retail sales, professional office or personal service uses.
  - d) Dwelling units shall be no less than seven hundred (700) square feet in area.
  - e) A maximum of two (2) apartments shall be permitted unless age-restricted.

4. RO-100 Residential Zone

Types of housing permitted as conditional use:

- (1) Two-family dwellings (duplex).

Area, yard and buildings requirements:

- (1) Minimum lot area:
  - a) Interior lot: 15,000 square feet.
  - b) Corner lot: 18,000 square feet.

- (2) Minimum lot width:
  - a) Interior lot: 100 feet.
  - b) Corner lot: 120 feet.
- (3) Minimum lot frontage:
  - a) Interior lot: 100 feet.
  - b) Corner lot: 120 feet.
- (4) Minimum front setback: 35 feet.
- (5) Minimum side setback: 20 feet.
- (6) Minimum rear setback: 30 feet.
- (7) Maximum building height: 35 feet, 2 stories.
- (8) Accessory structures:
  - a) Minimum side yard: 6 feet.
  - b) Minimum rear yard: 6 feet.
  - c) Maximum building height: 16 feet.

Minimum parking requirements:

- (1) The minimum number of required parking spaces shall be 2.0 spaces per unit.
- (2) A private driveway to a unit with capacity for off-street parking of one automobile shall be deemed to constitute one parking space.

Additional requirements:

- (1) All units shall have an attached garage.
- (2) Garages that are used to meet the required parking demand under the Residential Site Improvement Standards are prohibited from being converted to living space.

Types of housing permitted as an accessory use:

- (1) Dwelling units in mixed-use buildings.
  - a) Any building containing both residential and nonresidential uses shall have a secured entrance for the residential uses.

- b) No dwelling unit shall be permitted on the same floor level as a nonresidential use.
- c) Dwelling units shall be permitted only in buildings in which the ground floor is devoted to office or personal and business-service uses.
- d) Dwelling units shall be no less than seven hundred (700) square feet in area.

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## **MASTER PLAN LAND USE ELEMENT WIRELESS COMMUNICATION EQUIPMENT 2012 REEXAMINATION**

### Introduction

The purpose of this Section is to provide sound land use policies, procedures and regulations for the location and placement of wireless communication towers and antennas in order to protect the community from visual and other adverse impacts. This Section is intended to meet the mandate of the Communication Act of 1996.

### Objectives

The objectives of this Section are to:

1. Protect residential areas and land uses from the potential adverse quality of life impacts of wireless communication towers and antennas;
2. Encourage the location of wireless communication towers on municipal property or in nonresidential areas and along major transportation corridors;
3. Minimize the total number of wireless communication towers throughout the community;
4. Encourage the co-location of new antennas on existing wireless communication towers instead of construction of additional single-user towers;
5. Encourage the location of wireless communication towers and antennas in areas where the adverse quality of life impact is minimized;
6. Encourage the location of wireless communication towers and antennas in a way that minimizes their adverse visual impact through careful design, siting, landscaping, screening, and innovative camouflaging;
7. Enhance the ability of the providers of wireless communication to provide such services to the community effectively, and efficiently;

### Current Reexamination

There is a need to incorporate zoning for wireless communication equipment in the Township as a permitted use on municipal owned lands.

### Proposed Land Use Regulations

The Planning Board envisions the following land use regulations, which would be "new" to Township Zoning and are proposed in the Land Use Element:



## A. Definitions.

The following definitions shall govern Wireless Communication Equipment in the Township of Lacey.

**WIRELESS COMMUNICATION** – Any personal wireless service as defined in the Federal Communication Act of 1996 ("FTA"); i.e., FCC-licensed commercial wireless communication services, including cellular, PCS, SMR, ESMR, paging, and similar services that currently exist or that may in the future be developed. Wireless communications does not include any amateur radio facility that is under seventy (70) feet in height and is owned and operated only by a federally licensed amateur radio station operator or is used exclusively to receive transmissions, nor does it include any parabolic satellite antennas, nor does it include non-wireless telephone service.

**WIRELESS COMMUNICATION ANTENNA** – Any device which is used for the transmission and reception of wave frequencies for the purpose of any wireless communication as defined herein. For the purposes of this Section, wireless communication antennas shall not be considered to be a public utility.

**WIRELESS COMMUNICATION COMPOUND** – An area enclosed by walls or fencing within which a wireless communication tower and associated equipment are housed and maintained preventing access to all equipment by the general public.

**WIRELESS COMMUNICATION TOWER** – A freestanding monopole structure on which one (1) or more antennas are attached, but shall not mean existing structures such as silos, cupolas or water tanks.

## B. Use Requirements.

1. Wireless communication equipment shall be a permitted principal or second principal (on a permitted accessory) use on a publicly owned, leased or otherwise controlled properties that can provide a five hundred (500) foot buffer between the wireless communication equipment and any adjacent or nearby residential property. Publicly owned lands include those lands owned, leased or otherwise controlled by the municipality, board of education, the county, the state, a public utility authority and other such public authorities.
2. Wireless communication antennas installed on or within existing structures (and utilizing fully screened antennas installed on top of or exterior to existing structures) shall be a permitted accessory use in the M-1, M-2, M-6 & M-100 Zones on properties which are developed for business park and industrial uses. Fully screened shall mean architectural treatment such as parapets, screening panels, faux cornice lines, etc. to fully screen the antennas.
3. Wireless communication towers shall be a permitted accessory use in the M-1, M-2, M-6 & M-100 Zones.

4. The use of lattice or guyed towers for wireless communication towers shall be prohibited. Towers shall be of monopole design. Lattice towers shall be permitted only at the request of the Township of Lacey Police Department, Fire Department or Emergency Medical Service for the provision of additional communications equipment.
5. No more than one (1) wireless communication tower shall be located on any one (1) property, regardless of zone or ownership.

C. Visual Compatibility Requirements.

1. Wireless communication antennas on existing structures or buildings and wireless communication tower shall be designed, located and screened so as to blend with and into the existing natural or built surroundings so as to eliminate, to the maximum extent practicable, adverse visual impacts through the use of color and camouflaging, architectural treatment, landscaping, and other means.
  - a. Permitted tower designs include flag poles with internal mount antennas, monopoles with internal mount antennas color matched to surroundings, flush mounted antennas color matched to surroundings, cluster mounted antennas on armatures of less than eight (8) feet color matched to surroundings, artificial trees, church steeples and clock towers with internal antennae mounts and other similar constructions.
  - b. Permitted antenna designs on existing structures include flush mounted, pole mounted or sled mounted antennas that are fully screened by architectural treatments, such as parapets, screening panels, faux cornice lines, etc.

D. Site Design Standards.

The following site design standards shall apply to wireless telecommunications facilities:

1. New towers.
  - a. Fall zone. A fall zone shall be established such that the tower is set back 150% of the height of the tower from any adjoining lot line or nonappurtenant building.
  - b. Security fencing. Towers shall be enclosed by security fencing not less than eight feet in height. Towers shall also be equipped with an appropriate anticlimbing measure.
  - c. Landscaping. The following requirements shall govern the landscaping surrounding towers:
    - (1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences or planned residences or any other area frequented by the

public. The standard buffer shall consist of a landscaped strip of at least 10 feet wide outside the perimeter of the compound. However, at a minimum, the facility should be shielded from public view by evergreen trees at least eight feet high at planting and planted in staggered double rows 15 feet on center.

- (2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced at the sole discretion of the approving authority.
  - (3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.
- d. Ancillary buildings. Any proposed building enclosing related electronic equipment shall not be more than 10 feet in height nor more than 200 square feet in area, and only one such building shall be permitted on the lot for each provider of wireless telecommunications services located on the site. Such buildings must satisfy the minimum zoning district setback requirements for accessory structures.
- e. Aesthetics. Towers and antennas shall meet the following requirements:
- (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - (2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- f. Lighting. No lighting is permitted except as follows, which shall be subject to review and approval by the Planning Board as part of the site plan application:
- (1) The building enclosing electronic equipment may have one light at the entrance to the building, provided that the light is attached to the building, is focused downward and is switched so that the light is turned on only when workers are at the building; and
  - (2) No lighting is permitted on a tower except lighting that specifically is required by the Federal Aviation Administration (FAA), and any such required lighting shall be focused and shielded to the greatest extent possible so as not to project toward adjacent and nearby properties.
- g. Signs. No signs are permitted except those required by the Federal Communications Commission, the Electronic Industries Association (EIA) and/or the Telecommunications Industry Association (TIA) or by law, such as warning and equipment information signs, which may be attached to a fence or building structure and shall not be larger than 18 inches by 18 inches.

2. Antennas mounted on existing structures or roof tops.

- a. Antennas on existing structures. Any antenna which is not attached to a tower may be attached to any existing business, industrial, office utility or institutional structure, provided:

(1) Side- and roof-mounted personal wireless service facilities shall not project more than 10 feet above the height of an existing building or structure nor project more than 10 feet above the height limit of the zoning district within which the facility is located. Personal wireless service facilities may locate on a building or structure that is legally nonconforming with respect to height, provided that the facilities do not project above the existing building or structure height.

(2) The antenna complies with applicable FCC and FAA regulations.

(3) The antenna complies with all applicable building codes:

(1) The equipment structure shall not contain more than 200 square feet of gross floor area or be more than 10 feet in height. In addition, for buildings and structures which are less than 48 feet in height, the related unmanned equipment structure shall be located on the ground and shall not be located on the roof of the structure.

(2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10% of the roof area.

(3) Equipment storage building, structures or cabinets shall comply with all applicable building codes.

- b. Aesthetics. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

3. Antennas on existing towers. An antenna may be attached to a preexisting tower in a nonresidential zone and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such co-location is accomplished in a manner consistent with the following:

- a. A tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless reconstruction as a monopole is proposed.

- b. An existing tower may be modified or rebuilt to a taller height, not to exceed the maximum tower height established by this chapter.

- c. On-site location. A tower which is being rebuilt to accommodate the co-location of an additional antenna may be moved on site within 50 feet of its existing location. After the tower is rebuilt to accommodate co-location, only one tower may remain on the site.
4. The Planning Board shall have the discretion to grant waivers from any of the design standards set forth in this section.

E. Site Plan Submission Requirements.

In addition to the site plan submission requirements and other applicable requirements of this chapter, the following information shall be submitted in conjunction with site plan approvals for all wireless telecommunications facilities:

1. Comprehensive service plan. In order to provide proper evidence that any proposed location of wireless telecommunications antennas (and any supporting tower and/or ancillary building enclosing related electronic equipment) has been planned to result in the fewest number of towers within the Township of Lacey at the time full service is provided by the applicant throughout the Township, the applicant shall submit a comprehensive service plan. Said comprehensive service plan shall indicate how the applicant proposes to provide full service throughout the Township and, to the greatest extent possible, said service plan shall also indicate how the applicant's plan is coordinated with the needs of all other providers of telecommunications services within the Township of Lacey. The comprehensive service plan shall indicate the following:
  - a. Whether the applicant's subscribers can receive adequate service from antennas located outside of the borders of the Township of Lacey.
  - b. How the proposed location of the antennas relates to the location of any existing towers within and/or near the Township of Lacey.
  - c. How the proposed location of the antennas relates to the anticipated need for additional antennas and supporting towers within and/or near the Township of Lacey by both the applicant and by other providers of telecommunications services within the Township of Lacey.
  - d. How the proposed location of the antennas relates to the objective of co-locating the antennas of different service carriers on the same tower.
  - e. How the proposed location of the antennas relates to the overall objective of providing full telecommunications services within the Township of Lacey while, at the same time, limiting the number of towers to the fewest possible.
2. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), and all properties within the applicable fall zone, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structure, topography, parking and other information deemed by the approving authority to be necessary to assess compliance with this chapter.

3. Legal description of the entire tract and leased parcel (if applicable).
4. The setback distance between the proposed tower and the nearest residential unit and residentially zoned properties.
5. The separation distance from other towers and antennas.
6. A landscape plan showing specific landscape materials, including, but not limited to, species type, size, spacing and existing vegetation to be removed or retained.
7. Method of fencing and finished color and, if applicable, the method of camouflage.
8. A description of compliance with all applicable federal, state or local laws.
9. A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.
10. Identification of the entities providing the backhaul network for the tower(s) described in the application and other telecommunications sites owned or operated by the applicant in the Township.
11. A letter of commitment to lease excess space or other potential users at prevailing market rates and conditions. The letter of commitment shall be in a form suitable for recording with the County Clerk prior to the issuance of any permit and shall commit the tower owner(s), property owner(s) and their successors in interest.
12. A visual impact study containing, at a minimum, a photographic simulation showing the appearance of the proposed tower, antennas and ancillary facilities from at least five points within a three-mile radius. Such points shall be chosen by the carrier with review and approval by the Planning Board planning consultant to ensure that various potential views are represented.
13. For applications in the Pinelands Area, a description of the relationship of the proposed tower to any comprehensive plan for local communication facilities which has been approved by the Pinelands Commission pursuant to N.J.A.C. 7:50-5.4(c).

F. Additional Standards.

1. No signs shall be permitted except for emergency contact information, safety warnings, and safety instructions.
2. No lighting is permitted except for tower lighting as required by Federal or State regulations or lighting that is interior to the communication equipment compound mounted at a height beneath the top of the compound fence.
3. Wireless communication antennas and towers shall be maintained to assure their continued structural integrity.

4. All wireless communication towers shall be designed with anti-climbing devices in order to prevent unauthorized access. Additional safety devices shall be permitted or required, as needed for safety.
  5. Wireless communication compound and equipment shall be operated so as not to produce noise in excess of the limits set by Federal regulation, State regulation, or Township ordinance.
  6. Every modification to a wireless communications tower or antennas shall be subject to site plan review and approval. A modification is an increase in the number or size of wireless communication antennas or an alteration in the placement of wireless communication antennas in such a manner as to increase their visibility in any way.
- G. Monitoring and Maintenance.
1. After the wireless telecommunications facility is operational, the applicant shall submit, within 90 days of beginning operations, and at annual intervals from the date of issuance of the building permit, existing measurements of RFR from the wireless telecommunications facility. Such measurements shall be signed and certified by an RF engineer, stating that RFR measurements are accurate and meet FCC guidelines as specified in the radio frequency standards section of this chapter.
  2. The applicant and coapplicant shall maintain the personal wireless service facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.
- H. Abandonment or Discontinuance of Use.
1. At such time that a licensed carrier plans to abandon or discontinue operation of a personal wireless service facility, such carrier shall notify the Township Clerk by certified United States mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the wireless telecommunications facility shall be considered abandoned upon discontinuation of operations.
    - a. If tower lighting was required by the FAA, the tower owner shall be responsible for all violations and fines associated with its operation.
  2. Upon abandonment or discontinuation of use, at the option of the Township, the carrier shall physically remove the personal wireless service facility within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:
    - a. Removal of antennas, mount, equipment shelters and security barriers for the subject property.

- b. Proper disposal of the waste materials from the site in accordance with local, county and state solid waste disposal regulations.
  - c. Restoring the location of the personal wireless service facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.
- 3. If a carrier fails to remove a personal wireless service facility in accordance with this section, the Township shall have the authority to enter the subject property and physically remove the facility. The Planning Board will require the applicant to post a bond at the time of approval to cover costs for the removal of the personal wireless service facility in the event the Township must remove the facility.



## **MASTER PLAN LAND USE ELEMENT SMALL WIND AND SOLAR ENERGY SYSTEMS 2012 REEXAMINATION**

### Introduction

4. A main purpose is to promote the safe, effective and efficient use of small wind and solar energy systems to reduce the on-site consumption of utility-supplied electricity.
5. Wind and solar energy are an abundant, renewable, and non-polluting energy source.
6. Converting wind and solar rays to electricity will reduce our dependence on non-renewable energy resources, and decrease air and water pollution that results from the use of conventionally energy sources.
7. Distributed small wind energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the State's energy supply portfolio.
8. Small wind systems and solar energy systems make electricity supply market more competitive by promoting customer choice.
9. Solar and wind energy may help mitigate the demand for increased transmission lines, offshore drilling and other energy infrastructure.
10. New Jersey's Renewable Portfolio Standards (RPS) require each supplier/provider , as defined at N.J.A.C. 14:8-1.2, that sells electricity to retail customers in New Jersey to provide a percentage of their retail electricity sales from renewable energy sources, beginning at 3.5 percent in 2004 and increasing to 22.5 percent by 2021.
11. The Municipal Land Use Law (N.J.S.A. 40:55D-2n) provides that to promote utilization of renewable energy resources is a purpose of zoning.
12. On November 20, 2009, the Governor signed P.L. 2009, c.146, clarifying that a wind, solar or photovoltaic energy facility or structure should be considered an "inherently beneficial" use under the Municipal Land Use Law's analysis of positive criteria for the grant of a "d variance" under N.J.S.A. 40:50D-70, regardless of whether the facility or structure is a principal use, a part of the principal use, or an accessory use or structure.
13. On April 4, 2010, the Governor signed P.L. 2010.c.4 exempting solar panels from being counted in calculations utilized to determine impervious coverage in land use applications under the Municipal Land Use Law.
14. Existing local zoning regulations in the Township of Lacey do not address wind or solar power, which while not intended to discourage the installation of small wind turbines or solar panels, can substantially increase the time and costs required to obtain necessary local land use permits.

### Current Reexamination

There is a need to incorporate zoning for solar energy and small wind systems in the Township to reflect changing trends and conditions and other similar items governing alternative energy sources so that clean renewable energy resources can be utilized in a cost-effective and timely manner in Lacey Township.

### Proposed Land Use Regulations

The Planning Board envisions the following land use regulations, which would be "new" to Township Zoning and are proposed in the Land Use Element:

A. Purpose. The purpose of this section is to:

- (1) Facilitate the permitting of small wind and solar energy systems.
- (2) Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system.

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

**METEOROLOGICAL TOWER or MET TOWER** – A structure designed to support the gathering of wind energy resource data, and includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

**OWNER** – The individual or entity that intends to own and operate the small wind energy system in accordance with this section.

**ROTOR DIAMETER** - The cross-sectional dimension of the circle swept by the rotating blades of a wind-powered energy generator.

**SMALL WIND ENERGY SYSTEM** – A wind energy system, as defined in this section, that:

- (1) Is used to generate electricity;
- (2) Has a nameplate capacity of 100 kilowatts or less; and
- (3) Is as high as necessary to capture the wind energy resource at a height determined to be necessary for optimum energy generation through prior testing with a met tower at the proposed location of the wind energy system.

**TOTAL HEIGHT** – In relation to a wind energy system, the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point. Additionally, the total height of the tower shall not exceed the distance from the location of the tower to the closest property line.

**TOWER** – A monopole, freestanding, or guyed structure that supports a wind generator.

**WIND ENERGY SYSTEM** – A wind generator and all associated equipment, including any base, blade, foundation, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component necessary to fully utilize the wind generator.

**WIND GENERATOR** - Equipment that converts energy from the wind into electricity. This term includes the rotor, blades and associated mechanical and electrical conversion components necessary to generate, store and/or transfer energy.

- C. Standards. A small wind energy system shall be a permitted use in the following zones subject to the following requirements: Marine Commercial, Highway Business, Limited Business, Municipal Land Office, Business Park, Industrial, Pinelands Forest and Preservation:
- (1) Setbacks. A wind tower for a small wind energy system shall be set back a distance equal to the Township's building setback requirements. If overhead power lines are located in close vicinity to the wind tower, the Zoning Officer may increase the setback requirement as necessary to reduce any public safety issue. No portion of the wind generator shall extend beyond the setback line, nor into the following:
    - (a) Any public road right-of-way, unless written permission is granted by the government entity with jurisdiction over the road right-of-way.
    - (b) Any overhead utility lines, unless written permission is granted by the utility that owns and/or controls the lines.
  - (2) Access.
    - (a) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
    - (b) The tower shall be designed and installed so as not to provide step bolts, a ladder, or other publicly accessible means of climbing the tower, for a minimum height of eight feet above the ground.
    - (c) All towers shall be constructed so as to limit access to only authorized personnel and shall contain appropriate safety measures to assure compliance with all federal and state occupational safety requirements.
  - (3) Lighting. A small wind energy system shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
  - (4) Appearance, color, and finish. The wind generator and the tower shall remain painted or finished in the color or finish that was originally applied by the manufacturer, unless a different color or finish is approved in the zoning approval. All components of the system shall be maintained in accordance with the most current requirements contained within the Property Maintenance Code and the Uniform Construction Code adopted by the Township.

- (5) Signs. There shall be no signs that are visible from any public road posted on a small wind generator system or any associated building, except for the manufacturer's or installer's identification, appropriate warning signs, or owner identification.
- (6) Utility notification and interconnection. Small wind energy systems that connect to the electric utility shall comply with New Jersey's Net Metering and Interconnection Standards for Class I Renewable Energy Systems at N.J.A.C. 14:4-9 et seq.
- (7) Met towers. A met tower shall be permitted under the same standards, permit requirements, restoration requirements and permit procedures as a small wind energy system.
- (8) Rooftop wind turbines may be permitted in all zones. Rooftop turbines may not exceed a height of three and one-half (3.5) feet.
  - a. Rooftop installation of wind turbines may only be permitted subject to technical review of the manufacturer's specifications.
  - b. Wind turbines on residential properties shall have a nameplate capacity of 10 kilowatts or less.

D. Solar Energy Systems

- (1) Solar energy systems shall be permitted as a rooftop installation in any zoning district. Solar panels mounted to the roof of garages and accessory structures will also be permitted. Structurally attached solar energy systems installed on a building with a sloped roof shall not project vertically above the peak of the roof and/or shall comply with the height regulations of the zone. Roof mounted solar energy systems shall not exceed a height of three (3) feet from the rooftop at any point. Structurally attached solar energy systems installed on a building with a flat roof shall not project vertically more than 5 feet above the roof and /or shall comply with the height regulations of the zone.
- (2) Freestanding or ground mounted solar energy systems (ground arrays) shall be considered a structure and shall be subject to the regulations of the zone for such, together with all other applicable codes and ordinances. Ground mounted or free standing solar energy systems shall not be permitted in the front yard of any property in any zone. The height of any ground mounted or free standing solar energy system shall not exceed sixteen (16) feet. Ground solar energy systems shall be located so that any reflection is directed away or is properly buffered from an adjoining property.
- (3) Solar energy systems may consist of photovoltaic cells, hot water collector applications and hot air applications.
- (4) Roof mounted solar energy systems are discouraged from being erected on the front roof of a structure which faces a street. Solar energy systems shall be located on a rear- or side-facing roof, as viewed from any adjacent street, unless such installation is proven to be ineffective or impossible. The removal of potential obstructions such as interceding vegetation shall not be sufficient cause for permitting a front-facing installation. Front-facing installation may be permitted in accordance with the following provisions:

- a. Applicant must indicate valid reasons as to why this is the only effective or possible means for utilizing solar energy on the property. Such information shall be certified by a professional deemed qualified by the Board and reviewed by the Township Engineer and any other Professional that the Township deems necessary.
  - b. Solar panels must be flush mounted to the roof.
- (5) Solar energy system installations for the purpose of generating electricity shall conform to the following criteria:
  - a. The solar energy systems shall not be sized to generate more power than what is required by said structure as measured on an annual basis. All solar energy systems shall be grid tied.
  - b. A study, prepared by a qualified individual, shall be performed to verify that the property conditions will produce the intended solar power generation based on property location, surrounding structures, and building orientation. Solar ground mounted or freestanding solar energy systems shall be set back a minimum distance of 20 feet from all property lines.
  - c. Solar energy systems shall be designed by a licensed engineer of the State of New Jersey. In the event that the solar energy system is to be mounted to, or is constructed on top of, an existing dwelling or building, detailed calculations and engineered drawings of the mounting must be provided by a licensed engineer of the State of New Jersey. Electric cables must be concealed below the roof line.
  - d. All units and unit installation shall be in accordance with all applicable state construction codes, as well as the National Electric Code.
  - e. All wiring leading to and from the panels shall be installed below the roof structure or shall be installed under ground.
- E. Permit requirements.
  - (1) Permit. A zoning permit shall be required for the installation of a small wind or solar energy system.
  - (2) Documents. The zoning permit application shall be accompanied by three sets of a plot plan which includes the following:
    - (a) Property lines and physical dimensions of the property.
    - (b) Location, dimensions, and types of existing major structures on the property.
    - (c) Location of the proposed small wind or solar energy systems.
    - (d) The right-of-way of any public road that is contiguous with the property.
    - (e) Any overhead utility lines within 300 feet of the outbound property lines.

- (f) Small wind or solar energy system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).
  - (g) A plot plan showing all of the adjacent properties and the current zoning for all adjacent properties.
  - (h) A study conducted by a licensed professional engineer certifying to the viability and feasibility of the small wind energy system at the proposed location.
- (3) Fees. The application for a zoning permit for a small wind or solar energy system must be accompanied by the fee required for a zoning permit in addition to a fee in the amount of \$1,000 to cover the costs of engineering review.
- (4) Expiration. A permit issued pursuant to this section shall expire if:
- (a) The small wind or solar energy system is not installed and functioning within 24 months from the date the permit is issued; or
  - (b) The small wind or solar energy system is out of service or otherwise unused for a continuous eighteen-month period.
- (5) Building permit. All applicants must file the required information and documentation with the Construction Official and meet all of the requirements to obtain a building permit pursuant to the Uniform Construction Code.

F. Abandonment.

- (1) A small wind or solar energy system that is out of service for a continuous eighteen-month period will be deemed to have been abandoned.
- (2) The Administrative Officer may issue a notice of abandonment to the owner of a small wind or solar energy system that is deemed to have been abandoned. The notice shall be sent return receipt requested.
- (3) The owner shall have the right to respond to the notice of abandonment within 30 days from notice receipt date, documenting evidence of why the small wind or solar energy system should not be deemed abandoned. Such documenting evidence may include, but not be limited to, certifications, affidavits, photographic and videographic evidence and electric utility bills.
- (4) If the owner provides sufficient information that demonstrates the small wind or solar energy system has not been abandoned as defined in Subsection D(1) above, the Administrative Officer shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn.
- (5) If the Administrative Officer determines that the small wind or solar energy system has been abandoned, the owner of the small wind or solar energy system shall remove the energy system from the property to a place of safe and legal disposal at the owner's sole expense within six months after the owner receives the notice of abandonment.

- (6) If the owner fails to remove the energy system in the time allowed under Subsection F(5) above, the Administrative Officer may pursue legal action to have the energy system removed at the owner's expense.

G. Zoning permit procedure.

- (1) An owner shall submit an application to the Administrative Officer for a zoning permit for a small wind or solar energy system. The Administrative Officer shall submit a copy of the application to the Township Engineer for review and recommendation.
- (2) The Administrative Officer shall issue a permit or deny the application within 10 days as consistent with Municipal Land Use Law of the date on which the application is received.
- (3) If the application is approved, the Administrative Officer will return one signed copy of the application with the zoning permit and retain the other copy with the application.
- (4) If the application is rejected, the Administrative Officer will notify the applicant in writing and provide a written statement of the reason why the application was rejected. The applicant may appeal the Administrative Officer's decision pursuant to the appropriate appeals authority. The applicant may reapply if the deficiencies specified by the Administrative Officer are resolved.

# APPENDIX 2

MASTER PLAN - CIRCULATION PLAN ELEMENT

2012 REEXAMINATION



## **MASTER PLAN CIRCULATION PLAN ELEMENT COMPLETE STREETS POLICY 2012 REEXAMINATION**

### Current Reexamination

There is a need for an Updated Circulation Element to incorporate a Complete Streets Policy as a means to provide safe access for all users by designing and operating a comprehensive, integrated, connected multi-modal network of transportation options. The benefits of Complete Streets include:

- Improving safety for all citizens, including pedestrians, bicyclists, children, children in carriages, mobility scooters, wheel chairs, older citizens, non-drivers and the mobility challenged as well as those that cannot afford a car or choose to live car free.
- Providing connections to bicycling and walking trip generators such as employment, education, residential, recreation, retail centers and public facilities.
- Promoting health lifestyles.
- Creating more liveable communities.
- Reducing traffic congestion and reliance on carbon fuels thereby reducing greenhouse gas emissions.
- Saving money by incorporating sidewalks, bike lanes, safe crossings and transit amenities into the initial design of a project, thus sparing the expense of retrofits later.

### Goals and Objectives

1. Create a comprehensive, integrated, connected multi-modal network by facilitating connection to bicycling and walking trip generators such as employment, education, residential, recreation, retail centers and public facilities.
2. Provide safe and accessible accommodations for existing and future pedestrian, bicycle and transit facilities.
3. Establish a checklist of pedestrian, bicycle and transit accommodations such as accessible sidewalk curb ramps, crosswalks, countdown pedestrian signals, signs, curb extensions, pedestrian scale lighting, bike lanes and shoulders for consideration in each project.
4. Additionally sidewalks, dedicated bicycle paths, and/or multi-use path shall be included in all new construction and reconstruction projects on "major roadways" and "safe routes" as defined by Ordinance and those used by more than 1,000 vehicles per day. Exemptions shall be considered for County and State designated routes such Scenic Roads and Historic or Cultural Byways.
5. Establishment of a procedure to evaluate resurfacing projects for Complete Streets inclusion according to length of project, local support, environmental constraints, right-of-way limitations, funding resources and bicycle and/or pedestrian compatibility.
6. Transportation facilities constructed for long-term use shall anticipate likely future demand for bicycling and walking facilities and not preclude the provision of future improvements.

7. Designs shall address the need for bicyclists and pedestrians to cross corridors, as well as travel along them, in a safe, accessible and convenient manner; therefore, the design of intersections, interchanges and bridges shall anticipate use by bicyclists and pedestrians.
8. Bicycle and pedestrian facilities shall be designed and contracted to the best currently available standards and practices including the New Jersey Roadway Design Manual, the AASHTO Guide for the Development of Bicycle Facilities, AASHTO's Guide for the Planning, Design and Operation of Pedestrian Facilities, the Manual of Uniform Traffic Control Devices and other as related.
9. Provisions shall be made for pedestrians and bicyclists when closing roads, bridges or sidewalks for construction projects as outlined in NJDOT Policy#705 – Accommodating Pedestrian and Bicycle Traffic During Construction.
10. Improvements shall also consider connections for Safe Routes to Schools, Safe Routes to Transit, Transit Villages, trail crossings and areas of populations groups with limited transportation options.
11. Improvements shall comply with Title VI Environmental Justice, Americans with Disabilities Act (ADA) and complement the context of the surrounding community.
12. Exemptions to the Complete Streets Policy shall be presented the Municipal Engineer, with final decision by the Mayor and Council, in writing and documented with supporting data that indicates the reason for the decision and are limited to the following:
  - a. Non-motorized users are prohibited on the roadway.
  - b. Scarcity of population, travel and attractors, both existing and future, indicate an absence of need for such accommodations.
  - c. Detrimental environmental or social impacts outweigh the need for these accommodations.
  - d. Cost of accommodations is excessively disproportionate to cost of the project, even after factoring in the long-term economic, social, environmental and quality of life benefits of the accommodations.
  - e. The safety or timing of a project is compromised by the inclusion of Complete Streets.
  - f. An exemption other than those listed above must be documented with supporting data and must be approved by the Mayor and Council.

# **APPENDIX 3**

## **MASTER PLAN - RECREATION PLAN ELEMENT**

### **2012 REEXAMINATION**

## **MASTER PLAN RECREATION ELEMENT 2012 REEXAMINATION**

### Introduction

Recreational facilities maintain the quality of life of a community's residents while providing areas for the peaceful enjoyment of nature. Lacey Township is blessed with an abundance of waterfronts – bay, river, creek and lakes – as well as numerous parks and playgrounds, which areas are well maintained by the Lacey Township Department of Public Works and used by the residents.

### Current Reexamination

In light of the significant additional construction and upgrade of recreational facilities since the previous Master Plans, there is the need to update the list and mapping of Recreation Facilities, including bikeways and pedestrian ways. Lacey Township is the home of five major parks and eight smaller tot-lots with playground areas and benches as follows:

#### **GILLIE PARK**

- The Township's largest Park – 34 Acres
- Opened in 1994
- Located on Manchester Avenue
- Home to Lacey Girls Softball
- Hosts 2 Roller Hockey Rinks, 4 Soccer and 4 Softball Fields
- Home to Lacey's Skate Park
- The Rotary Playground and Picnic Pavilion
- 3 Tennis Courts and 1 Practice Court, and 3 Volleyball Courts and 1 Basketball Court
- 1-Mile Walking Path
- Additional Parking off Western Boulevard
- Restroom Facilities

#### **CLUNE PARK**

- Located off Beach Boulevard
- Home to Little League and Pop Warner Organizations
- 4 Little League Fields, 2 Baseball and 3 full-size Football Fields
- Parking and Restroom Facilities

#### **BAMBER PARK**

- Located on Good Luck Road in Bamber
- Athletic Fields for Softball and Soccer
- Basketball and Tennis Court
- Picnic Area as well as 2 Playgrounds
- Hosts a Bathing Beach

#### **CEDAR CREEK BEACH**

- Located off Bay Avenue in Lanoka Harbor
- Hosts a Bathing Area with Restrooms and Paved Parking

**CEDAR LAKE (MILL POND)**

- Located off Parker Street between Mill Street and Lakeside Drive South
- Offers a full-size Lighted Basketball Court
- Paved Parking Area

**FORKED RIVER BEACH BAY FRONT PARK**

- Located off Beach Boulevard
- A Passive, Bay-Front Recreation Park
- Picnic Tables and Playground Equipment
- Offers Scenic View of Barnegat Bay from the Gazebo.

**ASH ROAD PARK**

- Located on Ash Road in Lanoka Harbor
- Newly Remodeled with new Playground Equipment

**DEER HEAD LAKE**

- Located off Deer Head Lake Drive in Forked River
- Hosts a Bathing Beach, Restroom Facilities and Paved Parking Area

**LAKE BARNEGAT PARK**

- Located on Lakeside Drive in Forked River
- Is one of the Township's Largest Inland Bodies of Water
- One of the Township's Main Summer Attractions with a Bathing Beach
- Restroom Facilities and a Paved Parking Area

**MEADOWLARK BEACH**

- Located on Meadowlark Drive, Lanoka Harbor
- A Bathing Beach with Park Benches
- A Tot-Lot with Playground Equipment

**MEZERA PARK**

- Located off of Lakeside Drive South, Forked River
- Offers a Scenic View of Lake Barnegat
- A Tot-Lot with Playground Equipment
- Parking Lot with Park Benches

**ENOS POND COUNTY PARK**

- An Ocean County Park
- Located at the Eastern End of East Lacey Road
- A Passive Park with one of the biggest collections of native and rare Pine Barrens plants in the County
- Hosts a Walking Trail and Picnic Areas
- Restroom Facilities and Paved Parking Area

#### HEBREW PARK

- Located on Manchester Avenue
- Opened in 1982
- Home to Lacey Soccer
- Hosts Soccer and Softball Fields, Basketball and Tennis Courts
- Picnic Pavilion and Restrooms
- 0.6-Mile Walking Path

#### HUFFY WALLIS PARK

- The Township's Oldest Park
- Located off Edgewood Road, Forked River
- In Use Since 1960
- Hosts a Variety of Playground Equipment

#### BARNEGAT BRANCH TRAIL

- A Proposed Ocean County Linear Park
- The BBT is a multi-use 15.6-mile linear "rail-to-trail" project that will extend from Barnegat Township to Toms River Township. The public trail, which lies primarily along the abandoned Barnegat Branch Division of the Central Railroad of New Jersey (CNJ) will be developed and constructed by Ocean County.

# APPENDIX 4

## MASTER PLAN - RECYCLING PLAN ELEMENT 2012 REEXAMINATION

## **MASTER PLAN RECYCLING ELEMENT 2012 REEXAMINATION**

Lacey Township is dedicated to safeguarding the earth's natural resources. One way this is accomplished is by offering services and promoting programs that encourage energy efficiency and resource recycling.

Lacey Township operates and maintains a drop off center for the convenience of residents of Lacey Township for disposition of recyclable materials generated by their personal use. The Township also provides weekly curb side pick up of single stream recycling to encourage its residents to recycle.

A main purpose of the Recycling Element is to encourage all persons who are owners, tenants, or occupants of residential and nonresidential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the Township of Lacey, to separate designated recyclable materials from all solid waste in order to reduce the quantity of solid waste being discarded in landfills.

Designated recyclable materials shall be as follows:

- (1) Empty aerosol cans.
- (2) Empty aluminum cans: must be clean and dirt free.
- (3) Automobile batteries.
- (4) Antifreeze. Antifreeze should be in a disposable one-gallon container; maximum of five one-gallon containers per person.
- (5) Brush.
- (6) Corrugated cardboard.
- (7) Empty glass containers: must be clean and dirt free with lids removed. Lids should be disposed of in the trash.
- (8) Household batteries.
- (9) Leaves: must be bagged with bags left open and placed at curbside during leaf pickup program weeks; schedule for leaf pickup as shown in the Lacey Township Recycling Calendar.
- (10) Mixed paper.
- (11) Newspaper. Glossy advertisements and other inserts which are included in the Sunday paper may be included.
- (12) Empty plastic bottles: must be clean and dirt free with lids removed. Lids should be disposed of in the trash.
- (13) Polyboard boxes: must be clean and dirt free.
- (14) Empty tin and bimetal cans: must be clean and dirt free with lids removed. Lids should be disposed of in the trash.
- (15) Tires from residents' personal vehicles only. Tires larger than 10.00/20 are prohibited.
- (16) Used motor oil. Oil should be in a disposable one-gallon container; maximum of five one-gallon containers per person.
- (17) White goods and bulk appliances.
- (18) Paint.
- (19) Shrink wrap.
- (20) Electronics.
- (21) Used clothing.



Designated recyclable materials for business, commercial and industrial property and for private, public and governmental institutions and buildings shall be disposed of at a lawfully permitted recycling center and shall be expanded to include the following:

- (1) Asphalt.
- (2) Bricks.
- (3) Cement blocks.
- (4) Concrete.
- (5) Ferrous and nonferrous scrap.
- (6) Stumps.
- (7) Tree trunks.

# APPENDIX 5

## MASTER PLAN – DEVELOPMENT REGULATIONS 2012 REEXAMINATION

- Proposed Update to Shade Tree Ordinance §297-48
- Proposed Update to Sign Ordinance §335-43
- Proposed Lacey Road and Route 9 Corridor Design Standards

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## **MASTER PLAN DEVELOPMENT REGULATIONS PROPOSED SHADE TREE ORDINANCE §297-48 2012 REEXAMINATION**

Shade trees shall be planted in all major subdivisions and major site plans and shall be located on the street line in a manner not to interfere with utilities, sidewalks or sight triangles. A plan showing location and type of all proposed shade trees shall be submitted to the Planning Board before final approval.

- A. Tree wells suitable for planting and maintenance of shade trees shall be established along both sides of each new street, and along the frontage of all site plans. The tree wells shall be not less than 4 feet in width. "Tree well" is defined, for the purposes of this chapter, as an area of the street in which trees shall be planted and maintained for street shade or decoration, or both.
- B. The developer shall plant shade trees in said tree wells along all public and private roads at spacings from a minimum of 30 feet to a maximum of 50 apart. Species noted as small or compact in this section shall be planted with a maximum spacing of 40 feet. On sites where visual access is demonstrably encumbered, but is commercially desirable, the required number of trees may be distributed in a clustered fashion with spacings varying from the above.
- C. All shade trees to be planted shall conform to The American Standard for Nursery Stock, latest edition, as published by the American Nursery and Landscape Association for quality, size, form and root ball specifications. All shade trees shall be single-trunked, and be tagged at the nursery for their species, variety and size gradation, and shall remain tagged until inspected by the Township at the planting site.
- D. Shade trees shall preferably be planted in a dormant state. Exceptions may be granted upon receiving approval from the Township; however, performance guarantees for such plantings shall be extended for an additional growing season. Impaired growth of trees planted any time other than dormancy shall be grounds for rejection of the tree by the Township, at any time guarantees remain in place.
- E. The plan for shade trees to be submitted to the Planning Board shall depict typical means of planting trees in planting pits within the tree wells. The planting pit shall be no less than 18 inches wider in all directions from the root ball. It shall not be deeper than the rootball, except in the event of impeded drainage or compacted soil conditions. Trees shall be set so that the root flare is visible above final grade, and such that the tree bears the same relationship to the ground elevation, as it had at the growing nursery. The planting pit shall be backfilled with topsoil from the site, except as otherwise permitted by the Planning Board. No chemical fertilizer shall be added for the first year after planting.
- F. Provision for watering all shade trees shall be made through the first two full growing seasons, to ensure proper establishment. Specification for the method of providing water shall be stated on the plan. The use of permanent irrigation systems is encouraged for greater growth rates and longevity.
- G. In areas of land requiring more than five shade trees, more than one species shall be selected to be planted, in order to prevent plant diseases. It is preferable that the trees be

planted the in small groupings of a given species rather than in an alternating pattern of single individuals of each species, for aesthetic reasons.

- H. Initial, replacement or subsequent plantings shall conform to the type shown on the approved plans. If deviation is anticipated, it shall be done only with advance written request specifying the requested change and only upon approval by the Planning Board.

I. Species Selection -

The developer shall consider the space available for the tree, the species typical growth habit and rate, and shall not plant large scale or spreading-canopied trees where overhead and underground utilities or other structures are likely to create spatial conflict with the species chosen. In places where space is available, larger trees are generally preferred over smaller-growing species.

Anticipated post-development soil moisture conditions shall be examined before species selection. The ability of a particular soil to hold moisture available to plants is important, is typically related to its texture (i.e. sand, loam, etc.), and shall be considered in selection. The hydrologic position of each planting site shall be considered. Water availability may be from groundwater and may fluctuate greatly by season; this water may be fresh, or somewhat saline if hydrologically connected to estuarine waters. Bay water can be more saline than ocean water. Tree species are noted in this section for their particular moisture tolerances.

The varied salt- tolerance of trees species shall be considered in species selection. Salt which is generally detrimental to trees can be from airborne sources, if near Barnegat Bay and estuaries, and can also be from the ground or groundwater, or both. Species are noted with relative tolerance of both, except as otherwise noted. Tree species not noted in this section are not tolerant of salt.

In all areas, shade trees shall be selected from the following lists in this section. Trees native to Ocean County, NJ are preferred over others for their special adaptations in local soil, climate and other conditions.

The developer may request a waiver from the species listed, provided that specific reasons for the variation from the preferred species are given, and such reasons are found to be justifiably acceptable to the Township.

All tree species noted in this section are broad-leaved, deciduous trees, except as otherwise noted. All notations of any cultivar or variety are for informational purposes and shall not limit the cultivars or varieties proposed by the developer.

In areas of anticipated seasonally, statically or tidally high water tables, typically adjacent to waterways, bays, lagoons or wetlands, the following trees are recommended:

- (1) Red Maple (*Acer rubrum*) – limited tolerance of salt in soil, numerous cultivars and varieties exist which have varied growth habits to suit various sized planting locations, somewhat flood tolerant.
- (2) Serviceberry - (*Amelanchier Canadensis*) – salt tolerant, small scale tree, conspicuous flowers, brilliant fall color.
- (3) Common Hackberry (*Celtis occidentalis*) & Hybrid Hackberry (*Celtis occidentalis* x *laevigata* such as variety *Celtis* x 'Magnifica') – limited tolerance of airborne salt, tolerant of salt in soil, flood tolerant.

- (4) Seedless Sweet Gum (*Liquidambar styraciflua* 'Rotundiloba' or other sterile variety only) rapid growing in youth, salt intolerant, flood tolerant, varieties which produce fruit (seed) shall be prohibited.
- (5) Southern Magnolia (*Magnolia grandiflora*) – large growing, showy, fragrant flowers, broadleaved evergreen, messy growth habit – inadvisable where it will overhang sidewalks, limited salt tolerance, use cold-hardest varieties such as 'Bracken's Brown Beauty', 'Edith Bogue' or others.
- (6) Black Gum (*Nyssa sylvatica*) – some salt tolerance, limited flooding tolerance, brilliant fall color.
- (7) Swamp White Oak (*Quercus bicolor*) – some salt tolerance.
- (8) Willow Oak (*Quercus phellos*) – large growing, salt tolerant.
- (9) Bald Cypress (*Taxodium distichum*) – rapid and large growing, deciduous conifer, flood tolerant, useful in some relatively narrow locations, pedestrian access at all stages of growth shall be considered, cultivars such as 'Shawnee Brave', 'Monarch of Illinois' and others can predictively control the dimensions of this somewhat variable species.

In areas of upland, not subject to anticipate seasonally, statically or tidally high water tables, the following trees are recommended:

- (1) Red Maple (*Acer rubrum*) – limited drought tolerance, limited tolerance of salt in soil, numerous cultivars and varieties exist which have varied growth habits to suit various sized planting locations, somewhat flood tolerant.
- (2) Serviceberry - (*Amelanchier canadensis*, varieties 'Autumn Sunset', 'White Pillar', 'Cumulus' and others are adapted as single-trunked trees) – salt tolerant, compact flowering tree, brilliant fall color.
- (3) Common Hackberry (*Celtis occidentalis*) & Hybrid Hackberry (*Celtis occidentalis* x *laevigata* [such as variety *Celtis* x 'Magnifica']) – highly drought tolerant, tolerant of salt in soil, slightly tolerant of airborne salt.
- (4) Thornless Cockspur Hawthorn (*Crataegus crus-galli* 'Inermis' or other thornless type) - very drought tolerant after establishment, conspicuous flowers and fruit, somewhat compact tree.
- (5) Eastern Redcedar (*Juniperus virginiana*) – needled evergreen to be planted at 12'-14' height, very salt tolerant, very drought tolerant after establishment, useful in some relatively narrow locations, pedestrian access at all stages of growth shall be considered, use of cultivars such as 'Emerald Sentinel', 'Manhattan Blue' and others can predicatively control the dimensions of this very variable species.
- (6) American Hophornbeam (*Ostrya virginiana*) – useful in relatively narrow locations, very drought tolerant after establishment.

- (7) White Oak (*Quercus alba*) – large, slow growing, tolerant of salt in soil, somewhat tolerant of airborne salt, drought tolerant after establishment.
- (8) Swamp White Oak (*Quercus bicolor*) – limited salt tolerance, some drought tolerance after establishment.
- (9) Scarlet Oak (*Quercus coccinea*) – large growing, very drought tolerant after establishment, brilliant fall color.
- (10) Red Oak (*Quercus rubra* [*Q. borealis*]) – somewhat tolerant of salt in soil, somewhat drought tolerant after establishment, the State Tree of New Jersey.
- (11) Willow Oak (*Quercus phellos*) – large growing, salt tolerant, some drought tolerance after establishment.
- (12) Bald Cypress (*Taxodium distichum*) – rapid and large growing, deciduous conifer, drought tolerant after establishment.

Where native trees are not desired for design reasons, the following tree is permissible:

- (1) Japanese Zelkova - (*Zelkova serrata* including cultivars such as 'Musachino' (upright) 'Village Green', 'Green Vase' and others) – formal appearance, highly urban tolerant, use of cultivars predictably controls size, but seedling-grown trees tend to have superior fall color.
- J. All tree species and varieties which have been deemed to be invasive by the US Department of Agriculture, the State of New Jersey, or applicable regional or local jurisdictional authority shall be prohibited from being planted as a shade tree in the Township.
  - K. Each developer shall present with their map, when approval of map is requested, a written and signed statement of the number and kinds of trees to be planted, which statement shall be dated, addressed to the Township of Lacey and signed by the developer or developer's duly authorized agent. All Township officials shall require that all guarantees given the municipality by developers include an item for the fair cost of such trees and their planting in each particular development.
  - L. In the maintenance bond required by the municipality, provision shall be made to cover the maintenance and replacement of trees within that period.
  - M. The applicant shall provide the Planning Board with a map showing the proposed location of all shade trees within the proposed subdivision.
  - N. Within the Pinelands Area, only the tree species authorized in N.J.A.C. 7:50-6.23 are permitted.
  - O. At time of construction, the developer may request a field change to substitute other species, provided that specific reasons for the variation from the preferred species are given, and such reasons are found to be justifiably acceptable to the Township Engineer.

## **MASTER PLAN DEVELOPMENT REGULATIONS PROPOSED AMENDMENTS TO SIGN ORDINANCE §335-43 2012 REEXAMINATION**

There is a need to update the sign ordinance due to changes in technology and to encourage ground signs along the Route 9 and Lacey Road corridors.

- A. General Regulations.
  - 1. Require an engineer certified sign plan.
  - 2. Require a zoning permit for the refacing of signs.
  - 3. Existing freestanding pylon signs shall be replaced with freestanding ground signs at such time that an applicant seeks site plan approval or to modify or replace the sign.
- B. Signs permitted in Residential Zones.
  - 1. Increase the size of the nonilluminated signs identifying a resident's name and /or address from 1 square foot to 2 square feet to be consistent with home occupation signs.
- C. Signs permitted in the C-100, C-150, C-200, C-300 & M-1 Zones.
  - 1. Allow painted façade signs.
  - 2. Allow alternative power sourced signs such as solar, LED and fiber optic signs.
    - a) No more than twenty five (25) percent of the copy area may be used as changeable sign area.
    - b) Cycle time of changeable copy shall not be less than fifteen (15) seconds per frame.
  - 3. Freestanding signs shall be limited to multi-tenant ground signs and single tenant ground signs as follows:
    - a) Maximum number of freestanding signs shall be one (1) double faced or single faced sign per site. Developments with five hundred (500) feet of frontage or more with more than one ingress/egress serving more than one (1) tenant shall permit one (1) additional sign which does not exceed one hundred (100) square feet in total copy area. The minimum separation for all signs on a parcel shall be at least two hundred (200) linear feet. If a

building is located on a corner lot with two (2) street facing sides, one (1) sign may be located on each side served by an entry way not to exceed two (2) signs.

- b) Signs shall be located no closer than 10 feet from the right-of-way line or side or rear property line.
- c) Signs shall be a maximum of twelve (12) feet and be measured from the finished grade level.
- d) The maximum clearance of the bottom of the sign face of any ground mounted sign shall be two (2) feet from the finished grade level.
- e) The maximum allowable copy area of any single stand alone tenant ground sign shall be thirty-two (32) square feet. The total maximum allowable copy area for a multi-tenant ground sign having eight (8) or more tenants shall not exceed one hundred (100) square feet.
- f) Both single tenant and multi-tenant signs must contain the street address number (the address will not count towards the copy area) of the business or shopping center and:
  - (1) Be displayed in a contrasting color on any business identification sign; and
  - (2) The minimum height of the address must be six (6) inches and the maximum height of the address must be twelve (12) inches.
- g) The ground sign base shall be encased or provide external support and meet the following standards:
  - (1) Signs shall be in an enclosed base possessing a minimum width of two-thirds (2/3) the width of the sign.
  - (2) If any support, upright, bracing or framework is utilized or proposed to support a ground sign said support, upright, bracing or framework shall be either:
    - a. Architectural feature – Encased in an ornamental shell of stone, brick, ornamental metal or similar and /or compatible materials with the architecture of the building or other site features; or
    - b. Background structure – Be constructed of an external support structure extending between grade and the base of the copy areas that shall not exceed two (2) supports.
  - (3) The maximum size of the background structure of a sign shall not exceed one hundred ten (110) percent of the total square footage of the copy area. If the sign is encased in an architectural feature which is the base of the sign, the maximum background structure



may be up to one hundred fifty (150) percent of the total square footage of copy area.

(4) Base shall not be intended or designed to include messages and shall not include colors, trademarks, or any other decorative design features that are primarily intended to attract attention, rather than be unobtrusive or compatible with the architecture of the building or other site features.

(5) A minimum width of thirty-six (36) inches of landscaping shall be incorporated around the base to include low growing shrubs and ground cover and/or flowering annual to promote color.

4. Menu board must not exceed thirty-two (32) square feet of sign area and must be oriented toward the drive-through area, which it is to serve. Only one (1) outdoor menu board shall be permitted per order window, on a lot. Menu boards must be internally illuminated.

D. Signs permitted in the O-C Office-Commercial Zone.

1. Allow variable sized building façade signs based on building's footprint area:

Building Size (Footprint Area)	Maximum Sign Area
1,500- 3,000 square feet	20 square feet
3,000-6,000 square feet	32 square feet
Over 6,000 square feet	48 square feet

2. Allow alternative power sourced signs such as solar, LED and fiber optic signs.

3. Freestanding signs shall be limited to multi-tenant ground signs and single tenant ground signs as follows:

- a) Maximum number of freestanding signs shall be one (1) double faced or single faced sign per site.
- b) Signs shall be located no closer than 10 feet from the right-of-way line or side or rear property line.
- c) Signs shall be a maximum of twelve (12) feet and be measured from the finished grade level.
- d) The maximum clearance of the bottom of the sign face of any ground mounted sign shall be two (2) feet from the finished grade level.
- e) The maximum allowable copy area of any single stand alone tenant ground sign shall be thirty-two (32) square feet. The total maximum allowable copy area for a multi-tenant ground sign shall not exceed thirty-two (32) square feet.

- f) Both single tenant and multi-tenant signs must contain the street address number (the address will not count towards the copy area) of the business or shopping center and:
  - (1) Be displayed in a contrasting color on any business identification sign; and
  - (2) The minimum height of the address must be six (6) inches and the maximum height of the address must be twelve (12) inches.
- g) The ground sign base shall be encased or provide external support and meet the following standards:
  - (1) Signs shall be in an enclosed base possessing a minimum width of two-thirds ( $2/3$ ) the width of the sign.
  - (2) If any support, upright, bracing or framework is utilized or proposed to support a ground sign said support, upright, bracing or framework shall be either:
    - a. Architectural feature – Encased in an ornamental shell of stone, brick, ornamental metal or similar and /or compatible materials with the architecture of the building or other site features; or
    - b. Background structure – Be constructed of an external support structure extending between grade and the base of the copy areas that shall not exceed two (2) supports.
  - (3) The maximum size of the background structure of a sign shall not exceed one hundred ten (110) percent of the total square footage of the copy area. If the sign is encased in an architectural feature which is the base of the sign, the maximum background structure may be up to one hundred fifty (150) percent of the total square footage of copy area.
  - (4) Base shall not be intended or designed to include messages and shall not include colors, trademarks, or any other decorative design features that are primarily intended to attract attention, rather than be unobtrusive or compatible with the architecture of the building or other site features.
  - (5) A minimum width of thirty-six (36) inches of landscaping shall be incorporated around the base to include low growing shrubs and ground cover and/or flowering annual to promote color.
- h) Freestanding signs may be illuminated in compliance with the follow:
  - (1) Internally Illuminated

- a. The sign shall be constructed with either an opaque background and translucent letters and symbols; or, a translucent darker colored background with a lighter contrasting color for the letters and symbols.
- b. The darker background color shall have a luminous transmittance, which does not exceed fifteen (15) percent. The lighter lettering or symbols shall have a luminous transmittance, which does not exceed thirty-five (35) percent.
- c. No internal lighting shall include exposed incandescent or fluorescent bulbs.

(2) Externally Illuminated

- a. The lighting of signs must be from the top of the sign and directed downward.
- b. The lighting of signs that have a height of eight (8) feet or less may be illuminated from the top of the sign or from the ground.
- c. Indirect light sources must be shielded from the view of persons viewing the sign and be further shielded and directed so that the light shines only on the sign and that illumination beyond the copy area is minimized.
- d. If a registered trademark or logo is not in compliance with the illumination requirements of this Section then such area shall be limited to a maximum of thirty (30) percent of the copy area.

E. Prohibited Signs

- 1. Signs on trailer frames with or without wheels.
- 2. Vehicle signs or signs on or attached to vehicles which have a total copy area in excess of ten square feet, when the vehicle is not "regularly used in the conduct of the business" and
  - a) Is visible from a street right-of-way within one hundred feet of the vehicle, and
  - b) Is parked for more than two consecutive hours within one hundred feet of any street right-of-way.
  - c) A vehicle shall not be considered "regularly used in the conduct of the business" if the vehicle is used primarily for advertising, or for the purpose of advertising.

3. Flashing, moving, animated coursing, blinker, racer-type, intermittent, rotating, moving or revolving signs, whirling devices, inflatable signs and tethered balloons, pennants, banners, ribbons, streamers, spinners, and other similar types of attention-getting devices except for changeable copy signs when in compliance with the applicable regulations of this chapter.
4. Advertising flags.
5. Signage used on bus transit shelters within the right-of-way.
6. Pole signs.
7. Pylon signs.
8. Non regulatory signs placed in any public right-of-way, attached to a utility pole or affixed to a tree or other sign.
9. Portable signs.

F. Temporary Signs:

1. Recommend changing §335-43.F.7.a to read, A temporary advertising sign will be allowed up to 30 consecutive days per 3 month period.

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**MASTER PLAN DEVELOPMENT REGULATIONS  
LACEY ROAD & ROUTE 9 CORRIDOR DESIGN STANDARDS  
2012 REEXAMINATION**

**General**

Improvement to the commercial corridors of Route 9 and Lacey Road is important to the economy and the community vitality of Lacey Township. Visibly prominent features of a somewhat standardized nature shall establish a local design theme. The goal of this element of the Master Plan shall be to foster the aesthetic improvement of these corridors by establishing standards for the appearance and landscape of these corridors.

The physical limits of the design corridors shall be the frontage of Lacey Road in business district zoned areas, and the frontage of Route 9 throughout the Township.

Through the use of a few simple thematic design elements – some planted, some constructed – a much greater sense of visual continuity will be made available for the community. To effect this change, a multi-pronged approach employing with greater public awareness, changes to public policy, and a fostering of a public and private partnership will begin to move the Township towards a more gracious appearance. As plantings and amenities begin to appear, a desirable outcome would be that as the corridors perceptibly improve, landowners who will have not yet made improvements would then join in so that their property does not lack vitality in comparison.

**LANDSCAPE IMPROVEMENT ELEMENTS**

**Street Trees**

A lack of adequate continuity of street tree canopies is the current condition of the corridors. It is identified that the lack of visual relief, shade, foliage, flowering and other attributes of trees is a hindrance to the commercial growth and appearance of the corridors.

New property improvements and existing properties shall be encouraged to establish a density of street trees appropriate to their use, the visual prominence of the site, and in keeping with the importance of establishing a more continuous tree canopy throughout the frontage of sites within the corridors. At a minimum, all new development shall provide for such trees at the spacings and sizes dictated by ordinance.

Establishment of street trees along the frontage of properties lacking new development shall be targeted. Though the planting of larger-sized trees is encouraged due to their initial durability, the typically higher cost of planting larger-sized trees is recognized. As such, these property owners shall be permitted and encouraged to plant trees which do not meet the size gradations of the ordinance. The eventual growth of trees into mature canopies is the desired goal.

In all cases, the street trees shall be selected by virtue of the typical growth habit of their variety, horticultural requirements, and their physical and aesthetic appropriateness to the planting site. The municipality shall provide guidance by review in situations of new development, but may also provide assistance to land owners seeking guidance in utilizing this standard on their corridor property. Permanent irrigation systems are encouraged for more successful plantings.

Different sites, and, within them, varied areas of sites often require differentiation in selection of the appropriate tree species. Consideration of eventual size, and canopy heights and shapes should be an important selection factor in all cases. Location of trees and their individual species selection shall accommodate all utility lines and easements both underground and overhead, as well as anticipated growth of the trees. No tree shall be planted where its predicted size would require overhead clearance for wires. Topping of trees by pruning their central trunk or leader for any purpose is greatly discouraged. Analysis of angles of view from roadway and pedestrian standpoints is critical to achieving optimized visibility and aesthetics. The Shade Tree Comparison Detail shall be used for guidance in general, for species and variety selection.

Because of numerous factors of survivability and ecological importance, the use of locally indigenous (native) species is strongly encouraged. A recommended initial list of species includes, but shall not be limited to:

Amelanchier arborea	Serviceberry
Acer rubrum	Red Maple
Juniperus virginiana	Eastern Redcedar
Quercus bicolor	Swamp White Oak
Taxodium distichum	Bald Cypress
Ulmus americana	Elm (Must be disease-resistant variety)

A multi-pronged approach should be taken to encourage a successful urban forestry initiative in these corridors. The betterment of public properties which have frontage in these corridors should be a target for improvement. Public facilities, civic organizations and Arbor Days should be leveraged as locations, sources of funding, volunteer labor, and planting occasions, to re-image the area with its most significant natural visual element, trees.

### **Groundcover Materials**

Another important element of the landscape of the corridors is along the ground plane. The present condition is that properties often have expanses of pavement surrounded by landscape areas of varied, and in places, very narrow widths. Roadway improvements and other antecedent conditions have left some corridor properties with somewhat sharp elevation differences. The materials in place in these spaces vary from lawn to shrubbery and small scale plantings, to open areas of mulches, and also areas of gravels. While varied conditions require varied responses in design, the corridor areas would benefit from a visual consolidation and a greater proportion of planted surfaces, using hardscape materials where plantings would be impractical or not sustainable.

Some of the peripheral benefits realized by a "greening" of the landscape include easier stormwater management, water and air pollution abatement, and control of overheated surfaces in summer.

Therefore, where land improvement requires public approvals, property owners shall limit large areas of any mulches in favor of plantings. The use of organic mulches is to be preferred over gravels; however their maintenance is noted as an economic concern. Planting groundcovers in such areas is preferred due to its greater permanence and environmental benefits.

Properties which are not under development that is subject to land use ordinances are also encouraged to achieve to the goals of corridor groundcover design standards.

## **DESIGN FEATURE ELEMENTS**

### **Overview**

At present, there is a lack of uniformity to the site-design "vocabulary" in the area. Features on developed sites have greatly varied architectural styles, lighting styles, signage styles, and fonts. Many of the details that make up the visual landscape are visually discordant. While simplicity often makes for more visually coherent designs, the existing conditions do not readily lend themselves to a remaking in a unified image. Special pedestrian pavement treatments, benches, drinking fountains and other physical and street-furniture amenities are desirable human-scale features but can only function as a cohesive theme where installed in a relatively dense array, supporting and supported by heavy pedestrian use.

It is desirable to achieve a thematic and recognizable sense of place at the commercial heart of Lacey Township. The most economically-achievable means of establishing an overlay of shared design elements is through the use of banners.

### **Banners**

The use of banners in the corridors shall be encouraged. Route 9 affords the greatest opportunities along its right-of-way; Lacey Road offering some opportunities, primarily within sites' boundaries outside of the right-of-way. The primary features of the banners shall promote Lacey Township in a unified theme. The scale and exact appearance of the banners may vary somewhat, but the theme and styles of the banners shall remain consistent within the corridors. Within a spectrum of designs sharing a unified design, banners can offer color, movement and a rhythmic, repeated visual element. The size of any banner should promote easy visibility and legibility and its scale should be appropriate to the location and type of installation.

With permission, banners could be mounted on many existing utility poles, street lighting poles, and site lighting poles, or may be attached to new masts or poles specific to the purpose. Wind load safety shall be maintained under all circumstances. Overall traffic safety, safe sight distances and sight triangle easements shall not be impeded in any way by a banner. Where a banner is constructed or installed utilizing a single post already used for another purpose, it shall generally not be considered to be a sign. The Standard Banner Detail shall offer a general guideline for basic banner installations.

Simple solid framed durable banners as depicted in the Banner Details shall be used to prevent too much movement, or displacement of the banner, under wind load, which might impede pedestrian or vehicular traffic, or create a nuisance. Feather-style banners and others lacking a complete and rigid frame on at least two axes are not recommended.

Important nodal locations and other sites wishing to achieve prominent visibility are encouraged to employ a banner using the Special Banner Alternative Detail. This nautical themed banner is an appropriate style, unique to Lacey Township.

All banners shall include the words "Lacey" or "Lacey Township" prominently displayed within in their text and where private funds or sponsorship are used to install a banner, identification of the sponsoring business or agency can be appropriately shown on the banner. With graphic information seasonally or periodically changeable, these banners could serve to announce public events.

Property owners shall be responsible for maintaining banners in good appearance. When they become worn or torn, they should be promptly restored or replaced.



LARGE-SCALE SHADE TREES PREFERRED  
WHERE SPACE PERMITS, PRUNE LOWEST

BRANCHES TO ENHANCE SITE VISIBILITY

MEDIUM-SCALE TREES IN SMALLER SPACES  
NOT UNDER UTILITY WIRES

VERY COMPACT TREES  
UNDER UTILITY WIRES

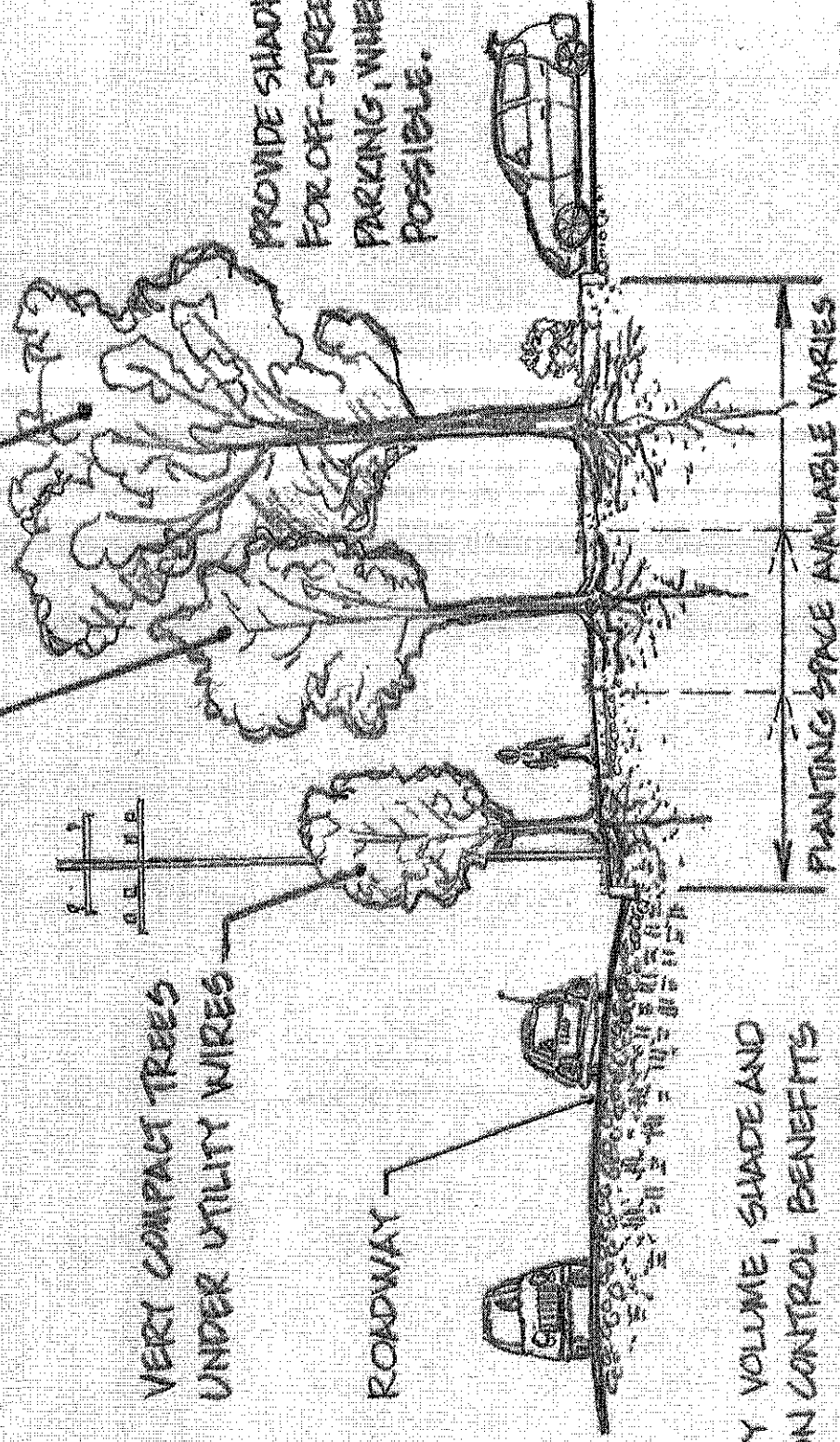
ROADWAY

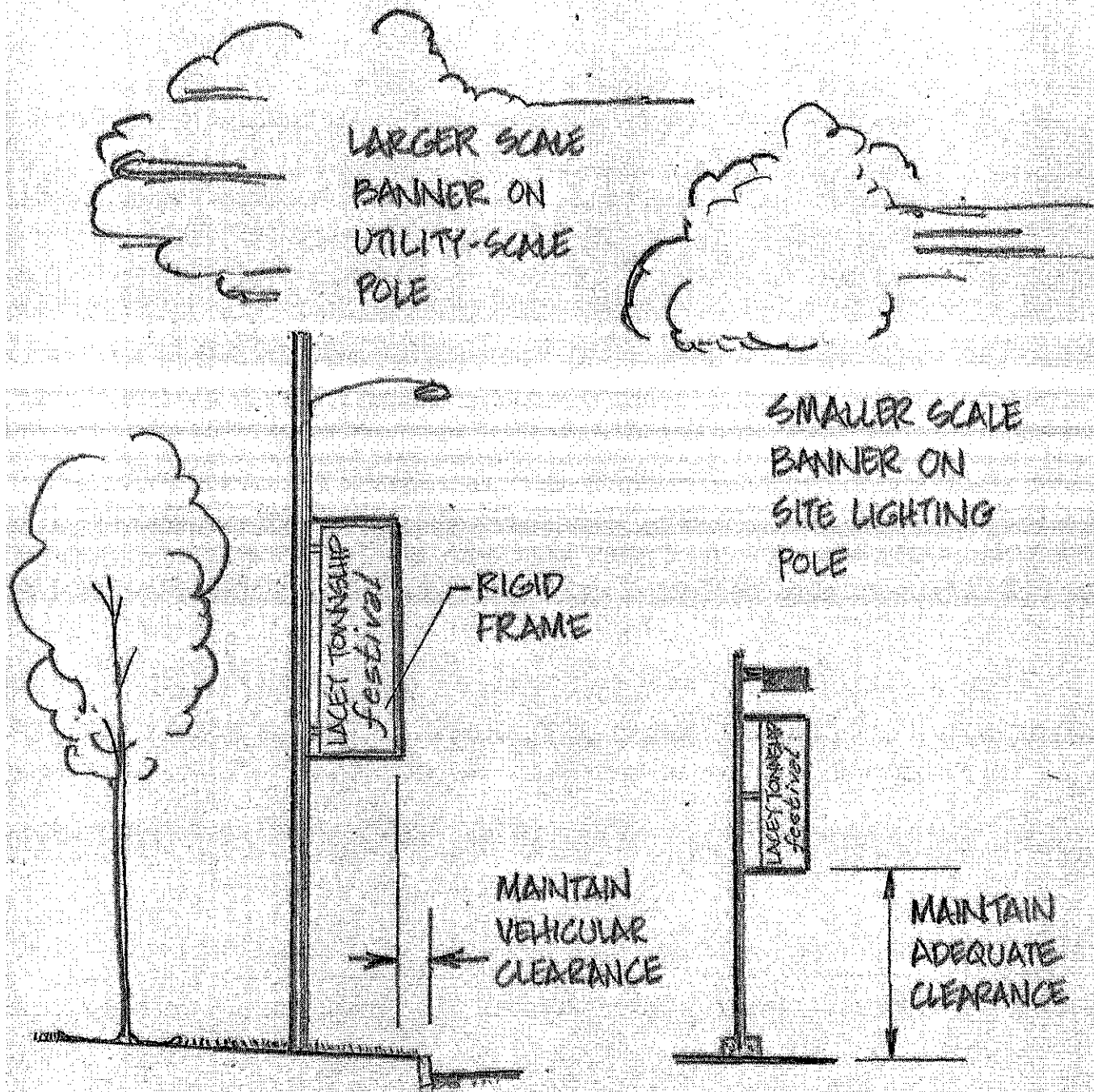
PROVIDE SHADE  
FOR OFF-STREET  
PARKING, WHERE  
POSSIBLE.

CANOPY VOLUME, SHADE AND  
EROSION CONTROL BENEFITS  
INCREASE WITH LARGER TREES.

PLANTING SPACE AVAILABLE VARIES

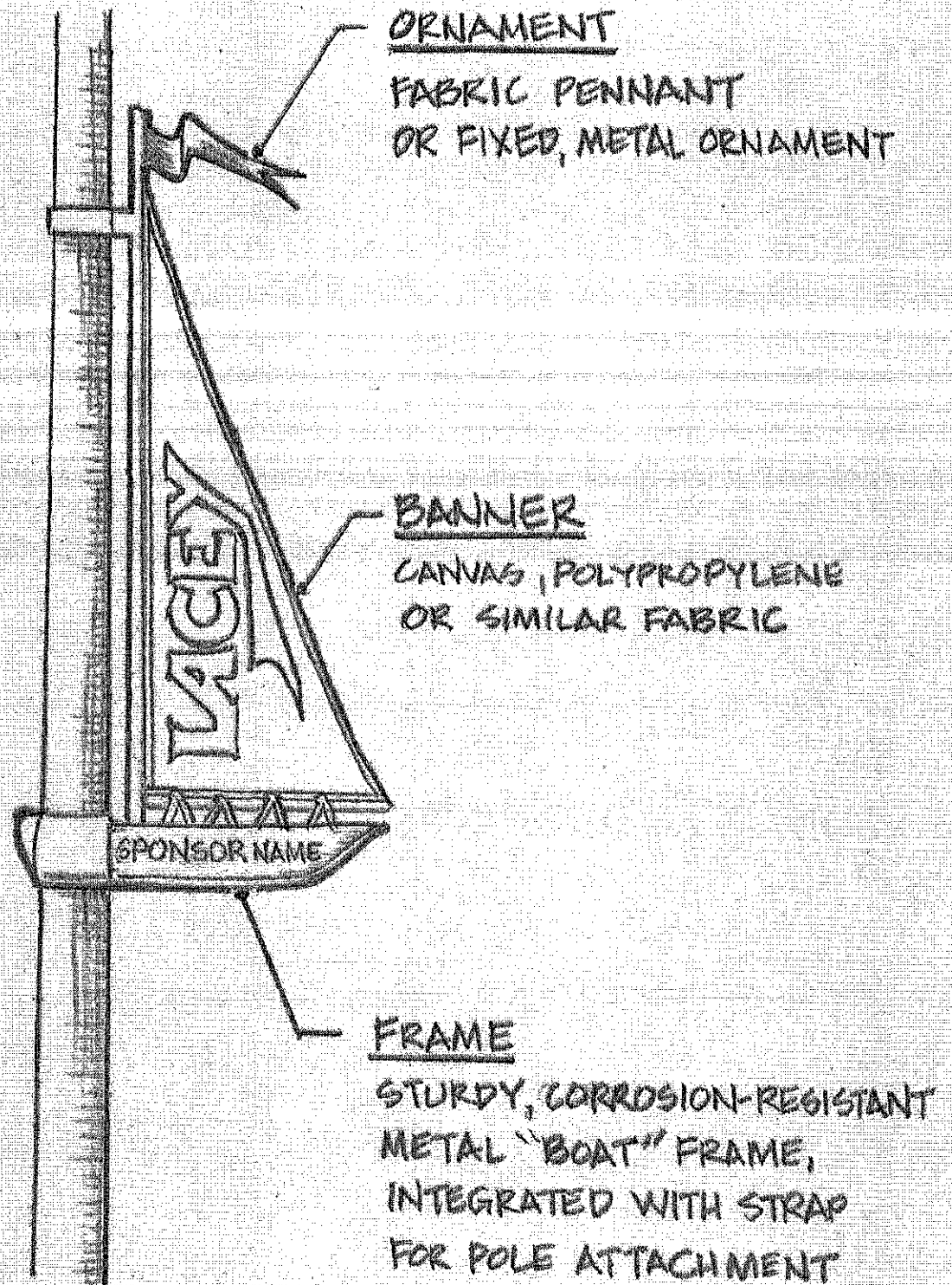
SHADE TREE COMPARISON DETAIL





TEXT ON BANNERS SHALL BALANCE  
MUNICIPAL MESSAGES AND ACKNOWLEDGEMENTS

## STANDARD BANNER DETAIL



SPECIAL BANNER ALTERNATIVE DETAIL