

**TOWNSHIP OF RARITAN
HUNTERDON COUNTY, NEW JERSEY**

ORDINANCE #18-1

AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, NEW JERSEY, AMENDING AND SUPPLEMENTING TITLE 16 ENTITLED "LAND DEVELOPMENT" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF RARITAN BY AMENDING SECTION 16.02.030 ENTITLED "DEFINITIONS," BY AMENDING SECTION 16.18.090 ENTITLED "PLAT DETAILS," AND BY AMENDING SECTION 16.64.020 ENTITLED "PERMITTED MODIFICATIONS --- CLUSTER RESIDENTIAL DEVELOPMENT"

BE IT ORDAINED, by the Township Committee of the Township of Raritan, in the County of Hunterdon and State of New Jersey as follows:

Section 1 Section 16.02.030 "Definitions" is hereby amended as follows:

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this title, and the word "building" shall include the word "structure," the word "used" shall include the word "arranged," "designed," "constructed," "altered," "converted," "rented," "leased" or "intended to be used;" and the word "abut" shall include the words "directly across from," "adjacent to" and "next to."

Accessory apartment - a self-contained housing unit incorporated within an existing residential structure originally designed for single-family residence and not substantially altered for the new unit.

Accessory use, structure or building - means a use, structure or building subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building. In the case of an accessory structure or building, it shall be detached from the principal building. All structures or buildings on nonresidential lots are considered principal structures on the lot and shall conform to requirements for principal structures.

Administrative Officer - the Township Planner and/or Zoning Officer.

Advertising display - See Sign.

Affordable housing - any housing unit with an acquisition price or rent level not exceeding the maximum resale or rent level for low and moderate-income housing and as further defined in N.J.A.C. 5:93-1.1 et seq.

Agent - one or more persons designated to represent the applicant before the Planning Board.

Agricultural/horticultural use - See Farm.

Agricultural research facility - a use primarily concerned with the scientific study of farm animals and agricultural products, located in a farm environment and where no products are manufactured or produced on the premises for sale.

Alterations - as applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extension of a side or by increasing in height or by moves from one location or position to another.

Altered parking area - existing parking areas which are to be surfaced, resurfaced, redesigned, re-stripped to indicate a new layout, curbed, redesigned to accommodate a new traffic pattern, and similar changes which require review by the board.

Altered space - the square footage of an existing building which will undergo a change or rearrangement in the structural parts or in the means of egress to the space, or where the use of the space will be more intensively utilized, such as the change from a storage area to an office, retail or manufacturing area, or from a residential to a nonresidential use.

Animal hospital - a building or portion thereof designed or used for the care, examination or treatment of domestic animals.

Apartment - one of several individual dwelling units designed and erected as an integrated development in one or several buildings with singleness of use and operation and which utilizes such common facilities as pedestrian walks, parking and garage areas, open space or recreation areas, and utility and sanitary systems.

Applicant - the legal or beneficial owner or owners of land to be subdivided or developed. The holder of an option or contract to purchase, or other person or persons having an enforceable proprietary interest in such land, may be considered to be an applicant for the purpose of this chapter. Such person may also be known as the developer.

Application for development - the application form and all accompanying documents required by this chapter for approval of a site plan and/or subdivision.

Approved forms - forms required and supplied by the Planning Board and Board of Adjustment to be submitted with an application for each submission.

Assisted living facilities - a facility containing residences for the elderly that provides rooms, meals, personal care assistance and the supervision or administration of medications. The facility must be licensed by the New Jersey Department of Health and Senior Services, the New Jersey Department of Community Affairs, or another appropriate agency. A designated number of beds in the facility shall be restricted to low- and moderate- income households per Medicaid requirements. Assisted living facilities may include programs to meet the needs of residents with Alzheimer's disease or other dementias. Such programs shall provide individualized care based upon assessment of the cognitive and functional abilities of Alzheimer's and dementia residents who have been admitted to the program. (Ord. 10-7 § II)

Attached dwelling unit - a dwelling unit which is physically linked to one or more other dwelling units forming a single dwelling structure.

Automobile wrecking yard - any yard and/or structure used or intended to be used for the conducting and operating of the business of selling, buying, storing or trading in used or discarded metal, glass, paper, cordage, or any used or disabled fixtures, vehicles or equipment of any kind.

Barber and beauty shop - a building or part thereof in which a service is provided to men, women and children by shampooing, cutting, styling, tinting or treatment of hair, by giving manicures, pedicures or

facial treatments or by the use of cosmetic products. Said use may include accessory retail sales of goods and services associated with the specific use conducted on site. (Ord. 02-53)

Billboards, signboards or advertising devices - See Sign (street graphics).

Block - the area bounded by one or more streets or a municipal boundary of sufficient size to accommodate a lot or lots of the minimum size required in the zoning ordinance of the Township and as further specified herein.

Boarder or roomer - a person who is not related to the head of the household and who pays for the privilege of boarding or rooming.

Buffer strip - means a strip of land providing a natural vegetation screen or a fence or other means so as to continually restrict a clear view beyond the buffer strip.

Building - a combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof.

Building height - the vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest points of the roof, but not including chimneys, spires, towers, elevator penthouses, tanks and similar projections. (Ord. 04-22)

Building line - a line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered section of the building, the vertical plan will coincide with the most projected surface. All yard requirements are measured to the building line.

Building, principal - Principal building - structure in which is conducted the principal use of the site on which it is situated. In any residential district, any dwelling shall be deemed to be a principal building on the zone lot on which it is located.

Business office - a building or portion thereof which is used for conducting the affairs of a business, service, industry or government and within which a product or merchandise for sale to the public is not offered. However, personal services, such as barber and beauty shops, and repair services, such as radio and television repair shops, are not to be included within the definition of "business office." A bank, trust company, savings and loan or similar establishment for the custody, loan, exchange or issue of money, for the extension of credit and for facilitating the transmission of funds is not to be included within the definition of "business office."

Caliper - standard measure of tree size for trees to be newly planted. The measurement is taken six (6) inches above the ground for trees four (4) inches in diameter or less, and twelve (12) inches above the ground for trees over four (4) inches in diameter. (Ord. 10-27)

Camp - a predominantly open space facility designed for outdoor recreational use by persons residing on the site for short periods in seasonal quarters.

Certificate of occupancy - a certificate issued by the Construction Official upon completion of construction, alteration or change in occupancy of a building. Said certificate shall acknowledge compliance with all requirements of this title, such adjustments thereto granted by the Board of Adjustment and/or all other applicable requirements.

Certification - a written endorsement of a plan for soil erosion and sediment control by the Township Engineer which indicates that the plan meets the standards promulgated by the state Soil Conservation Committee as set forth in the latest "Standards for Soil Erosion and Sediment Control in New Jersey."

Change of use - the change from one enumerated principal use to another enumerated principal permitted use on a lot or within a structure or building.

Channel - a watercourse with a definite bed and banks which confine and conduct continuously or intermittently flowing water.

Child care center - any facility which is maintained for the care, development or supervision of six (6) or more children under thirteen (13) years of age who attend the facility for less than twenty-four (24) hours a day, and which is subject to State licensure or life-safety approval, pursuant to the provisions of the "Child Care Licensing Act," P.L. 1983, c.492 (C. 30:5-B-a to 30:5B-15). (Ord. 06-31)

Church - a building or group of buildings, including customary accessory buildings, designed or intended for public worship. For the purpose of this chapter, the word "church" shall include chapels, congregations, cathedrals, temples or similar designations, as well as parish houses, convents and such accessory uses.

Circulation - systems, structures and physical improvements for the movements of people, goods, water, air, sewage or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits, and the handling of people and goods by such means as terminals, stations, warehouses and other storage building or trans-shipment points.

Civic use - a use of a building, structure or lot by a federal, state, or Municipal Agency, or its duly appointed agent, including yards, parks and recreational facilities, educational facilities, public hospitals, public museums, public libraries, public community centers, theaters, public stadiums and arenas. (Ord. 02-47)

Clear cutting - the removal of all standing trees on a lot or a portion of a lot. (Ord. 10-27)

Club, lodge and fraternal organization - a social or service organization not organized or conducted for profit and which is not an adjunct to or operated by or in conjunction with a public tavern, cafe or other place of business.

Cluster residential development - a residential development of detached dwelling units planned as a single, entity in accordance with the provisions of this chapter and which has common or public open space as an appurtenance.

COAH - the New Jersey Council on Affordable Housing.

Commercial distribution of fuels - storage of refinery products for distribution or resale.

Commercial greenhouse - the raising of plants within a greenhouse for income, but not including retail sales from within the greenhouse unless the greenhouse is located in a business zone where such sales are permitted.

Commercial vehicles - any motor vehicle, other than a passenger car, having more than two (2) axles and/or four (4) wheels and/or exceeding a loading capacity of one-half (1/2) ton.

Common open space - an open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development, and containing

such complementary structures and improvements as are necessary and appropriate for the enjoyment of residents and owners of the development.

Community forest - forest resources owned and managed by a public entity. In the Township, this includes trees and forests on municipal properties such as the municipal buildings and facilities, parks and open space owned in part or in whole by the Township. (Ord. 10-27)

Complete application - an application form completed as specified by this title and the rules and regulations of the Planning Board and all accompanying documents required by this title for approval of an application. However, if the application is found incomplete, the developer shall be notified in writing of the deficiencies within forty-five (45) days of the submission of such application, or it shall be deemed properly submitted.

The Planning Board may require such additional information, not specified by this title, or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for the approval of the application have been met. The application shall not be deemed incomplete for the lack of any such additional information or any revisions in the accompanying documents so required by the Board. An application shall be certified as complete immediately upon the meeting of all requirements specified in this title and in the rules and regulations of the Planning Board, and shall be deemed complete as of the day it is so certified by the Administrative Officer for purposes of the commencement of the time period for action by the Planning Board.

Conditional use - a use permitted in a particular zoning district only upon a showing that such a use in a specified location will comply with the conditions and standards for the location or operation of such as contained in the zoning ordinance and upon the issuance of authorization therefor by the Planning Board.

Condominium - a legal arrangement providing for individual ownership of a portion of a building and/or land parcel, and including arrangements for the maintenance responsibilities of such building and/or land parcel.

Construction Official - the municipal official specified in the building code and designated as such by the Township Committee.

Construction permit - an authorization to build issued by the Township Construction Official after a determination that all applicable Township requirements have been met.

Cul-de-sac or dead-end street - a minor street or a portion of a minor street in which accessibility is limited to only one single means of ingress and egress.

Cut - a portion of land surface of an area from which earth has been removed or shall be removed by excavation; the depth below original ground surface to excavated surface.

Days - calendar days, including weekends and holidays.

Department - the State Department of Environmental Protection.

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

Development - the division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure or land or extension of use of land, for which permission may be required by the Township.

Development fees - money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted by COAH rules.

Diameter at Breast Height - diameter of a tree measured four and one-half (4 1/2) feet (forestry method) above the ground level on the downhill side for existing trees. Diameter at Breast Height may appear as the abbreviation "DBH" (Diameter Breast Height). (Ord. 10-27)

District or zone - any portion of the territory of the Township of Raritan within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this title.

Disturbance - any activity involving the clearing, excavating, storing, grading, filling or transporting of soil or any other activity which causes soil to be exposed to the danger of erosion.

Diversion - a channel with or without a supporting ridge on the lower side constructed across or at the bottom of a slope.

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

Drip line - a limiting line established by a series of perpendicular drop points marking the maximum radius of the crown of an existing tree, but not less than six (6) feet from the trunk, whichever is greater; and within which no construction or disturbance shall occur. (Ord. 10-27)

Dwelling - any building or portion thereof designed or used primarily as the residence or sleeping place of one or more persons. A "dwelling" is not a mobile home, a hotel, motel, hospital, nursing home, dormitory, fraternity or sorority house, rooming house, boarding house, or similar structure under the terms of this title.

Dwelling, single-family - Single-family dwelling - a detached building or dwelling unit designed for or occupied exclusively by one or more persons living as a single, nonprofit housekeeping unit.

Dwelling, single-family semi-detached - Semi-detached single-family dwelling - a one-family dwelling attached to another one-family dwelling by a common vertical wall, with each dwelling located on a separate lot.

Dwelling, quadruplex - Quadruplex dwelling - four attached dwellings in one building in which each unit has two (2) open space exposures and shares one (1) or two (2) walls with an adjoining unit or units or shares a common garage wall with an adjoining unit.

Dwelling unit - one or more rooms, including cooking facilities, in a structure designed as a unit for occupancy by not more than one family for living and sleeping purposes.

ECHO unit - elder cottage housing opportunity unit, a separate living quarters, accessory to a primary residence on the premises, not exceeding seven hundred fifty (750) square feet of gross floor area for the use of and occupancy, by not more than two persons who are relatives by blood, marriage or adoption of

an owner/occupant of the primary residence on the premises. One of the ECHO unit occupants shall be sixty (60) years of age or older.

Embankment - a manmade deposit of soil, rock or other materials.

Encroachment - any obstruction within a delineated floodway.

Environmental Commission - the Raritan Township Environmental Commission.

Equalized assessed value - the value of a property determined by the Municipal Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of building permit may be obtained by the Tax Assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Municipal Tax Assessor.

Erosion - the detachment and movement of soil or rock fragments by water, wind, ice and gravity.

Essential services - the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, including electric substations, telephone dial center, towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies, or for the public health or safety or general welfare. "Essential services" shall include firehouses, first aid and emergency aid squads, whether provided by a municipal or nonprofit agency.

Excavation - See Cut.

Existing grade - the vertical location of the ground surface prior to cutting or filling.

Family - two or more persons related by blood or marriage or legal adoption, or up to four unrelated individuals living together as a single housekeeping unit in a dwelling.

Farm - a parcel or parcels of land comprised of or in aggregate total of five (5) or more acres, exclusive of a minimum of one acre used for a dwelling and any additional area covered by municipal, county or state roads. Said five (5) or more acres shall be devoted to either the production for sale or consumption by the owner of plants and animals generally accepted as useful to man, including but not limited to forages and crops; grain and feed crops; dairy animals and products, poultry and poultry products; livestock, including beef cattle, sheep, horses, ponies, mules, hogs, dairy cattle or goats, including the breeding and grazing of any and all such animals; bees and apiary products; fur-bearing animals; and trees and forest products; including the processing and sale of these products on the property where produced. Land shall be deemed a farm when devoted to the production of fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products, including the processing of these products on the property where produced.

Farm product sales - the sale of seasonal products raised on the premises only and may be sold from a table or other similar portable display.

Farm stand - a structure designed for the display and sale of seasonal farm produce, fifty (50%) percent of which is raised on the premises and/or other farm parcel owned or cultivated by the farm stand operator. Such a use shall require a conditional use permit.

Farm structure - any structure used for the storage of agricultural equipment or farm produce, or housing livestock or poultry. All farm structures shall be considered accessory structures, whether or not a principal structure exists on the same lot.

Farmer's market - the seasonal selling or offering for sale at retail of vegetables or produce, flowers, or orchard products, occurring in a pre-designated area, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale. (Ord. 08-30 § I)

Fast-food restaurant - a retail food service operation in which a limited or specialized list of quickly prepared or pre-prepared food items is offered for on-premises and off-premises consumption; or where a drive-up window exists for ordering food items, or where vehicle food service or consumption of food within a vehicle exists on the premises.

Fence - an artificially constructed barrier of wood, masonry, stone, wire, metal or any other manufactured material or combination of materials.

Fill - sand, gravel, earth or other materials of any composition whatsoever placed or deposited by any person.

Final approval - the official action of the Planning Board taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed.

Finished grade - the final elevation of the ground surface conforming to the proposed design.

Fixture - the assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts. (Ord. 02-21)

Flood light - a luminaire or bulb which projects light in a specific direction in a wide beam, typically 100 degrees or more. (Ord. 02-21)

Flood map means:

1. Map prepared by the Department of Housing and Urban Development, Federal Insurance Administration, No. H 01-12 dated July 26, 1974;
2. Natural Resource Inventory Floodplain/Soils Map for Raritan Township.

When no flood maps are available, the Township Engineer shall determine the extent of flooding in any particular area based on available data and information.

Floodplain - the 100-year floodplain as shown on the Federal Emergency Management, National Insurance Program, Flood Insurance Rate Maps. (Ord. 06-11)

Floodplain (500 year) - the 500-year floodplain as shown on the Federal Emergency Management, National Flood Insurance Program, Flood Insurance Rate Maps. (Ord. 06-11)

Floor area ratio - the quotient achieved by dividing the gross floor area by the net area of the lot.

Fly ash - particles of gas-borne matter, not including process material, arising from the combustion of solid fuel, such as coal or wood.

Footcandle (fc) - a unit of illuminance on a surface one-foot square in area onto which there is a uniform flux of one lumen. (Ord. 02-21)

Footlambert (fL) - a unit of luminance of a surface reflecting or emitting light at the rate of one lumen per square foot. The average luminance of any reflecting surface in footlamberts is the product of the illuminance in footcandles striking the surface times the reflectance of the surface. (Ord. 02-21)

Full-cutoff (fco) - a light fixture which cuts off all upward transmission of light. (Ord. 02-21)

Fully shielded - a fixture with housing or attachment thereto which prevents a line of sight to the bulb when viewed from another property and which prevents a line of sight to any part of the light source at or above a horizontal plane running through the lowest portion of the fixture. (Ord. 02-21)

Garage, private - Private garage - a detached or attached structure used only for the storage of vehicles owned or rented by the occupant of the principal structure or his or her family.

Garage, public - Public garage - any garage other than a private garage which is open to the public and used for the storage of motor vehicles.

Gasoline filling station and public and repair garage - a building or place of business where gasoline, oil and grease, batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade, at retail, and/or where repair service and related vehicle services may be rendered. Carwash facilities are included in this definition as accessory uses.

Glare - the discomfort experienced by an observer with a direct line of sight to a light source which often results in annoyance, discomfort or loss of visual performance causing visual impairment. (Ord. 02-21)

Grading - any stripping, cutting, filling, stock-piling any combination thereof and shall include the land in its cut or filled condition.

Grading permit - a permit issued by the Township Engineer to authorize work to be performed under this title in situations not requiring subdivision approval or site plan approval.

Grassed waterway - a natural or constructed path, usually broad and shallow, covered with erosion-resistant grasses, used to conduct surface water from a field diversion or other feature.

Gross floor area - the sum of the gross horizontal area of the several stories of a building. Floor area shall not include cellar space or any floor space where the average floor-to-ceiling height is less than seven (7) feet.

Group homes - a community residence for the developmentally disabled or a shelter for victims of domestic violence, as defined by N.J. 40:55D-66.2, housing more than six (6) persons, excluding staff.

Hard surface - those surfaces which do not absorb water. All structures, surfaced parking areas, streets, driveways, sidewalks, and any areas in concrete, asphalt and packed stone shall be considered "hard surface" within this definition.

Hazardous materials - means and includes, but is not limited to, inorganic mineral acids of sulfur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium, and arsenic and their common salts; lead, nickel and mercury and their inorganic salts or metallo-organic derivatives; petroleum products and radioactive material; and coal tar acids, such as phenols and creosols, and their salts.

Helistop - an area that is used for the landing and takeoff of helicopters, but without any auxiliary facilities such as helicopter parking areas, waiting rooms, fueling or maintenance equipment.

Home business - a single business conducted from a portion of an existing single-family dwelling, or from another building on property on which there is an existing single-family dwelling. Home businesses shall be limited to retail specialty shops and activities, artisans' workshops and offices and shops, including antique, gift, book, bakery, bicycle and candy sales; galleries, photography and art studios, coin, stamp and beauty shops; cabinet making, tutoring, tailoring, professional occupations, shoe repairing, private and nursery schools, dog care, barber shops, caterers, hobby shops, fruit and vegetable markets, florists, real estate agencies, insurance brokers.

Home occupation - a physician, dentist, lawyer, optometrist, architect, engineer, planner, artist, accountant, real estate or insurance agent, where clients or patients visit the premises on which the "home occupation" is located. "Home occupations" require a conditional use permit and parking facilities.

Home office - an area of a residence not exceeding two hundred (200) square feet and used by an occupant of such residence for office or studio purposes only, provided that there is no exterior indication of such office or studio use, and provided that such use does not require parking, deliveries or other external traffic other than that normally required by the residential use. This definition includes the tutoring of not more than five (5) children and the traffic associated therewith.

Homeowners' association - an incorporated nonprofit organization operating in a development under recorded land agreements, through which each lot owner shall be a member, and each dwelling unit is subjected to a charge for a proportionate share of the expenses for the organization's activities and maintenance, including any maintenance costs levied against the association by the Township, and each owner and tenant has a right to use the common property.

Horizontal (or vertical) foot-candles - the amount of light striking a vertical or horizontal plane. (Ord. 02-21)

Hospital - any building containing beds for four or more patients, and used for the diagnosis, treatment or other care of human ailments and staffed by licensed physicians.

Hotel - a facility offering transient lodging accommodations, with no provision for cooking in any individual room or suite, to the general public, and providing additional services such as restaurants, meeting rooms, and recreational facilities.

Houses of worship - See Church.

IESNA - the Illuminating Engineering Society of North America, an organization that recommends standards for the lighting industry. (Ord. 02-21)

Inclusionary development - a development containing low and moderate-income units. This term includes, but is not necessarily limited to, new construction, conversion of a nonresidential structure to a residential structure, and the creation of new low and moderate-income units through the substantial rehabilitation of a vacant residential structure.

Inclusionary zoning - development regulations governing the use and development of land for low and moderate-income units.

Institution - a nonprofit or quasi-public use, such as a church, school, library or hospital or municipally owned or operated building, structure or land used for public or quasi-public purpose.

Interested party means:

1. In a criminal or quasi-criminal proceedings, any citizen of the state of New Jersey; and
2. In the case of a civil proceeding in any court or in an administrative proceeding before a Municipal Agency, any person, whether residing within or without the Township, whose right to use, acquire or enjoy property is or may be affected by any action taken under the provisions of this chapter, or whose rights to use, acquire or enjoy property is or may be affected by any action taken under the provisions of this chapter, or whose rights to use, acquire or enjoy property under this title or under any other law of this state or of the United States have been denied, violated or infringed by an action or a failure to act under this title.

Invasive species - the specific species which are not native to New Jersey and have been recognized to overwhelm species native to the area. (Ord. 10-27)

Junkyard - a yard, building, covered space or space kept, maintained or existing for the purpose of buying or selling, exchanging or storing of rags, old metals, old bottles and glassware, old paper, old plumbing fixtures, salvaged items, debris, dismantled vehicles or parts thereof, unlicensed vehicles, any other old material commonly called junk, and including dismantling operations of the above materials and items. A junkyard shall not include the storage of old material to be used by the person or firm storing the same for permitted on-site manufacturing purposes.

Kennel, commercial - Commercial kennel - an establishment, the principal function of which is the sale of dogs or services related to dogs. It shall include the establishment for the boarding, trimming, grooming, training and/or breeding of dogs for which a fee is charged.

Kennel, noncommercial - Noncommercial kennel - an accessory use of a single-family dwelling by a breeder or dog fancier who is a resident thereof, where six or more dogs of a licensable age are kept for the principal purpose of hunting, breeding for enhancement or perpetuation of a given breed, for practice tracking, for exhibition in dog shows, for field or obedience trails, or for guarding or protecting of the householder's property.

The surplus offspring of dogs bred by a hobby breeder may be sold, and such sales shall not be considered commercial breeding provided there are no more than two (2) litters per year, and provided further that the sale of the offspring is not the primary function of the kennel. There shall be no more than a total of twenty (20) dogs of licensable age; otherwise, the standards of a commercial kennel shall apply.

Land - any ground, soil or earth including marshes, swamps, drainways and areas not permanently covered by water.

Landfill - the filling of low areas, surface deposition or the raising of the surface of the ground by the dumping, depositing or placing of waste materials, vehicles, building materials, household waste, or junk, vegetated or developed.

Light industry - means a land use where the primary activity involved is one of the fabricating or assembling of standardized parts as contracted to a processing activity which would change the nature or character of the product or raw material.

Light source - the bulb and lens, diffuser, or reflective enclosure. (Ord. 02-21)

Light trespass - light projected onto a property from a fixture not located on that property. (Ord. 02-21)

Living area - the area within the wall exteriors above the main grade level, but excluding cellars, attics, garages or porches.

Lot - a parcel or portion of land separated from other parcels or portions by description and area as on a subdivision of record, or survey map, or by metes and bounds for purpose of sale, lease or separate use. A street passing through land shall be considered as having divided the land into lots. A building lot shall be one meeting the minimum area and dimension requirements as specified in the Township zoning ordinance, and fronting on an approved and improved street.

1. **Lot area** - the computed area contained within the lot lines, excluding any street rights-of-way.
2. **Lot, corner** - Corner lot means a lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, which streets or parts of the same street form an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lot lines is the corner.
3. **Lot depth** - the mean distance between the front and rear lot lines.
4. **Lot, Interior** - Interior lot means any lot not a corner lot.
5. **The property lines bounding the lot:**
 - a. **Lot line, front - Front lot line** means the dividing line between the lot and a street.
 - b. **Lot line, rear - Rear lot line** means the lot line opposite and most distant from the front lot line.
 - c. **Lot line, side - Side lot line** means the lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a "side street lot line."
6. **Lot, through** - any lot, not a corner lot, which connects two (2) generally parallel streets. (Ord. 00-4)
7. **Lot width** - the distance between the two (2) side lot lines measured at the required setback line.

Lot averaging - the reduction in size of some lots in subdivision, and the corresponding increase in the size of other lots in the same subdivision, in order to achieve an improvement in lot layout without any change in overall development intensity.

Low income housing - affordable according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross income equal to fifty (50%) percent or less of the median gross household

income for households of the same size within the housing region in which the housing is located, and is subject to affordability controls.

Lumens - measure of brightness of the illumination exiting a bulb. (Ord. 02-21)

Maintenance guarantee - any security, other than cash, which may be accepted by the Township for the maintenance of any improvements required by this title.

Major site plan - a plan of major development of one or more lots on which is shown:

1. The existing and proposed conditions of the lot, including, but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways;
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices; and
3. Any other information that may be reasonably required in order to make an informed determination pursuant to this title requiring review and approval of site plans by the Planning Board.

Major subdivision - any subdivision not classified as a minor subdivision.

Master plan - a composite of the mapped and written proposals recommending the physical development of the Township, which shall have been duly adopted by the Planning Board.

Mature woodland - an area of mature deciduous and/or non-deciduous trees covering one (1) acre or more contributing of either thirty (30%) percent or more largely deciduous and/or non-deciduous canopy trees having a ten (10) inch or greater caliper or any grove of deciduous and/or non-deciduous trees consisting of eight (8) or more trees having an eighteen (18) inch or greater caliper. (Ord. 11-3)

Minimum required improvable acreage - the largest contiguous acreage of a lot excluding existing or proposed street rights of way, Freshwater Wetlands and their associated transition areas as determined and/or verified by the New Jersey Department of Environmental Protection, flood plain, storm water detention and/or retention facilities, existing easements precluding structures, buffer yards as required under Section 16.18.110 and State Open Waters.
(Ord. 01-9; Ord. 02-54)

Minimum required improvable area - the largest contiguous area of a lot excluding existing or proposed street rights of way, Freshwater Wetlands and their associated transition areas as determined and/or verified by the New Jersey Department of Environmental Protection, flood plain, storm water detention and/or retention facilities, existing easements precluding structures, buffer yards as required under Section 16, 18.110 and State Open Waters.
(Ord. 01-9; Ord. 02-54)

Minor development - expansions of twenty-five (25%) percent or less of the existing floor area and/or hard surface area; and/or change of use within the existing site and structures thereon; and/or new floor area up to and including five thousand (5,000) square feet; but not involving planned development, new streets or extensions of any off-tract improvements prorated pursuant to Section 30 (C.40:55D-42) of the Municipal Land Use Law.

Minor site plan - a development plan of one or more lots on which is shown: (1) the existing and proposed conditions of the lot, including but not limited to tracts proposed for development; location of existing and proposed structures, driveways and parking areas; existing structures, driveways and parking areas; existing streets, rights-of-way and easements; and information regarding surrounding properties; and (2) any other information that may be reasonably required in order to make an informed determination pursuant to this chapter requiring review and approval of site plans by the Planning Board.

Minor subdivision - any subdivision resulting in not more than two (2) lots, fronting upon an existing street not involving any new street, planned development, or the extension of any off-tract improvement. The remaining land shall not be considered as one of the two (2) lots.

Moderate income housing - housing affordable according to Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to more than fifty (50%) percent but less than eighty (80%) percent of the median gross household income for households of the same size within the housing region in which the housing is located and is subject to affordability controls.

Motel - a series of attached dwelling structures, where each unit has convenient access to parking space for the use of the unit's occupant. The units, with the exception of the manager's or caretaker's, are designed to provide sleeping accommodations for automobile transients or overnight guests without the provision for cooking in any room or suite. A single-family home on the motel property, occupied by the owner/manager, is a permitted accessory use.

Mulching - the application of plant or other suitable materials on the soil surface to conserve moisture, hold soil in place, and aid in establishing plant cover.

Multiple-family dwelling – three (3) or more residences in a single structure.

Municipal Agency - the Township Planning Board or Board of Adjustment, or Governing Body when acting pursuant to this title.

Natural ground surface - the ground surface in its original state before any grading, excavating or filling.

Net acreage - the acreage of a lot, excluding the area of existing or planned street rights-of-way, and excluding the area of any easements which preclude the development of structures.

Net area of lot - See Net acreage.

New motor vehicle agencies - a business licensed by the state of New Jersey for the sale of new, or new and used vehicles.

Noncommercial accessory tower - any vertical structure accessory to, but not attached to, the principal structure on any residential lot.

Nonconforming lot - a lot the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

Nonconforming structure - a structure, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

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

Nursery - a commercial operation engaged in growing plants and/or trees under intensive management practices for use in another location. (Ord. 10-27)

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

Official Map - a map adopted in accordance with the Municipal Land Use Law, Chapter 291, Laws of 1975, N.J.S.A. 40:55D-2 et seq., or any prior act authorizing such adoption, and which map shall be deemed to be conclusive with respect to the location and width of streets, public parks and playgrounds, drainage rights-of-way, flood control basins, public areas and historic sites.

Off-site - not located on the property which is the subject of a development application nor in a contiguous portion of a street or right-of-way.

On-site - located on the lot in questions.

On-tract - located on the property which is the subject of a development application, or in a contiguous portion of a street or right-of-way.

Open space - any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designated to be incidental to the natural openness of the land.

Open space, common - **Common open space** means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

Orchard - a commercial operation engaged in the cultivation of trees bearing fruit or nuts or providing other products such as, but not limited to, maple syrup. (Ord. 10-27)

Outside storage - the storage of goods, materials, equipment, etc., outside an enclosed building.

Owner - any individual, firm, association, syndicate, co-partnership, or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this title. Such person may also be known as the developer.

Parking access - entrances and exits to parking areas.

Parking area - an open area, other than a street or public way, used for the parking of automobiles or other vehicles and available to the public, whether for a fee, free, or as an accommodation for clients or customers.

Parking space or stall - an off-street space available for the parking of a motor vehicle and which has an area of at least one hundred sixty-two (162) square feet, exclusive of passageways, driveways and access aisles appurtenant thereto and giving access thereto.

Party immediately concerned - for purposes of notice, means any applicant for development, the owners of the subject property, and all owners of property and governmental agencies entitled to notice under Section 16.08.050.

[Percolation] Permeability test - a test designed to determine the ability of ground to absorb water.

Performance guarantee - any security, which may be accepted by a municipality, including cash, provided that a municipality shall not require more than ten (10%) percent of the total performance guarantee in cash.

Permitted use - any use which shall be allowed subject to the provisions of this title.

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

Photovoltaic energy - see Solar or photovoltaic energy. (Ord. 12-5)

Planned development - planned unit development, planned unit residential development, residential development, residential cluster, planned commercial or planned industrial development.

Planned residential development - an area developed as a single entity according to an approved plan and containing a variety of dwelling unit types, open space and recreation areas, and commercial and/or public and quasi-public uses, all primarily for the benefit of the residential development.

Planning Board - the Planning Board of the Township of Raritan.

Plat - the map of a subdivision or site plan.

Plat, final - Final plat means the final map of all or a portion of the subdivision which is presented to the Planning Board for final approval in accordance with the regulations and which, if approved, shall be filed with the County Clerk for recording in accordance with the law. A plat that received final approval shall have been prepared by a New Jersey licensed professional engineer or land surveyor in accordance with all of the provisions of Chapter 141, Laws of 1960, N.J.S.A. 46:26-9.9 et seq.

Plat, preliminary - Preliminary plat means a map of a major subdivision containing information required in this title and submitted in accordance with the procedures set forth in this title for the purpose of securing preliminary approval.

Plat, sketch - Sketch plat means the sketch map of a subdivision of sufficient accuracy to be used for the purpose of discussion and classification, and meeting the requirements of Chapter 16.18.

Preliminary approval - the conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the Planning Board and the applicant.

Preliminary floor plans and elevations - architectural drawings prepared during early and introductory stages of the design of a project illustrating in a schematic form its scope, scale and relationship to its site and immediate environs.

Principal use - the main purpose for which any lot and/or building is used.

Professional office - the office of a member of a recognized profession maintained for the conduct of his or her profession. Such professions shall be limited to those of medicine, law, planning, architecture, engineering, art, religion, music and other professions which require a similar degree of training and experience.

Prohibited use - any use which shall not be allowed under any circumstances.

Public areas - public parks, playgrounds, trails, paths and other recreation areas; other public open spaces; scenic and historic sites; and sites for schools and other public buildings and structures.

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

Public open space - an open space area conveyed or otherwise dedicated to a municipality, Municipal Agency, Board of Education, state or county agency or other public body for recreational or conservational uses.

Public sewer - sanitary effluent from a building or structure carried in force mains, collectors, interceptors and trunks to a central sewage treatment facility owned and operated by the Raritan Township Municipal Utilities Authority.

Public use - any public building, structure or land used primarily for public, quasi-public or public franchise purposes.

Public water (public water supply system) - a water supply, storage and distribution system that is operated by the Township of Raritan, the borough of Flemington or the holder of a franchise water utility and consisting of a system of water mains bringing water into the Township, to storage facilities and to distribution lines for service and distribution to multiple users (as differentiated from a single home, single subdivision or commercial or industrial tract or user).

For the purpose of this title, the provision of public water to a development shall mean connection into the existing water supply and distribution system as above described or extension of such system as above described to the site of the development. Water supply primarily from groundwater via a well or wells specifically provided for a development whether on-site or off-tract shall not be considered public water irrespective of whether such well or wells are privately owned and operated or owned and/or operated by a franchise water utility.

Rainfall excess - the portion of rainfall which becomes direct surface runoff.

Recreational facility, commercial - Commercial recreational facility means recreation facilities operated as a business and open to the general public for a fee. This definition shall include Training Facilities as defined elsewhere in this chapter. (Ord. 02-53)

Recreation facility, private, noncommercial - Private noncommercial recreation facility means clubs or recreation facilities, operated by a nonprofit organization and open only to bona fide members of such nonprofit organizations.

Recreational facility, public - any use or structure owned and managed by a federal, state, or Municipal Agency, or its duly appointed agent for the purpose of active recreational activities. (Ord. 02-47)

Recreational training facility - a building or part thereof in which the training and education of person(s) in various forms of recreational activities is performed for gain or profit. Said use may include accessory retail sales of goods and services associated with the specific recreational activity conducted on the site. Examples shall include: karate/martial arts, swimming, scuba, tennis, batting, fencing, gymnastics, dancing, boxing, and wrestling. (Ord. 02-53)

Religious use - a church, mosque, synagogue, temple or other similar place of worship.

Replacement tree - a nursery-grown certified tree, properly balled, marked with a durable label indicating genus, species and variety, and satisfying the standards established for nursery stock and installation thereof, set forth by the American Association of Nurseryman. (Ord. 10-27)

Retail - establishments engaged in the selling of goods or merchandise to the general public for personal or household consumption in rendering services incidental to the sale of such goods.

Riding academies and boarding stables - uses and structures designed for the quartering of horses and/or for providing instruction in horsemanship.

Right-of-way line - that line determining the limit of the street rights of the public, either existing or contemplated.

Roofline - the highest continuous horizontal line of a roof. On a sloping roof, the roofline is the principal ridge line or the highest line common to one or more principal slope of the roof. On a flat roof, the roofline is the highest continuous line of the roof or parapet, whichever is higher.

School (private, public or parochial) - a facility having regular sessions of instruction conducted by regularly employed instructors and teachers who teach those subjects which are fundamental and essential in general education, and which provides education under the supervision of the New Jersey Department of Education or a lawfully constituted ecclesiastical Governing Body, or a corporation meeting the requirements of the New Jersey Department of Education.

School bus depot - a building and premises for the storage of buses used primarily for the purposes of transporting children to and from educational institutions, such as but not limited to elementary schools and high schools. Accessory uses may include the repair and maintenance of the buses that are stored on site, but shall not include the pick up or drop off of passengers. (Ord. 02-58)

Secretary - the person designated by the Planning Board as secretary to the board.

Sediment - solid material, both mineral and organic that is in suspension, is being transported, or has been moved from its site or origin by air, water or gravity as a product of erosion.

Sediment basin - a barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel, or silt or other material.

Sediment pool - the reservoir space allotted to the accumulation of submerged sediment during the life of the structure.

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

Selective cutting - the removal of larger trees on an individual basis while leaving trees of lesser size. (Ord. 10-27)

Senior citizen housing - multi-family dwelling units designed to meet the special needs of the elderly and located in developments generally characterized by higher densities and lower parking requirements other than multifamily housing developments.

Services - establishments providing services for entertainment as opposed to products to the general public, including eating and drinking places; finance; real estate; insurance; personal services; motion pictures; amusement and recreation services; health, educational and social services; museums and galleries.

Shop - a business totally contained within the building.

Shopping center - two (2) or more commercial establishments in excess of fifty thousand (50,000) square feet of gross floor area in one or more structures designed and operated as a coordinated integrated unit with respect to parking service, signs, etc. Uses may include retail and service establishments, offices and office structures, theaters, recreational facilities, motels and hotels and auto service stores where gasoline, oil and grease, batteries, tires and automobile accessories may be supplied and dispensed directly to the motor vehicle trade, and where minor repair service is rendered and uses accessory to all such permitted uses.

Sign (graphic) - any announcement, declaration, demonstration, billboard, display, illustration, bulletin board, letters, numbers, logos, models, statues, banners, flags, pennants, clocks, plants, thermometers, or lights or combination of lights used to promote or advertise the interest of any person, group of persons, corporation, place or product when the same is placed, erected, attached, painted, printed or grown so as to be visible to the general public.

A **sign** shall not include any display of official court or public office notices, any official traffic control device, nor shall it include the flag, emblem or insignia of a nation, state, county, municipality, school or religious group.

Sign terms.

1. Advertising sign - See Off-premises sign.
2. Advertising sign means:
 - a. Movement of a sign or any segment thereof, such as rotating, revolving, moving up or down, or any other type of action involving a change of position of a sign body or segment thereof, whether caused by mechanical, illusional or other means;
 - b. Lighted sign on an intermittent or flashing circuit or the movement of any light used in connection with any sign, such as blinking, traveling, flaring or changing degree of intensity or color.

3. Area of facade - the area of the wall of a building, not including roof areas of any type.
4. Banners and pennants - advertising devices affixed to poles, wires or ropes, and made of cloth or plastic materials, etc. Government flags are excluded from this definition.
5. Broken plane - discontinuous surfaces separated by air space.
6. Canopy sign - a sign attached to and suspended from an overhang or ceiling.
7. Cut-out letter or number - any figures cut out in the shape of a letter or number and supported independently on an awning or directly on a wall of a building. Any frame, artificial background support enclosing any letters excludes a letter from the classification of cut-out.
8. Graphic - any device used for visual communication.
9. Ground sign - a freestanding sign mounted on any support other than a structure in which people live, work or congregate.
10. Indirect lighting - the use of fluorescent (and other vapor light) or incandescent lighting set apart from, but directed towards, the surface of the sign.
11. Interior lighting - the use of fluorescent (and other vapor light) or incandescent lighting to illuminate a sign from behind the lettering or from inside the sign structure.
12. Kiosk - a small, many sided structure placed in a public area, upon which posters, signs, messages, etc., are affixed.
13. Landscape signs - signs placed on the ground created through the use of plant materials, ground forms, rocks and other natural materials.
14. Marquees, canopies or awnings - various forms of permanent, temporary or portable roof-like coverings for entrances, windows, etc.
15. Neighborhood identification sign - a sign identifying the entrance to a particular subdivision or other housing project which is recognized by a given name.
16. Off-premises sign - a sign which directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than on the lot or premises where the sign is located.
17. On-premises sign - a sign which directs attention to a business, profession, commodity, service or entertainment conducted, sold or offered on the lot or premises where the sign is located or to which it is affixed.
18. Organization sign display - a sign which combines all of the civic, service, religious, etc., signs normally found scattered along the roadside into one well-designed graphic.
19. Political signs - graphics advertising candidates, for political office or involving a ballot issue.
20. Projecting sign - a graphic attached to a building or other structure, and extending from the building wall or structure.

21. Residential nameplate - a graphic permitted for the sole purpose of identifying the following: inhabitants residing therein, the house name or address.

Silviculture - the management of any wooded tract of land to insure its continued survival and welfare, whether for commercial or noncommercial purposes, pursuant to a plan approved by the New Jersey Bureau of Forestry. (Ord. 10-27)

Site plan - a development plan of one or more lots on which is shown:

1. The existing and proposed conditions of the lot including, but not necessarily limited to, topography, vegetation, drainage, floodplains, marshes and waterways;
2. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility service, landscaping, structures and signs, lighting, screening devices; and
3. Any other information that may be reasonably required in order to make an informed determination pursuant to this chapter requiring review and approval of site plans by the Planning Board.

Slope - the degree of deviation of a surface from the horizontal, usually expressed in percent or degree.

Soil - an all unconsolidated mineral and organic material of whatever origin on the immediate surface of the earth that serves as a natural medium for the growth of terrestrial plants; it generally overlies bedrock and can be readily excavated.

Soil erosion and sediment control - a scheme which fully indicates necessary land treatment measures, including a time schedule for their installation, which shall effectively control soil erosion and sedimentation. Such measures shall be equivalent to or exceed standards promulgated by the State Soil Conservation Committee.

Solar or photovoltaic energy - the definition for solar or photovoltaic energy facility or structure shall mean a facility or structure for the purpose of supplying electrical energy produced from solar or photovoltaic technologies, whether such a facility or structure is a principal use, a part of the principal use, or an accessory use or structure. (Ord. 12-5)

Specimen and historic trees - any tree with a DBH of twenty-four (24) inches or greater. (Ord. 10-27)

Spotlight - a luminaire or bulb which projects light in a specific direction in a narrow beam, typically 45 degrees or less. (Ord. 02-21)

State Soil Conservation Committee - an agency of the state established in accordance with the provisions of N.J.S. 4:24-1 et seq.

Stormwater detention - any storm drainage technique which retards or detains runoff, such as a detention or retention basin, parking lot storage, rooftop storage, porous pavement, dry wells, or any combination thereof.

Story - that portion of a building included between the surface of any floor and the surface of the floor above it or, if there is no floor above it, then the space between the floor and the ceiling next to it.

Stream encroachment permit - a permit issued by the department under the provisions of N.J.S.A. 58:1-26.

Street - means any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway, or which is shown upon a plat heretofore approved pursuant to law, or which is approved by official action, or which is shown on a plat duly filed and recorded in the office of the County Recording Officer prior to the appointment of a Planning Board and the grant to such board of the power to review plats, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

Street, arterial - Arterial street means interstate or state highways carrying the major portion of through traffic in the Township.

Street, collector - Collector street means a street which carries traffic from minor streets to the secondary, primary and arterial roads. They shall include the principal entrance street(s) of a residential development.

Street, internal or service - Internal or service street means minor ways used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Street, marginal access - Marginal access street means a street which is parallel to and adjacent to an arterial or primary road, and which provides access to abutting properties, protection from through-traffic, and does not impede traffic flow on the major road.

Street, minor - Minor street means a street which is used primarily for access to the abutting properties and not for through-traffic. Such a street is also known as a local street and includes cul-de-sacs.

Street, primary - Primary street means state and county roads carrying through-traffic and traffic from one part of the Township to another.

Street, secondary - Secondary street means county and local roads designed to move traffic originating in the Township to the primary and arterial highways.

Stripping means any activity which removes or disturbs the vegetation surface cover including clearing and grubbing operations.

Structure - any assembly of materials above or below the surface of land or water, including but not limited to buildings, paving, fences, dams, levees, bulkheads, dikes, jetties, embankments, wharves, piers, docks, landings, obstructions, pipeline, causeways, culverts, roads, railroads, bridges, and the facilities of any authority, utility, municipality, county, state or other governmental agency.

Subdivider - any person or other legal entity commencing proceedings under the provisions of this title to effect a subdivision of land hereunder for himself or herself or for another.

Subdivision - the division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other division of land for sale or development. The following shall not be considered subdivisions within the meaning of the chapter if no new streets are created:

1. Divisions of land found by the Planning Board or Subdivision Committee thereof appointed by the chairman to be for agricultural purposes where all resulting parcels are five (5) acres or larger in size;

2. Divisions of property by testamentary or intestate provisions;
3. Divisions of property upon court order, including but not limited to, judgements of foreclosure;
4. Consolidation of existing lots of deed or other recorded instrument; and
5. The conveyance of one or more adjoining lots, tracts, or parcels of land, owned by the same person or persons, and all of which are found and certified by the Administrative Officer to conform to the requirements of the Township zoning ordinance and are shown and designated as separate lots, tracts or parcels on the tax map of the Township. The term subdivision shall also include the term resubdivision.

Subdivision Committee - a committee of at least three (3) Planning Board members appointed by the Chairman of the Board for the purpose of reviewing this title and such duties relating to land subdivision which may be referred to this Committee by the Board.

Substantive certification - a determination by COAH approving a municipality's housing element and fair share plan in accordance with the provisions of the Fair Housing Act, N.J.S.A. 52:27D-301, et seq., and the regulations promulgated thereunder. A grant of substantive certification shall be valid for a period of six years in accordance with the terms and conditions contained therein.

Temporary protection - stabilization of erosive or sediment-producing areas.

Thinning - the removal of undesirable, competitive, diseased or damaged trees so as to cultivate and improve the development of remaining trees on the lot. (Ord. 10-27)

Townhouse - a one-family dwelling with two (2) common or party walls meeting fire wall construction standards separating it from adjacent units on both sides, or one party wall in the case of a building at the end of a group of attached dwellings.

Township Engineer - the Municipal Official designated by the Township Committee as the Township Engineer.

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

Tree - any self-supporting woody plant which reaches a typical mature height of twelve (12) feet or more at maturity and has a typical DBH of four (4) inches or greater. (Ord. 10-27)

Tree canopy - the top layer or crown of mature trees. (Ord. 10-27)

Tree farm - a commercial operation engaged in growing trees under intensive management practices for use in another location. (Ord. 10-27)

Tutoring - the teaching or instruction of academic subjects to not more than four (4) students simultaneously.

Two-family housing - two (2) units connected by a common wall but having separate, complete living accommodations including kitchen and bathroom.

Variance - permission to depart from the literal requirements of the provisions of this title pursuant to Section 16.04.030.

Vegetation protection - stabilization of erosive or sediment-producing areas by covering the soil with permanent seeding, producing long-term vegetative cover; short-term seeding, producing temporary vegetative cover, or sodding, producing areas covered with a turf or perennial sod-forming grass.

Warehouse - any building or structure in which the principal use involves the storage of goods and materials.

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

Wholesale business - any building, premises or land in which or upon which the principal business, operation or industry involves any handling and resale of goods in comparatively large quantities to others, but not usually to the ultimate consumer of an individual item.

Yard - an open space which lies between the principal building or group of buildings and the nearest lot line, and which is unoccupied and unobstructed from the ground upward except as herein permitted.

1. Yard, front - Front yard means an open space extending the full width of the lot between a principal building and the front lot line, unoccupied and unobstructed from the ground upward except as may be specified elsewhere in this title.
2. Yard, rear - Rear yard means an open space extending the full width of the lot between a principal building and the rear lot line, unoccupied and unobstructed from the ground upward except as may be specified elsewhere in this title.
3. Yard, side - Side yard means an open space extending from the front lot line to the rear lot line between a principal building and the nearest lot line, unoccupied and unobstructed from the ground upward except as may be specified elsewhere in this title.

Zoning Board of Adjustment - the Zoning Board of Adjustment of the Township.

Zoning Officer - See Administrative Officer.

Zoning permit - a document signed by the Administrative Officer:

1. Which is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building; and
2. Which acknowledges that such structure or building complies with the provisions of the municipal zoning ordinance or variance therefrom duly authorized by the appropriate Municipal Agency.

(Prior code § 15-1.3; Ord. 85-28 § 1; Ord. 87-27 § 3; Ord. 87-30 § 7; Ord. 91-13 § 1; Ord. 94-5 § 1; Ord. 95-2 § 1; Ord. 98-1 § 6; Ord. 98-47 § 5; Ord. 98-50 § 1; Ord. 01-9; Ord. 06-11 § 1; additional amendments noted where applicable)

Section 2. Section 16.18.090 "Plat Details" is hereby amended as follows:

- A. General. All maps, plats and sketch plats required to be submitted by this title shall conform to one of the following size configurations: eight and one-half (8-1/2) by thirteen (13) inches, fifteen (15) by twenty-one (21) inches, or twenty-four (24) by thirty-six (36) inches.
- B. Minor Subdivision. All plats shall be based on accurate information at a scale of not more than one-inch equals one hundred (1"=100') feet. The plat shall be designed in compliance with the provisions of Section 16.18.110 and shall show or be accompanied by the following information and information listed in Section 16.18.070, except that the Planning Board may waive any requirement or request additional information where it is clearly appropriate to the particular application. Failure to comply shall render such application incomplete.
 1. Location and Key Map. The entire tract to be subdivided, giving the accurate location of all existing and proposed property and street lines, rights-of-way, and including a key map at a scale where one (1) inch equals not more than one thousand (1,000) feet showing the entire subdivision and its relation to all features shown on the official map and master plan and located within one-half mile of the extreme limits of the subdivision. The plat shall indicate that all boundary corners of the proposed lots have been set with iron pins and shall show their location. This requirement shall also apply to boundary adjustments.
 2. Structures, Wooded Areas and Topography. The location of existing houses, buildings and other structures within the portion to be subdivided and two hundred (200) feet thereof, with accurate dimensions from all existing and proposed lot lines, wooded areas and isolated shade trees more than six (6) inches in diameter, breast high and two (2) inches in diameter, breast high for flowering and small trees sufficient elevations and contours at five (5) feet vertical intervals for slopes averaging ten (10%) percent or greater, and at two (2) foot vertical intervals for land of lesser slope to determine the general slope and natural drainage of the land, and the high and low points for the portion to be subdivided, and for a distance of two hundred (200) feet thereof. All elevation and contours shall be verified in the field to accurately represent the grade involved and shall be based upon U.S.C. and G.S. datum.

The location of existing houses, buildings and other structures within the portion to be subdivided and two hundred (200) feet thereof, with accurate dimensions from all existing and proposed lot lines, wooded areas and isolated trees in compliance with Section 16.20.040.D. (Ord. 10-27)
 3. Owners. The name and address of the owner and/or subdivider, and the name of all adjoining property owners and those across existing or proposed streets as disclosed by the most recent municipal tax records.
 4. Other Information. The tax map sheet, date of original preparation and revisions, block and lot numbers, zone district, old name if submitted under a different title, north arrow, written and graphic scales and acreage of the entire tract and those areas to be subdivided.
 5. Streets, Easements, Watercourses and Rights-of-Way. The location of existing or proposed streets, roads, easements, public rights-of-way, streams, wetlands, wetland transition areas, state open waters, bridges, culverts, drainage ditches and natural water-courses in and within five hundred (500) feet of the subdivision.

6. Lots. The original and proposed lot layout, lot dimensions, all required setback lines, and lot area of each lot in square feet and acreage. Lots shall be designated by the official lot number designations from the Township Tax Assessor.
7. Endorsements and Certificates. Plats being submitted for minor subdivision approval shall be a boundary survey map drawn by a licensed New Jersey Land Surveyor and so certified on the plat, to be drawn from an actual boundary survey. The plat shall contain a four by five (4x5) inch blank box outlined, located adjacent to the title block, which shall be reserved for the Planning Board's review stamp. The specific purpose and restrictions of any easement or land reserved or dedicated for any use shall be indicated on the plat and shall be included in any deeds conveying title to the properties in question. Minor subdivisions requiring improvements shall contain the following certification:

"This is to certify that the engineering plans for all improvements are based upon topographical data that has been verified in the field by a N.J. licensed land surveyor."

Signature of N.J. Professional Engineer/Land Surveyor

8. Utility Information. Within the public water and sanitary sewer service areas, the plat shall include the location of existing and proposed lines and connections.
9. [Percolation] Permeability and Soil Logs. In the event public sewers are not available and individual septic systems are proposed, the plat shall show the following information:

For each proposed lot, and pursuant to N.J.A.C. 7:9A-5.2, at least two soil profile pits or one soil profile pit and a minimum of three soil borings in lieu of the second soil profile pit, provided that the soil horizons and substrata observed in the borings are not significantly different from those observed in the first profile pit.

At least two (2) passing [percolation] permeability tests and two acceptable soil logs shall be conducted on each proposed lot. The [percolation] permeability tests and soil log shall be located at least twenty (20) feet from each other, but not more than forty (40) feet from each other, and within the area of the proposed septic field. "Proposed septic field" means that area so designated by the design engineer and located at a lower elevation than the proposed structure containing the waste water facilities and proposed well, and conforming to distances established by [N.J.S.A. 2A: 11-9 et seq.] state law and provisions of this Code. It is further intended that all septic systems shall be gravity systems unless undue hardship shall prevent same, as determined by the Planning Board.

10. Other Requirements.
 - a. Minor subdivisions shall show the location and indicate the results of all passing, unsatisfactory and abandoned [percolation] permeability tests and soil log [tests]. The date the [percolation] permeability tests and soil logs were taken shall be indicated on the plats as well as the name of the Township witness.
 - b. Where an existing dwelling is part of the subdivision, the plat shall indicate the exact location of the existing well and septic field. No [percolation] permeability test or soil log shall be required for the dwelling.

- c. No [percolation] permeability test or soil log shall be located closer than one hundred (100) feet of the highest elevation of seasonal surface water.
 - d. All [percolation] permeability tests and soil logs shall be performed at the applicant's expense by a person authorized by state law to undertake such tests and shall be witnessed by a representative of the Township Engineer's Office who shall be notified at least forty-eight (48) hours prior to the conducting of any tests.
 - e. A passing [percolation] permeability test shall be one which meets the requirement of [N.J.S.A. 2A. 11-9 et seq.] N.J.A.C. 7:9A-6.1, and where the water level does not drop faster than one (1) inch in one (1) minute.
 - f. Septic fields shall not be located on slopes greater than fifteen (15%) percent and on slopes six (6%) to fifteen (15%) percent, the fields shall be placed perpendicular to the slope.
11. Floodplain Delineations. Minor subdivisions shall indicate flood hazard area delineations for all permanent streams based upon State Department of Environmental Protection delineations or for the one hundred (100) year flood as directed by the Township Engineer.
 12. Steep Slope Calculations in accordance with Section 16.64.130.
 13. Plats shall meet the requirements of the Map Filing Law if plats rather than deeds are to be filed with the County Clerk.
 14. Tree Canopy, Historic and Specimen Trees. (Ord. 10-27)
 - a. No more than fifty-five (55%) percent of the existing tree mature woodland tree canopy within the property boundaries shall be removed (Not to be interpreted as 55% of the total lot area). The location of the remaining forty-five (45%) percent of the mature woodland tree canopy to be preserved shall be noted on the landscape plan. Steep slope limits of disturbance and maximum hard surface requirements under Table I shall supersede this section when appropriate. (Ord. 10-27; Ord. 11-3)
 - b. No tree that qualifies as a specimen and historic tree shall be removed unless the applicant replants trees in accordance with Section 16.20.040.T. (Ord. 10-27)
- C. Sketch Plats and Exempt Subdivision. All plats shall be based on accurate information at a scale of not more than one (1) inch equals one hundred (1"=100') feet. The plat shall be designed in compliance with the provisions of Section 16.18.110 and shall show or be accompanied by the following information and information listed in Section 16.18.070, except that the Planning Board may waive any requirement or request additional information where it is clearly appropriate to the particular application. Failure to comply shall render such application incomplete.
1. Location and Key Map. The entire tract to be subdivided, giving the accurate location of all existing and proposed property and street lines, rights-of-way, and including a key map at a scale where one (1) inch equals not more than one thousand (1,000) feet showing the entire subdivision and its relation to all features shown on the official map and master plan and located within one-half (1/2) mile of the extreme limits of the subdivision.

2. Structures, Wooded Areas and Topography. The location of existing houses, buildings and other structures within the portion to be subdivided and two hundred (200) feet thereof, with accurate dimensions from all existing and proposed lot lines, wooded areas and isolated shade trees more than six (6) inches in diameter, breast high and two (2) inches in diameter, breast high for flowering and small trees and topography within the portion to be subdivided and within two hundred (200) feet thereof shown at two (2) inches in diameter, breast high for flowering and small trees and topography within the portion to be subdivided and within two hundred (200) feet thereof shown at two (2) foot contours.

The location of existing houses, buildings and other structures within the portion to be subdivided and two hundred (200) feet thereof, with accurate dimensions from all existing and proposed lot lines, wooded areas and isolated trees in compliance with Section 16.20.040.D. (Ord. 10-27)

3. Owners. The name and address of the owner and/or subdivider, and the name of all adjoining property owners and those across existing or proposed streets as disclosed by the most recent municipal tax records.
4. Other Information. The tax map sheet, date of original preparation and revisions, block and lot numbers, zone district, old name if submitted under a different title, north arrow, written and graphic scales and acreage of the entire tract and those areas to be subdivided.
5. Streets, Easements, Watercourses and Rights-of-Way. The location of existing or proposed streets, roads, easements, public rights-of-way, streams, bridges, culverts, drainage ditches and natural water-courses in and within five hundred (500) feet of the subdivision.
6. Lots. The original and proposed lot layout, lot dimensions, all required setback lines, and lot area of each lot in square feet and acreage. Lots shall be designated by consecutive numbers for major subdivisions until given official lot number designations by the Township Tax Assessor.
7. Endorsements and Certificates. Plats being submitted for exempt subdivisions shall be a boundary survey map drawn by a licensed New Jersey Land Surveyor and so certified on the plat, to be drawn from an actual boundary survey. The plat shall contain a four by five inch (4 x 5) blank box outlined located adjacent to the title block, which shall be reserved for the Planning Board's review stamp. The specific purpose and restrictions of any easement or land reserved or dedicated for any use shall be indicated in the plat and shall be included in any deeds conveying title to the properties in question.
8. Utility Information. Where public water or public sewer connections are proposed, the sketch plat shall include the location of existing and proposed lines and connections.
9. [Percolation] Permeability and Soil Logs. In the event public sewers are not available and individual septic systems are proposed, the sketch plat shall show the following information:
 - a. For each proposed lot, and pursuant to N.J.A.C. 7:9A-5.2, at least two soil profile pits or one soil profile pit and a minimum of three soil borings in lieu of the second soil profile pit, provided that the soil horizons and substrata observed in the borings are not significantly different from those observed in the first profile pit.

- b. Sketch Plat Major Subdivisions. At least one (1) passing [percolation] permeability test and two (2) soil logs shall be made for each five (5) acres to indicate the suitability of the area for individual septic systems.

10. Other Requirements.

- a. Sketch plats shall show the location and indicate the results of all passing, unsatisfactory and abandoned [percolation] permeability and soil log tests. The date the [percolation] permeability tests and soil logs were taken shall be indicated on the plats as well as the name of the Township witness.
 - b. Where an existing dwelling is part of the subdivision, the sketch plat shall indicate the exact location of the existing well and septic field. No [percolation] permeability test or soil log shall be required for the dwelling.
 - c. No [percolation] permeability test or soil log shall be located closer than one hundred (100) feet of the highest elevation of seasonal surface water.
 - d. All [percolation] permeability tests and soil logs shall be performed at the applicant's expense by a person authorized by state law to undertake such tests and shall be witnessed by a representative of the Township Engineer's Office who shall be notified at least forty-eight (48) hours prior to the conducting of any tests.
 - e. A passing [percolation] permeability test shall be one which meets the requirement of [N.J.S.A. 2A. 11-9 et seq.] N.J.A.C. 7:9A-6-1, and where the water level does not drop faster than one inch in one minute.
 - f. Septic fields shall not be located on slopes greater than fifteen (15%) percent and on slopes six to fifteen (15%) percent, the fields shall be placed perpendicular to the slope.
11. Floodplain Delineations. Sketch plats for major subdivisions shall indicate flood hazard area delineations for all permanent streams based upon the most recent H.U.D. Flood Boundary Maps or Natural Resource Inventory Flood Plain/Soils Maps for Raritan Township, whichever places greater restrictions on the use of land. When more accurate information is available, it shall be utilized and indicated on the plat as to boundaries and source.

- D. Plat Submitted for Preliminary Approval. The preliminary plat shall be clearly and legibly drawn or reproduced at a scale of not less than one (1) inch equals one hundred (100) feet. Preliminary plats shall be drawn by a licensed New Jersey Professional Engineer or Land Surveyor. Construction sheets shall be drawn, signed and sealed by a licensed N.J. Professional Engineer. Contour maps and preliminary construction plans including road profiles and utility plans shall be submitted as part of the preliminary plat. Separate maps may be required by the Board for topography, utilities and road details. A soil erosion and sedimentation control plan, a grading plan and landscaping plan shall be included. The plat shall be designed in compliance with the provisions of Section 16.20.040 and shall show or be accompanied by the following information and information listed in Section 16.18.070, except that the Planning Board may waive any requirement or request additional information where it is clearly appropriate to the particular application. Failure to comply shall render such application incomplete.

Plans showing the location of proposed shade trees, detention basin landscaping and other landscaping, including preservation of existing vegetation and trees in compliance with Section 16.20.040.D. (Ord. 10-27)

1. Location and Key Map. The entire tract to be subdivided giving the accurate location of all existing and proposed property and street lines, and including a key map at a scale where one (1) inch equals not more than one thousand (1,000) feet showing the entire subdivision and its relation to all feature shown on the official map and master plan, and located within one-half (1/2) mile of the extreme limits of the subdivision, and the zoning classification of the proposed subdivision and of adjacent land.
2. Lots. Lot layout, lot dimensions, all required setback lines and dimensions, individual lot areas in square feet, minimum improvable lot area in sq. ft., and the acreage and square footage of right-of-way easements and dedications. Lots shall be designated by official block and lot numbers as obtained from Tax Assessor.
3. Other Contents. The tract name, tax map sheet and revision date, block and lot numbers, date of plat preparation and any revisions, reference meridian, written scale, graphic scale and the following names and addresses:
 - a. Record owner or owners of property to be subdivided; if other than an individual, the corporate officers or partners or other statutory agent;
 - b. Subdivider;
 - c. Person who prepared map, official seal and license numbers;
 - d. Owners of property within two hundred (200) feet of entire tract being subdivided.
4. Acreage. Acreage of entire tract and those portions to be subdivided to nearest hundredth of an acre.
5. Elevations and Contours. Sufficient elevations and contours at five (5)-foot vertical intervals for slopes averaging ten (10%) percent or greater, and at two (2)-foot vertical intervals for land of lesser slope, to determine the general slope and natural drainage of the land, and the high and low points for a distance of two hundred (200) feet around the entire tract boundary. All elevations shall be verified in the field to accurately represent the grades involved and shall be based upon U.S.C. and G.S. datum.
6. Existing and Proposed Locations.
 - a. Utilities and Roadways: The location and sizes, where appropriate, of existing and proposed property lines, streets, buildings, water-courses, railroads, bridges, culverts, drain pipes, sanitary sewers, water mains, gas mains, and power lines.
 - b. Natural features such as rock outcroppings, wooded areas, shade trees over eight (8) inches in diameter at breast height and two (2) inches in diameter at breast height for flowering and small trees, wetlands, wetland transition areas, streams, state open waters, lakes, ponds, or other significant natural features. This data may be determined by field and/or photogrammetric survey. In forest areas of intense growth, where no construction or clearing is proposed, the vegetative perimeter need only be indicated. Where more

detailed information is available and/or is required elsewhere in this title it shall be utilized.

7. Streets. Preliminary plans and profiles at a scale of not more than one (1) inch equals fifty (50) feet horizontally, and one (1) inch equals five (5) feet vertically including cross-sections every fifty (50) feet or as specified by the Township Engineer of all proposed streets, curbs and gutters within the subdivision and proposed connection with existing or future continuing streets. The distance and radii of all curves along all street lines shall be shown.
8. Gas, Telephone and Electric. Preliminary plans and profiles of proposed utility layouts shall be supplied to the Township at appropriate scales approved by the applicable utility for gas, telephone and electrical service showing connections to existing or proposed systems. All utilities shall be located underground.
9. Potable, Sanitary and Stormwater Management Plans.
 - a. Applicant shall submit potable water, sanitary sewer and stormwater management plans as part of the exhibits required for preliminary plat approval. Plans and profiles shall be at a scale of one (1) inch equals fifty (50) feet horizontally and one-inch equals five (5) feet vertically for all proposed and existing sanitary sewers, storm drains, drainage ditches, and streams within the subdivision, together with the location, sizes, elevations, grades and capacities of any existing sanitary sewer, storm drain, drainage ditch, stream or watercourse to which the proposed facility shall be connected.
 - b. The potable water plan shall be designed to provide each lot within the subdivision with an adequate and continuous supply of potable water. Where a property is located in the public water service area, all lots shall be connected thereto. In the event that the Planning Board determines that such a system is not reasonably accessible, individual wells shall be installed on each lot, but the subdivider may be required by the Planning Board to install within the subdivision a complete water distribution system including provisions for connection to each structure or provide performance bonds necessary to cover the future construction of the system. Until such time as the system is capable of becoming operable, it shall be capped.
 - c. The sanitary sewerage disposal plan shall be designed to convey sanitary waste from each lot through laterals and interceptors of sufficient size, material and capacity to collectors and then to trunk sewers to public treatment facilities. Where a development is located outside the sanitary sewer service area, approved individual septic systems shall be installed for each lot except as noted below. Where a public sanitary sewerage disposal system is not now reasonably accessible as determined by the Planning Board as per Section 16.18.100D.3., but is located within the sanitary sewer service area, the subdivider shall install within the subdivision a complete sewer pipe system including provisions for the connection thereto at each structure. Until such time as the public sanitary sewage disposal system is capable of becoming operable, individual septic systems or other appropriate and approved waste treatment facilities shall be required.
 - d. The stormwater management plan shall be designed in accordance with the standards found in Chapter 16.84. (Ord. 06-11)
10. [Percolation] Permeability Tests and Soil Logs. No subdivision or part thereof proposed to be serviced by individual sewage disposal systems shall be approved where results of

the [percolation] permeability tests do not meet with the established requirements of this section or other applicable ordinances or regulations, nor shall any subdivision or part thereof be considered where other physical characteristics of the land would cause septic conditions unsanitary to the public, or contrary to the requirements of this title or other applicable ordinances or regulations. Any remedy proposed to overcome such situations shall first be approved by the appropriate local and state health agency. The following requirements shall be met:

- a. For each proposed lot, and pursuant to N.J.A.C. 7:9A-5.2, at least two soil profile pits or one soil profile pit and a minimum of three soil borings in lieu of the second soil profile pit, provided that the soil horizons and substrata observed in the borings are not significantly different from those observed in the first profile pit.
- b. Two (2) passing [percolation] permeability tests and two (2) acceptable soil logs shall be conducted on each proposed lot at the applicant's expense by a person authorized by state law to conduct such tests.
- c. The [percolation] permeability tests shall be witnessed by a representative of the Township Engineer who shall be notified at least forty-eight (48) hours prior to the conducting of any tests.
- d. The location and results of all passing, unsatisfactory and abandoned [percolation] permeability and soil log tests shall be indicated on the preliminary plat. The date the [percolation] permeability tests and soil logs were taken shall be indicated on the plats as well as the name of the Township witness.
- e. A passing test shall be one (1) meeting the standards set forth in [N.J.S.A. 2A:11-9, et seq.] N.J.A.C. 7:9A-6.1, as amended, and one (1) where the water level does not drop more than one (1) inch in one (1) minute.
- f. The [percolation] permeability tests and soil log shall be located at least twenty (20) feet from each other but within forty (40) feet of each other within the area of the proposed septic field. "Proposed septic field" shall mean that area so designated by the design engineer and located at a lower elevation than the proposed structure containing the waste water facilities and proposed well, and conforming to distances established by N.J.S.A. 2A:1 1-9 et seq., and provisions of this Code. It is further intended that all septic systems shall be gravity systems unless undue hardship shall prevent same as determined by the Planning Board.
- g. No [percolation] permeability test or soil log shall be located closer than two hundred (200) feet of the highest elevation of seasonal surface water.
- h. Septic fields shall not be placed on slopes greater than fifteen (15%) percent, and on slopes six to fifteen (15%) percent, the fields shall be placed perpendicular to the slope.
- i. In areas where on-site or on-tract recharge of stormwaters is proposed, additional [percolation] permeability tests may be required by the Township Engineer or Planning Board.

- j. In areas of questionable [percolation] permeability, the Township Health Officer may establish the conditions under which the [percolation] permeability tests may be undertaken, including the month of the year and location.
 - k. Where an existing dwelling is part of the proposed subdivision, the exact location of the well and septic field shall be shown. No [percolation] permeability tests or soil log shall be required for that dwelling.
 - l. The applicant and/or subdivider shall conduct all tests in accordance with Chapter 17 of the General Ordinances of Raritan Township.
- 11. Off-Tract Improvements. When the development of the subdivision or improvements within the subdivision are contingent upon improvements outside the boundaries of the subdivision, information shall be supplied by the subdivider prior to Planning Board consideration for preliminary approval that the improvements outside the subdivision are installed and shall be available to the subdivider, or that the provisions of Section 16.16.060 have been complied with.
 - 12. Setback Lines. All front, rear and side yard setback lines shall be shown and dimensioned on all lots.
 - 13. Open Space. Any open spaces proposed to be dedicated for public use or playgrounds or other public purpose, and the location and use of all such property, shall be shown on the plat. Any improvements proposed for the open space shall be shown on the plat along with the appropriate construction details related to those improvements.
 - 14. Support Capability. When deemed necessary to determine the suitability of the soil to support new construction, the Planning Board shall require test holes or borings to be made by a New Jersey Licensed Engineer or an approved testing laboratory at the expense of the subdivider under the direction of the Township Engineer.
 - 15. Conservation Plans. Plans showing measures designed to minimize soil erosion and sedimentation, such as berms, siltation ponds, sediment traps, detention and-retention basins, landscaping, natural cover, energy dissipaters, and riprap. Plans shall also include, where applicable:
 - a. A storm drainage schedule, including a description of all temporary and permanent structures and other techniques for the control of stormwaters, together with a timetable for the construction or installation of such structures, or other techniques;
 - b. A schedule containing the timing of and description of temporary and permanent soil stabilization measures, including tracking, scarification, serration of slopes, roughening, mulching, hilling, chemical binders and other suitable methods of soil stabilization;
 - c. The location and description of water interception and diversion measures, such as diversion ditches, dikes, barriers, and disposal structures such as flexible or sectional down drains, flumes, lineal spreaders and the like.
 - d. Lot Grading.

16. Landscaping Plans. Plans showing the location of proposed shade trees, detention basin landscaping and other landscaping, including preservation of existing vegetation. The provisions of Section 16.18.100.D.9. shall be complied with.
17. Easements and Dedications. The specific purpose and restrictions of any easement or land reserved or dedicated for any use shall be indicated on the plat and the proposed use of sites (other than residential) shall be noted.
18. Certifications. The following certifications shall appear on all preliminary plats:

“This is to certify that the engineering plans contained herein for all improvements are based upon topographical data has been verified in the field by a N.J. Licensed Land Surveyor.”

Signature of N.J. Professional Engineer/Land Surveyor

19. Floodplain Delineations. Preliminary plats for major subdivision shall indicate flood hazard area delineations for all permanent streams based upon State Department of Environmental Protection delineations or for the one hundred (100) year flood as directed by the Township Engineer.
 20. Fire Protection Systems. Plans shall show the location and construction details of proposed fire protection system in accordance with Section 16.18.100D.10.
 21. Steep slope calculations in accordance with Section 16.64.130.
 22. The plat shall contain a four (4) inch by five (5) inch blank box outlined, located adjacent to the title block which shall be reserved for the Planning Board review stamp.
 23. Sight, conservation and drainage easement shall be shown on the plat as required elsewhere in this chapter.
 24. Recycling Plan. The subdivision plat shall conform with the requirements of Section 8.36.070 for new developments of multi-family residential units, commercial, institutional, or industrial properties. (Ord. 10-20)
 25. Tree Canopy, Specimen and Historic Trees.
 - a. No more than fifty-five (55%) percent of the existing mature woodland tree canopy within the property boundaries shall be removed. (Not to be interpreted as 55% of the total lot area). The location of the remaining forty-five (45%) percent of the mature woodland tree canopy to be preserved shall be noted on the landscape plan. Steep slope limits of disturbance and maximum hard surface requirements under Table I shall supersede this section when appropriate. (Ord. 10-27; Ord. 11-3)
 - b. No tree that qualifies as a specimen and historic tree shall be removed unless the applicant replants trees in accordance with Section 16.20.040.T. (Ord. 10-27)
- E. Final Plat. The plat shall be drawn in compliance with the provisions of the State Map Filing Act, and shall show or be accompanied by the following information and information listed in Section 16.18.070, except that the Planning Board may waive any requirement or request additional

information where it is clearly appropriate to the particular application. Failure to comply shall render such application incomplete.

1. Identification. Date, name and key map of the subdivision, name of owner, written scale, graphic scale, and reference meridian. The final plat shall be drawn at a scale of not more than one (1) inch equals one hundred (100) feet.
2. Other Contents. Tract boundary lines, rights-of way, lines of streets, street names, easements and other rights-of-way, land to be reserved or dedicated to public use, all lot lines with accurate dimensions, bearings, distances, arc lengths, central angles, tangents, and radii of all curves, building setbacks and areas of each lot in square feet.
3. Easement and Dedications. The specific purpose and restrictions of any easement of land reserved or dedicated for any use shall be indicated, and the proposed use of sites other than residential shall be noted. Floodplain delineations for the flood hazard area shall be shown on the plat as indicated on the approved preliminary plat or as directed by the Township Engineer.
4. Block and Lots. All block, lot and house numbers shall be approved by the Township Engineer and the Tax Assessor, and shall be related to existing block and lot numbers as shown on the Official Tax Map of the Township.
5. Monuments. Location and description of all monuments shall be shown as per the Map Filing Law.
6. Consent of Owner. Certification that the applicant is agent of owner of the land, or that the owner has given consent to file the map.
7. Approval. When approval of a plat is required by an officer or body, whether municipal, county or state, approval shall be certified on the plat.
8. Certifications. The following certifications shall appear on the final plat:
 - a. "I hereby verify that this map and the survey have been made under my immediate supervision and comply with the provisions of the "Map Filing Law." (Include the following, if applicable).

I do further certify that the monuments as designated and shown herein have been set."

Licensed Land Surveyor (Affix Seal) Date

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

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

Township Clerk

Date

- b. "I hereby certify that all of the requirements of the Raritan Township health ordinances have been complied with."

Health Officer

- c. I have carefully examined this map and find it conforms with the provisions of the "Map Filing Law" and the municipal ordinances and requirements applicable thereto.

Municipal Engineer (Affix Seal)

- d. This application No. _____ is approved by the Raritan Township Planning Board as a major subdivision.

Chairman

Secretary

9. The final plat shall contain a four by five (4 × 5) inch blank box, outlined, which shall be reserved for the County Planning Board review stamp.
10. Each final plat submission shall include a map clearly and legibly drawn at a scale of one (1) inch equals four hundred (1"=400') feet showing proposed street rights-of-way, tract boundary lines, easements, land to be reserved or dedicated to public use, and all lot lines for the area covered by the final plat. Such map at a scale of one (1) inch equals four hundred (1"=400') feet need not be filed with the Hunterdon County Recording Officer.

(Ord. 03-7 § 16.18.090)

Section 3. Section 16.64.020 "Permitted Modifications--- Cluster Residential Development" is hereby amended as follows:

Any major residential subdivision in zone districts R-1A, R-2, R-3, R-4, R-5 and R-6 meeting the requirements of this section may apply to the Planning Board for approval as a cluster subdivision under the provisions of this title and in accordance with the following requirements:

- A. Maximum Number of Lots. The maximum number of lots to be permitted shall be the fewer number of lots resulting from the following:
1. The maximum number of lots to be permitted shall be no greater than the number derived by preparation of a sketch plat of the subject property showing a development with conventional lot sizes. Such sketch plat shall be prepared at a scale of not less than one-inch equals one hundred feet. Such sketch plat and the resulting number of lots thereon shall be based upon and shall include: (1"=100').
 - a. Street layout with street right-of-way widths conforming to the master plan and the development ordinance;

- b. Steep slope analysis of topography shown on such sketch plat at intervals of at least ten (10) feet as required by Chapter 16.68;
 - c. Location of any one hundred (100) year floodplains;
 - d. Location of wetlands and wetland transition areas based upon a letter of interpretation from NJDEP;
 - e. Lot areas conforming to the zoning district requirements indicating lot area and lot width. A lot circle shall be inscribed in such lot the location and diameter of which shall conform to zoning ordinance requirements pertaining to the zoning district within which the property is located;
 - f. In addition, such sketch plat shall show all other information required by the checklist for sketch plats and Section 16.18.090 including where public sewers are not proposed the requirement of Section 16.19.090 B.9., which requires at least one passing [percolation] permeability test and soil log for each five (5) acres of such property. The location of all unsatisfactory and abandoned [percolation] permeability tests shall be indicated;
 - g. Where public water supply is not available, a well test report as required by Section 16.18.140 shall be submitted;
 - h. If public water supply is proposed, a letter from the water supplier shall be submitted stating that safe and adequate service to the anticipated number of units can be supplied;
 - i. If public sewers are to be provided, a written communication from RTMU shall be submitted stating that sewage treatment capacity for the number of units shown on the sketch plat has been reserved;
 - j. If public water supply and/or public sewers are proposed the route of extension of such to the property and the location of any required pumping station shall be indicated.
2. Preparation of a sketch plat of the subject property showing a development with conventional lot size without both utilities (public sewer and public water). Such sketch plat and the resulting number of lots thereon shall be based upon and shall include:
- a. A steep slope analysis;
 - b. Location of any one hundred (100) year floodplains;
 - c. Location of any wetlands as defined by the U.S. Fish and Wildlife Service;
 - d. Provisions of Section 16.64.090.

Such conventional lot sizes without both utilities (public sewer and public water) shall meet all minimum lot area and minimum lot width requirements for the district in which located.

Section 4. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 5. A copy of this Ordinance shall be forwarded, after introduction, to the Raritan Township Planning Board for a Master Plan consistency review in accordance with N.J.S.A. 40:55D-64.

Section 6. The Ordinance shall take effect upon its adoption, passage and publication according to law.

Note to Codifier: language in brackets [] is to be deleted from the original text. Underlined language is new language to the original text.

DATE ADOPTED: March 20, 2018

ATTEST:



Lisa Fania, RMC
Township Clerk

**TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF RARITAN**



Michael Mangin
Mayor