

ORDINANCE NO. 13-14
INTRODUCTION DATE: 6-19-13
ADOPTION DATE: 07-17-13

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXXV
"LAND USE AND DEVELOPMENT REGULATIONS" OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF MILLSTONE
COUNTY OF MONMOUTH, STATE OF NEW JERSEY, REGARDING
SECTION 9-1A, "SITE PLAN REQUIRED", WITHIN ARTICLE 9,
"DEVELOPMENT APPLICATION REQUIREMENTS"**

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF MILLSTONE** in the County of Monmouth and the State of New Jersey, that Chapter XXXV, the "Land Use And Development Regulations" ordinance, Section 9-1A, "Site Plan Required", within Article 9, "Development Application Requirements", is hereby amended and supplemented as follows:

SECTION 1. Change existing Section 9-1A, "Site Plan Required", to read in its entirety as follows:

"9-1A SITE PLAN REQUIRED.

a. Site plan review and approval shall be required in accordance with the provisions of this article and all applicable requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.) prior to the issuance of either a zoning or building permit for the following activities unless specifically exempted from the site plan review and approval requirement pursuant to Subsection 9-1A b. hereinbelow:

1. Any new building, use and/or structure;
2. Any reduction or enlargement in the size or any other alteration of an existing building or structure;
3. Any change of use in any principal building or structure;
4. Any change of use upon any land area; and
5. Soil removal from a site and soil import to a site of more than 400 cubic yards in accordance with the provisions of Chapter XXIII, "Soil Removal", of the Revised General Ordinances of the Township of Millstone.

b. Activities specifically exempted from the site plan review and approval requirement include and are limited to the following:

1. The construction or expansion of any permitted single-family dwelling, including permitted accessory buildings, structures and uses;
2. The construction or expansion of accessory buildings and structures used for agricultural activities only, and not for human habitation, on farmland assessed properties;
3. Permitted fences in accordance with Subsection 4-9.12 of Article 4, "Regulations Applicable To All Zoning Districts", of the Revised General Ordinances of the Township of Millstone;
4. Permitted signs in accordance with Article 15, "Signs", of the Revised General Ordinances of the Township of Millstone; and
5. The change of use and/or expansion of an existing principal building and/or accessory building or structure, subject to the review and approval of the Township Zoning Officer and Township Engineer, in consultation with the Township Land Use Planner if needed, and provided that all of the following requirements are met:
 - (a) That the existing development previously received site plan approval and that the existing and proposed development do not violate any conditions of the prior approval;
 - (b) That the proposed use(s) of the subject buildings and/or structures are permitted uses in the subject zoning district;
 - (c) That the need for conditional use approval is not created by the proposed development;
 - (d) That no new variances and/or waivers from the requirements of the subject zoning district are created by the proposed development;
 - (e) That the proposed expansion of the buildings and/or structures does not exceed an aggregate of five hundred (500) square feet or ten percent (10%) of the existing square footage of the gross floor area of all buildings and structures on the subject property, whichever is less;
 - (f) That the proposed expansion of the buildings and/or structures does not result in the lot coverage on the property increasing by more than one thousand (1,000) square feet, including any additional parking spaces, sidewalks, etc.;
 - (g) That the proposed development does not include or require modification to the fundamental existing site design layout of the existing development, including vehicular access from a public street, traffic flows landscaping and groundwater management facilities;
 - (h) That the proposed development does not involve the handling or

storage of toxic materials;

(i) That the proposed development does not encroach upon freshwater wetlands, wetlands transition areas, flood prone areas and/or steep slopes greater than fifteen percent (15%) as delineated on the previously approved site plan; and

(j) That an escrow account of two thousand dollars (\$2,000) is established by the applicant with Millstone Township to pay for the time expended by the Township Engineer and the Township Land Use Planner, and that an application fee of two hundred fifty dollars (\$250) also is provided."

SECTION 2. All Ordinances and parts of Ordinances inconsistent herewith are repealed.

SECTION 3. If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

SECTION 4. This Ordinance shall take effect upon adoption and publication according to law and filing with the Monmouth County Planning Board.

EXPLANATORY STATEMENT: This ordinance amendment changes the application requirements for site plans.