

## ARTICLE I - TITLE

This Ordinance may be known as the “Hopewell Development Ordinance.”

## ARTICLE II - PURPOSE

This Ordinance is enacted to establish a pattern for land use and building based on the future land use element of the Master Plan, to provide a consistent process for subdivision and site plan review and to implement the Master Plan, and to promote the health, safety, morals, and general welfare of the Township’s inhabitants. The Ordinance is intended to regulate the use of land within zoning districts; secure safety from fire, flood, panic, and other natural and man-made disasters; provide adequate light, air, and open space; limit and restrict buildings and structures to specified districts and regulate buildings and structures according to their type and the nature and extent of their use, and regulate the nature and extent of the use of land for trade, industry, residence, open space or other purposes; regulate the bulk, height, number of stories; avoid a conflict with the development and general welfare of neighboring municipalities, and County and the State; establish appropriate population densities and concentrations, contribute to the well-being of persons, neighborhoods, communities and regions and the preservation of the environment; provide sufficient space for agricultural, residential, recreational, commercial and industrial uses and open space: encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging the location of such facilities and routes which result in congestion or blight; promote a desirable visual environment; and promote the conservation of open space and agricultural land and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land.

## ARTICLE III - DEFINITIONS

For the purpose of this Ordinance, the word “person” includes a firm, association, organization, partnership, L.L.C., trust, company, or corporation as well as an individual. The present tense includes the future, the singular number includes the plural, and the plural includes the singular. The word “shall” is mandatory; the word “may” is permissive. The words “used” or “occupies” include the words intended, designed, or arranged to be used or occupied. Words not herein defined shall have the meaning given in Webster’s Unabridged Dictionary.

**Accessory Use.** A subordinate use or structure, the purpose of which is incidental to that of the main use or structure on the same lot herewith.

**Administrative Officer.** The Secretary to the Township Planning Board except in matters involving the governing body, in which cases the Township Clerk shall be the Administrative Officer.

**Agriculture** - Any activity which is normally conducted on a farm.

**Applicant.** A developer submitting an application for development.

**Application for Development.** The application form and all accompanying documents required

for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction in the issuance of a permit pursuant to the Municipal Land Use Law.

**Approving Authority.** The Hopewell Township Planning Board (combined Land Use Board) unless a different agency is designated in the text of this Ordinance when acting pursuant to the Municipal Land Use Law.

**Automobile Car Wash.** Any establishment for the washing of automobiles or other motor vehicles, using a chain or other conveyor to move the vehicle and/or using various automatic devices for the application of soap, water, steam, air or other materials required in the cleaning process, whether automatically applied or self-service.

**Automobile Dealership.** Any location where two (2) or more cars are simultaneously displayed and offered for sale or lease either in a building or as part of an outdoor display; or where two (2) or more vehicles are offered for sale in the course of any single calendar year.

**Average Finished Grade.** The mean height or level of completed lawn, walk, or driveway surfaces, as shown on official plans or designs relating thereto, adjoining the front facade of the building.

**Banquet Facility.** Any establishment, however designated, regularly and principally used for the purpose of providing meals for banquets and catered events, having an adequate kitchen and facilities for the preparing, cooking, and serving of food for its patrons. Banquet facilities are permitted only in the Highway Commercial Business (HCB) and Highway Commercial (HC) Zones.

**Basement.** A story of a building that is partly underground which has more than one-half of its interior height, measured from the floor to finished ceiling, below the average finished grade of the adjoining building.

**Block.** A block is the length on one side of a street between two street intersections.

**Buffer Zone.** A required open space area to be landscaped or naturally planted along district boundary lines or lot lines, in connection with industrial or commercial uses.

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

**Building Line.** A line parallel to the street at a distance therefrom equal to the depth of the front yard required for the district under consideration. No part of a building may extend closer to the street than the building line. Roofed porticos, whether open or enclosed, shall be considered as part of a building when measuring distance from the street line and lot lines.

**Certificate of Occupancy.** A certificate of occupancy shall be deemed to authorize, and is required for each occupancy and use of the building or land to which it applies, and shall continue in effect only so long as such building and the use thereof or the use of such land is in

full conformity with the requirements of this Ordinance, and any requirement made pursuant thereto. The maintenance of a valid certificate of occupancy shall be the responsibility of the property owner.

**Channel.** The bed and banks of a stream which convey the normal flow of the stream.

**Circulation.** The systems, structures, and physical improvements for the movement of people, water, air, sewage, or power by such means as paths, streets, highways, railways, waterways, towers, airways, pipes, and conduits, and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or transshipment points.

**Club.** Any organization catering exclusively to members and their guests, or any organization for religious, vocational, civic, recreational, or athletic purposes which is not conducted for financial gain.

**Common Open Space.** An open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

**Conditional Use.** A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in the development ordinance, and upon the issuance of an authorization therefore by the approving authority.

**Construction Official.** The Hopewell Township official empowered by this Ordinance to oversee the development of property.

**Contiguous Land.** Land and parcels that abut each other, or are separated only by two streets, ways, pipelines, electrical power lines, or other rights-of-way owned or controlled by others.

**Conventional Development.** Any development other than planned development.

**Coverage.** That percentage of the plot or lot area covered by all structures, parking lots, and impervious surfaces other than retaining walls, hedges, and fences.

**Cul-de-sac.** A minor land service street, closed at one end and having adequate vehicle turning area at the closed end.

**DBH.** Diameter at Breast Height – Location on tree where trunk diameter is measured. Typically 4.5 feet above ground level.

**Days.** Calendar days.

**Density, Gross.** The number of dwelling units per acre for a given area that includes streets or

other common or public open spaces. In the case of mixed use developments, space devoted to non-residential uses is also included.

**Density, Net.** The number of dwelling units per acre for a given area that excludes streets and other common or public open spaces within the lot. In the case of mixed use developments, space devoted to non-residential uses is also excluded.

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

**Development.** The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; any mining, excavation or landfill; any use or change in the use of any building or other structure, or land; or extension of use of land for which permission may be required pursuant to the Municipal Land Use Law.

**Development Regulation.** A zoning ordinance, subdivision ordinance, site plan review ordinance, official map ordinance or other Municipal regulation of the use and development of land, or amendment thereto adopted and filed pursuant to the Municipal Land Use Law.

**Development Permit.** Any permit or certificate of occupancy required to be issued for any development regulated by the Hopewell Township Development Ordinance.

**Drainage.** The removal of surface water or ground water from land by drains, grading or other means, including control of runoff to minimize erosion and sedimentation during and after construction or development to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint source pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

**Drainage Right-of-Way.** The lands required for the installation of storm water sewers and/or drainage ditches or the land area required along a natural stream, swale or other watercourse for preserving the channel or drainageway and providing for the flow or passage of water therein to safeguard the public from flood damage in accordance with the provisions of the Hopewell Development Ordinance or applicable State Laws.

**Dormitory.** A structure containing sleeping rooms of not less than eighty (80) square feet each; and containing complete sanitary facilities although not necessarily within individual rooms; and without cooking facilities in individual rooms; and occupied only by students and assigned supervisory staff of an educational institution.

**Dwelling, Single-Family.** A detached building designed for, or occupied by one family only.

**Dwelling, Two-Family.** A detached building designed for, or occupied by two families only.

The phrase two-family dwelling shall include duplexes and other buildings where no more than two dwelling units are joined by a common wall or floor/ceiling.

**Dwelling Unit.** A group of interrelated rooms:

- 1) intended or designed for the use of one family;
- 2) separated from other space by lockable doors;
- 3) having access to the outdoors without crossing any portion of another family's dwelling quarters; and
- 4) having living and sleeping facilities and cooking facilities fixed or portable, and complete sanitary facilities.

**Earth Extraction.** The removal of sand, topsoil, gravel, fill dirt or mineral or clay products for sale or reuse at another site exclusive of agricultural operations or the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

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

**Essential Service.** Structures and physical improvements, whether publicly or privately owned, necessary to permit the orderly development of an area, including such facilities as streets; water, sewage, gas, telephone and electric lines; supporting structures such as manholes, catch basins; underground pumping station, and underground transformer stations; but not including generating or storage plants; processing stations, maintenance yards, administration headquarters facilities or above-ground utility poles within major subdivisions.

**Family.** An individual or group of two or more persons related by blood, marriage, or adoption, or containing foster children placed in accordance with N.J.S.A. 40:55D-66, together with not more than three (3) additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit.

**Farm.** Any parcel of land containing at least five (5) acres used for general purpose agriculture, which includes the raising of agricultural or horticultural products, livestock, poultry and their resultant products. Farms may include small, retail outlets, business offices, aquaculture facilities, hydroponic and other new technological innovations including value added agriculture that advance the science of agriculture and the production of agricultural commodities. Farms shall not include intensive feed lots for raising of poultry, cattle, or other livestock.

**Fence or Wall.** A structure which permanently or temporarily prohibits unrestricted travel between properties or portions of properties or between the street or public right-of-way and a property.

**Final Approval.** The official action of the approving authority taken on preliminary approved major subdivisions or site plans after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion or approval conditioned upon the posting of such

guarantees.

**Floor Area Gross.** The sum of the total horizontal area of the several floors of a building excluding basement space, unless designed to be used for customary visits by commercial clientele, but including the area of permanent roofed porches and terraces. All dimensions shall be measured from the outside face of exterior walls or from the center line of parting or common walls.

**Floor Area, Habitable.** Area fully enclosed by the inside surfaces of walls, windows, doors and partitions and having a headroom of at least six feet six inches (6'6") including living, eating, cooking, sleeping, storage, circulation; service, utility and other related household spaces but excluding garages, carports, porches, unheated sheds and basements. Attics or portions thereof may be considered habitable floor area provided they are fully finished and meet the proper height requirements.

**Garage - Private.** An accessory building incidental to a dwelling unit, as defined herein, which accessory building is intended for the off-street storage of motor vehicles belonging to the inhabitants of said dwelling unit, but in which garage no business service or occupation is conducted or rendered for profit. The rental or storage space for more than two cars not owned by persons residing on the premises is considered a business for profit.

**Garage - Repair.** A building used for the off-street storage of motor vehicles, the provision of incidental gasoline service, the sale of accessories and the repair of motor vehicles excluding body work.

**Garden Apartment.** One type of multi-family structure generally designed as part of a group of three story buildings, with each rented dwelling unit having its own patio or balcony.

**Governing Body.** The Hopewell Township Committee.

**Gasoline Service Station.** An area of land, including any structures thereon, used primarily for the retail sale and direct delivery to motor vehicles of motor fuel and lubricants, as well as such incidental services as the lubrication and washing of motor vehicles and the sale, installation and minor repair of automobile accessories, such as tires and batteries.

**Glare.** Illumination whereby a source of light, producing a reading of fifty (50) or more on a Standard Weston Photographic light meter or equivalent at a distance of three (3) feet is visible from the public right-of-way, or a reading of 0.8 or more is found when such meter or equivalent is held anywhere on a residential property line.

**Height of Building.** The vertical distance from the established Average Finished Grade to the highest point on the building.

**Historic Site.** Any building, structure, area, or property that is significant in the history, architecture, archeology, or culture of this State, its communities, or the Nation and has been so designated pursuant to the Municipal Land Use Law.

**Home Occupation.** A home occupation is a commercial enterprise that is conducted in a residential dwelling or in an accessory structure that is located on the same lot as an existing residential dwelling. A home occupation may include the operation of a professional office. In order to qualify as a “home occupation”, the commercial enterprise must satisfy the criteria as set forth in Section VI.

**Hopewell Development Ordinance.** This shall refer to this document including any amendments thereto.

**Hotel.** A structure providing overnight accommodations for a fee primarily for the travelling public, restaurant facilities, and a comprehensive array of specialty visitor and guest services, (e.g. retail boutiques, beauty and salon services, banquet and reception facilities, etc.)

**House, Apartment.** Same as Structure, Multi-Family.

**House, Boarding.** A rooming house in which the renting individuals are also served with meals prepared in one kitchen by the owner or operator of the house in return for a valuable consideration.

**House, Rooming.** A single family house, wherein furnished rooms without cooking facilities are rented for a valuable consideration to one or more individuals unrelated by blood or marriage to the owner or operator of the house.

**House, Row or Town.** Same as Structure, Multi-Family.

**House Trailer.** Same as Mobile Home.

**Institution of Higher Learning.** An educational institution of higher learning chartered by the State of New Jersey or a private educational institution of higher learning approved and subject to regulations prescribed by the State of New Jersey and giving instruction or affording facilities for study in academic or technical subjects only at or above the college level.

**Interested Party.** In any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire, or enjoy property is or may be affected by any action taken under this act, or whose rights to use, acquire, or enjoy property under this act, or under any other law of this State of the United States is alleged to have been denied, violated or infringed by an action or a failure to act under the Municipal Land Use Law.

**Junk Yard.** The use of more than 5,000 square feet in the case of an agricultural parcel or more than 200 square feet of the area of any other lot, whether inside or outside a building, or the use of any portion of that half of any lot that joins a public thoroughfare, for the storage, keeping, processing or abandonment of waste paper, rags, scrap metal or other discarded materials, or the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts thereof. The phrase junk yard shall also include the presence on a property of one (1) or more abandoned or unlicensed or unregistered vehicles or portions of vehicles, except on agricultural

parcels, unless such vehicle is wholly enclosed within a building.

**Kennel.** Any building or land parcel used for the keeping of dogs and other small household pets. The keeping of more than five (5) such animals on any one property constitutes a kennel.

**Land.** The word "land" shall include improvements and fixtures on, above, or below the surface.

**Light Industry.** The manufacture and or assembly of machinery, equipment, and other products that do not involve the conversion of raw materials into finished goods and that do not require industrial furnaces, generating stations, industrial waste treatment facilities, or any other large scale ancillary activity.

**Loading Space.** Any off-street space not less than 12 feet in width, 70 feet in length and 14 feet in height available for the loading and unloading of goods, having direct access to a street or alley and so arranged that no vehicle is required to back into a street.

**Lot.** A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

**Lot Area.** The surface of a land parcel determined by its boundary lines and expressed in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

**Lot Corner.** A lot fronting on two streets at their intersection.

**Lot, Depth.** The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

**Lot, Frontage.** The horizontal distance measured along the full length of the front lot line. In the case of a corner lot, the shorter of the two street lines shall be considered as the frontage.

**Lot Width.** The distance between the side lot lines measured at right angles to the depth of the lot, along the front setback line.

**Lot Line, Front.** The right-of-way line of a street which a lot or parcel abuts.

**Lot Line, Rear.** A lot line other than a street line which is the farthest lot line from the street. In the case of a lot abutting two streets, required front yard setbacks from both streets shall be observed.

**Lot Line, Side.** A continuous line which runs back from an intersection with the front lot line and which forms the boundary line between the lot and the adjacent parcel of land.

**Maintenance Guarantee.** Any security which may be accepted by the Township of Hopewell for the Maintenance of any improvements required under the authority of the Hopewell

Development Ordinance.

**Major Subdivision.** Any subdivision not classified as a minor subdivision.

**Marginal Access Street.** Minor streets which are parallel to, and adjacent to, arterial streets and highways, and which provides access to abutting properties and regulated vehicular access to the arterial street or highway.

**Master Plan.** A composite of one or more written or graphic proposals for the development of a municipality as set forth and adopted pursuant to the Municipal Land Use Law.

**Farm Labor Housing.** Any farm building, other than a principal dwelling, used or intended for use to house farm labor.

**Minor Subdivision.** A subdivision or re-division of land that does not involve (1) the creation of more than three lots including the remaining portion of the original parcel and not involving any new street, or extension of any off-tract improvement.

**Mobile Home.** Any vehicle or similar conveyance so designed or constructed as to permit its transportation as a fully built unit and as to permit occupancy for dwelling purposes on a permanent basis.

**Mobile Home Park.** A land parcel upon which two or more mobile homes for dwelling purposes are located on a permanent basis, complete with landscaping, driveways, paved roads, individual public utilities. Mobile Home Parks shall not provide sites for travel trailers, camping vehicles, recreational vehicles, or other types of transient vehicles.

**Motel.** A structure, other than a hotel, providing overnight accommodations for a fee, primarily for the traveling public with parking located adjacent to the rooms, and a minimum of additional services.

**Motor Home.** A self-propelled recreational vehicle, often less than eight feet in width and 35' in length, which is used for sleeping and other human occupancy during the course of activities commonly known as "camping" or "caravanning."

**Municipal Agency.** The Hopewell Township Planning Board (combined Land Use Board) or Governing Body when acting pursuant to municipal development regulations.

**Natural Stream.** A naturally eroded channel with visible evidence of banks and bed as distinguished from a swale which shows no evidence of natural erosion, except occasional gullying, and from a ditch, which is an artificially excavated channel.

**Non-Conforming 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.

**Non-Conforming Structure.** A structure whose size, dimension, or location 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.

**Non-Conforming 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 reasons of such adoption, revision, or amendment.

**Nursing or Convalescent Home.** A small, private institution of 50 beds or less where the aged, ill, or injured may receive minor medical, surgical, or psychiatric treatment, nursing, food, lodging, care, etc., during illness or convalescence.

**Off-site.** Any area located outside the lot lines of the lot in question but within the property (of which the lot is a part), which is the subject of a development application, or a contiguous portion of a street or right-of-way.

**Off-tract.** Any area not located on the property which is the subject of a development application nor a contiguous portion of a street or right-of-way.

**On-site.** Any area located on a lot in question.

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

**Parking Lot.** An area which contains two or more off-street parking spaces.

**Parking Space, Off-Street.** An area not less than ten feet by twenty feet (10'x20'), exclusive of driveways appurtenant and giving access thereto, accessible from a street but not located on a street, and which is both suitable and intended for the parking of a passenger motor vehicle.

**Performance Guarantee.** Any security, which may be accepted by the municipality, including cash; provided that the Township shall not require more than ten percent (10%) of the total performance guarantee in cash.

**Piggery.** A place where pigs are commercially assembled for growth or fattening before slaughter. The raising of one pig per member of a household for home consumption only, in the agricultural zone, shall not constitute a piggery.

**Place of Worship.** Churches, Synagogues, and Sunday Schools of commonly recognized and chartered religious institutions and denominations.

**Planned Commercial Development.** An area of a minimum contiguous size as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses or both and any residential and other uses incidental to the predominant use as may be permitted by

ordinance.

**Planned Industrial Development.** An area of a minimum contiguous size as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate industrial uses and any other uses incidental to the predominant use as may be permitted by ordinance.

**Plat.** A map or maps of a subdivision or site plan.

**Poultry Farm.** A place where poultry is assembled for growth, fattening or egg production before sale or slaughter.

**Preliminary Approval.** The conferral of certain rights pursuant to the Municipal Land Use Law prior to final approval after specific elements of a development plan have been agreed upon by the approving authority 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.

**Public Areas.** (1) Public parks, playgrounds, trails, paths and other recreational areas; (2) other public open spaces; (3) scenic and historic sites; and (4) sites for schools and other public buildings and structures.

**Public Development Proposal.** A master plan, capital improvement program or other proposal for land development adopted by the appropriate public body, or any amendment thereto.

**Public Drainageway.** Land reserved or dedicated for the installation of storm water 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 the Township, Township agency, board of education, State or County agency, or other public body for recreational or conservational uses.

**Public Utility.** An organization supplying water, electricity, gas, sewerage, mass transportation, or other service to the public operated by a private corporation under governmental regulation or by a government agency directly.

**Quorum.** The majority of the full authorized membership of a municipal agency.

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

**Restaurant.** Any building or use which serves food to the general public and which provides

tables, chairs, and or counters for the consumption of food entirely within the walls of such buildings or use. Restaurant does not include "take-out" or drive-in establishments which permit the consumption of food within motor vehicles.

**Restaurant – full service.** Any establishment, however designated, regularly and principally used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking, and serving of food for its customers and in which alcoholic beverages are sold for consumption on the premises. A full service restaurant is distinguished from any other type of restaurant by the sale of alcoholic beverages. Full service restaurants are permitted only in the Highway Commercial Business (HCB) and Highway Commercial (HC) Zones, and must provide full menu service and seating for not less than 150 persons. A full service restaurant may also be utilized for banquets or catered events either in the main restaurant area, or in a separate space dedicated for that purpose.

**Resubdivision (Redivision.)** (1) The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law or (2) the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

**Right-of-Way Lines.** The boundary lines of land used or intended for use as streets and from which setback and other requirements shall begin. Where existing records are vague or show a lesser dimension, they shall be considered to be not less than fifty (50) feet apart, twenty-five (25) feet from the center line of streets.

**Roadside Stand.** An accessory farm building or structure with requisite off street parking and loading space designed for seasonal sale of principally agricultural and horticultural products grown locally, with at least 25 percent of its sales consisting of goods produced on the farm on which it is located. The intermittent sale of homegrown produce as an accessory use not involving a building or structure; not occupying more than 300 square feet; and not creating any undue traffic hazard shall not be deemed to constitute a roadside stand.

**Room.** A completely enclosed interior space containing no partitions higher than four feet.

**Schedule of Regulations.** The Zoning Schedule of District Regulations.

**School.** An institution designed and staffed to provide educational opportunity not including any such institution housing detainees.

**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.

**Senior Citizen Housing.** Housing encompassing multiple dwelling units that is deed restricted to senior citizens only, over the age of 55 in accordance with the Federal Fair Housing Act, and developed in conjunction with a State or Federal funding program intended to provide special housing facilities for senior citizens. Senior Citizen Housing can include assisted living

facilities, where residents are provided with routine, daily living assistance, but does not include medical assisted facilities such as nursing homes, hospice facilities, and other medically oriented geriatric operations.

**Setback, Building, Front.** The shortest distance between the building line and the front lot line.

**Setback, Building, Rear.** The shortest distance between the building line and the rear lot line.

**Setback, Building, Side.** The shortest distance between the building line and the side lot line.

**Setback, Building, Along District Boundary.** The shortest distance between the building line and the District Boundary Line.

**Setback, Parking, Front.** The shortest distance between the perimeter line of the parking area and the front lot line.

**Setback, Parking, Rear.** The shortest distance between the perimeter line of the parking area and the rear lot line.

**Setback, Parking, Side.** The shortest distance between the perimeter line of the parking area and the side lot line.

**Setback, Parking, Along District Boundary.** The shortest distance between the perimeter line of the parking area and the District Boundary Line.

**Sign.** Any device designed to inform or attract the attention of persons not in the premises on which the sign is located.

**Sign, Freestanding.** A permanent sign detached from any building.

**Sign, On-Site.** A sign relating in its subject matter to the premises on which it is located or to the products, accommodations, services, or activities offered on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

**Sign, Projecting.** A sign attached to a building or other structure and extending from the building wall or structure on a plane which is not parallel to the building wall.

**Sign, Wall.** A sign attached, to painted on, or erected against a wall or flat vertical surface of a structure with the exposed surface face of the sign on a plane parallel to the face of said vertical surface.

**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, flood plains, 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 review and approval.

**Site Plan, Minor.** A minor site plan as defined in the Land Use Law of New Jersey and not exceeding one-half (1/2) acre in size.

A site plan shall be deemed a minor site plan if it satisfies all of the following conditions:

- (1) a combined total of less than 2,000 square feet of gross floor area will be converted to a new use and / or will be newly constructed.
- (2) less than ten (10) additional off-street parking places will be required.
- (3) less than 6,000 square feet of impermeable or impervious surface coverage will be added to the land, including but not limited to coverage required by new parking spaces and new construction.
- (4) less than 7,000 square feet of surface area of land will be disturbed (using the definition of "disturbance" that appears in the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39, et seq.); and,
- (5) the site plan will not be for earth extraction, resource extraction or mining.

**Split-level House.** Single-family dwelling having floor levels so staggered that each is about one-half story above or below the adjacent one and having at least a portion of the dwelling consisting of two stories.

**Standards of Performance.** Standards (1) adopted by ordinance pursuant to subsection 65d of the Municipal Land Use Law regulating noise levels, glare, earth borne or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic matters, explosive and inflammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects, or conditions and such matters as may be reasonably required by the municipality or (2) required by applicable Federal or State laws or municipal ordinances.

**Story.** Any covered area with a clear headroom of six feet six inches (6'6") or more whether furnished or not, except a cellar. In the event a building has only one floor, each distance of eight (8) feet between the floor and ceiling shall be counted as a story.

**Street.** Any street, avenue, boulevard, road, parkway, viaduct, drive or way (1) which is an existing State, County or Township roadway, or (2) which is shown upon a plat heretofore approved pursuant to law, or (3) which is approved by official action as provided by this Ordinance, or (4) 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 Line.** The right-of-way line of a street, road, or other public way used or intended for use by vehicular traffic.

**Street, Public.** A street as defined in N.J.S.A. 40: 55D-35 and improved to the level required by

the subdivision standards of this Ordinance.

**Structure.** A combination of materials to form a construction for occupancy, use, or ornamentation whether installed on, above, or below the surface of a parcel of land.

**Structure, Multi-Family.** A structure containing more than one dwelling unit.

**Structure, Single-Family.** A structure containing one and only one dwelling unit.

**Subdivision.** The division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other division of land. The following shall not be considered a subdivision within the meaning of this Ordinance, if no new streets are created: divisions of land found by the Land Use Board to be for agricultural purposes, where all resulting parcels are five (5) acres or larger in size; divisions of property by testamentary or intestate provisions; divisions of property upon court order, including but not limited to judgments of foreclosure; and conveyances 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 municipal development regulations and are shown and designated as separate lots, tracts or parcels on the tax map of the municipality. The term "subdivision" shall also include the term re-subdivision.

**Swimming Pool, Private.** A non-commercial, privately owned pool, constituting an accessory use to a residential unit or units, and on the same lot therewith. A wading pool with a depth less than eighteen (18) inches and portable swimming devices located above ground level, with an area of less than one hundred twenty-five (125) square feet and a water depth less than three (3) feet, temporary in character and constructed of material other than concrete or masonry shall not be termed a swimming pool.

**Swimming Pool, Public.** A public or privately owned pool open to the public on an annual member basis, and having dressing rooms, off-street parking and other appropriate accessory facilities.

**Township.** Shall refer to the Township of Hopewell, Cumberland County, New Jersey.

**Trailer.** See Mobile Home.

**Trailer, Camp or Court.** See Mobile Home Park.

**Trailer, Travel.** Structures typically less than eight (8) feet in width and less than thirty (30) feet in length and not used for purpose of day-to-day habitation but designed to be moved from place to place, and which may be entirely enclosed or partially enclosed with canvas or other material and which are used for sleeping and other human occupancy during the course of activities commonly known as "camping" or "caravanning."

**Variance.** Permission to depart from the literal requirements of a zoning ordinance pursuant to the regulations of the Municipal Land Use Law of New Jersey.

**Watercourse.** Any land area or use either naturally formed or artificially designed for the storage, passage, retention or flow of water, including but not limited to the following: lake, pond, canal, ditch or swale.

**Yard.** An open space on the same lot with a principal building, unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this Ordinance.

**Yard, Front.** The yard extending across the entire width of the lot between the street right-of-way line and the nearest part of any building. In the case of lots having frontage on two or more streets, front yards shall be provided along each street frontage. Where more than 50 percent of the lots in a block front have been developed with an average front yard less than that required herein, the Building Inspector may waive the front yard requirement to the extent that required front yard shall at least equal the average of the front yards provided on said lots. In the case of corner lots, required front yard depth shall be provided along all street frontages. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the property corners at street intersections, shall be assumed to be the point at which the side and front line lines would have met without such rounding. Front and rear yard lines shall be parallel.

**Yard, Rear.** A yard extending across the rear of the lot between inner side yard lines. In the case of through lots, there will be no rear yards. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum depth required by District Regulations with its inner edge parallel to the side lot line.

**Yard, Side.** A yard extending along the side lot line from the front yard to the rear lot line. In the case of through lots, side yards shall extend between the required front yard lines. In the case of corner lots, there shall be only one side yard, adjacent to the interior lot line. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by District Regulations with its inner edge parallel to the side lot line.

**Zoning Permit.** A document signed by the Zoning Officer which is required as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alterations, conversion or installation of a structure or building and which acknowledges that such use, structure or building complies with the provisions of the Township zoning ordinances or variance there from duly authorized by the Planning Board (combined Land Use Board.)