

**PLEASE TAKE NOTICE** that the following Ordinance was introduced on first reading by the Township Committee of the Township of Kingwood, County of Hunterdon, State of New Jersey at a meeting held on the 3rd day of September, 2015. The Ordinance was then ordered to be published according to law. Notice is hereby given that the said Ordinance will be considered for final passage at a public hearing to be held on the 1st day of October, 2015 at a meeting beginning at 7:00 PM at the Municipal Building located at the corner of County Route 519 and Oak Grove Road, Kingwood Township, New Jersey, at which time all interested persons will be heard.

**ORDINANCE NO. 18 – 12 - 2015**

**AN ORDINANCE OF THE TOWNSHIP OF KINGWOOD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT THE LAND USE REGULATIONS OF THE TOWNSHIP OF KINGWOOD, SPECIFICALLY “ZONING, CHAPTER 132” OF THE GENERAL ORDINANCES PERTAINING TO SITE PLAN APPROVALS.**

**WHEREAS**, the Kingwood Township Committee is desirous of amending existing ordinance provisions pertaining to the requirement to obtain site plan approval to provide clarification as to when site plan approval is required and to include specific criteria for when site plan exemptions may be granted in order to balance the need to monitor development and the imposition of an undue burden on changes in use where no site improvements are anticipated, all so as to better serve the general goals and objectives of the Kingwood Township Master Plan;

**NOW, THEREFORE**, be it ordained by the Mayor and Township Committee of the Township of Kingwood as follows:

**SECTION I - CHAPTER 132 – ZONING**, of the Ordinances of Kingwood Township, **ARTICLE III District Regulations, §132-110. Preliminary Site Plan**, of the Ordinances of Kingwood Township, is hereby amended and supplemented, as follows:

A. Submission.

- i. A preliminary site plan and accompanying engineering and architectural documents shall be submitted for each of the following:
  1. all new nonresidential development proposals;
  2. all proposals for modifications to the footprint of structures used in an existing or proposed nonresidential use;
  3. all proposals for any modification or change to the exterior conditions, including, but not limited to changes in impervious coverage, grade, cut and/or fill, and lighting, at any property on

which a non-residential use is operated or proposed to be operated; and

4. Except as provided in Section 132-110 A.ii. below, any change in the non-residential use of a property (for example, a change in use from a fabricating business to a warehouse/storage business).
- ii. In the event that there is a change in use in a non-residential property, the developer may, in lieu of submitting a full site plan application, submit an application for site plan exemption on the appropriate form and accompanied by a copy of the most recent site plan on file and which received approval from the Planning Board or Board of Adjustment, a proposed floor plan for the new use, and the applicable application, and escrow fees. A site plan exemption shall be granted for a change in use only if the following criteria are satisfied:
1. The prior use had received site plan approval and no unapproved deviations from that site plan approval have occurred;
  2. The developer provides proof that all real estate taxes on the property are current;
  3. The developer provides a certification that there are no anticipated or planned improvements and/or changes to the existing building or property. For purposes of this requirement, changes that are strictly cosmetic in nature, interior changes that do not result in any change to the size or footprint of the existing building and changes to the signage for the use shall not be considered to be improvements or changes to the building.
  4. The change in use does not result in any increase in water consumption, septic demand or the number of required off-street parking spaces or off-street loading requirements; and
  5. The use is a use permitted by the portion of the zoning ordinance applicable to the zoning district in which the property is situated as evidenced by a zoning permit issued by the Township's zoning officer.

If the submission of the developer is found to be incomplete, the developer shall be notified thereof within 45 days of submission of the application and accompanying documents, or it shall be deemed to be properly submitted.

B.-I. No Change

**SECTION II - CHAPTER 132 – ZONING**, of the Ordinances of Kingwood Township, **ARTICLE III District Regulations, §132-112.1. Site Plan Exemption Checklist**, of the Ordinances of Kingwood Township, is hereby added, as follows:

The Site Plan Exemption Checklist is included at the end of this Chapter as Attachment 2.1.

**SECTION III – CHAPTER 132 – ZONING**, of the Ordinances of Kingwood Township, **ARTICLE III District Regulations, §132-145. Fees and escrows**, of the Ordinances of Kingwood Township, is hereby amended and supplemented, as follows:

A. Application Fees

(1) Each application for development approval shall be accompanied by payment of a nonrefundable application fee as follows:

(a)-(e) No Change

(f) Preliminary site plan and final site plan where public area or public interest improvements, such as but not limited to parking areas and curbing, but not including the costs for proposed buildings, are not expected to exceed \$50,000: \$500 each; and preliminary and final site plan where public area or public interest improvements, such as but not limited to parking areas and curbing, but not including the costs for proposed buildings, are expected to exceed \$50,000: \$1,000 each application. The application fee for site plan exemption applications is \$50.00 each.

(g)-(j) No Change

B. Escrow fees for professional review.

(1)-(4) No Change

(5) Initial review escrow deposits; minimum amounts required.

(a)-(c) No Change

(d) Preliminary site plan and final site plan, each: \$3,000, plus \$100 per acre for the lot which is the subject of the application, plus \$25 per 100 square feet of existing and anticipated building coverage. For site plan exemption applications \$750.00.

(e)-(f) No Change

(6)-(14) No Change

**SECTION IV** - All other provisions of Chapter 132 – Zoning, of the Ordinances of Kingwood Township not modified herein shall remain unchanged and in full force and effect.

**SECTION V** - If the provisions of any article, section, subsection, paragraph, subdivision, clause or application of the Ordinance shall be judged invalid by any Court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph, subdivision, clause or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

**SECTION VI** - This ordinance may be renumbered for codification purposes.

**SECTION VII**- This Ordinance shall take effect immediately upon final passage, publication according to law, and filing with the Hunterdon County Planning Board.