

Ordinance 2012-12

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 25-1, ET. SEQ.
ENTITLED “STORMWATER CONTROL” AND SECTION 26-9 ENTITLED
“SUBDIVISION, SITE PLAN, VARIANCE AND SIGN VARIANCE CHECKLISTS FOR
DEVELOPMENT APPLICATIONS FILED PURSUANT TO HIGHTSTOWN
DEVELOPMENT REGULATIONS”
OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF
HIGHTSTOWN, NEW JERSEY.”**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, that the following amendments are hereby adopted to provide improved Stormwater Control within Hightstown Borough:

SECTION 1: Purpose

Hightstown Borough seeks to improve its Municipal Stormwater Control Ordinance, which is required under the Municipal Land Use Law (N.J.S.A. 40:55D-93), and N.J.A.C. 7:8-1 et seq., to better achieve its Master Plan goals to protect the life, health, safety, and property of its residents and property owners. The Borough requires additional protections to achieve the objectives of its Stormwater Master Plan, which include: reducing flood damage, including damage to life and property; minimizing stormwater runoff from new land disturbance that will aggravate flood damage; reducing soil erosion from new development and redevelopment; assuring the safety and adequacy of culverts and bridges; inducing water recharge wherever possible; preventing nonpoint pollution wherever possible; maintaining the integrity of stream channels; and minimizing public safety hazards from stormwater detention facilities. These objectives continue to be of paramount importance to Hightstown residents and property owners because of the increased intensity and frequency of storm events, which continue to negatively affect the Borough and pose threats to life and property.

In addition, Hightstown’s Municipal Master Plan and 2005 Reexamination Report continue to promote viable commercial facilities, a mixed use downtown, economic development, and its vibrant Historic District. These goals will not be met if the Borough’s downtown area continues to flood, suffer from pollution, and have repeated damage to structures and interrupted business activity. Better management of stormwater will assist in the protection of all properties, and in the continued economic viability of the Borough.

SECTION 2: Amend Section 25-1, Scope and Purpose, as follows:

C. Applicability

1. The ordinance shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

a. Non-residential major developments; and

b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Hightstown.

3. This ordinance shall also apply to any Borough issued Zoning Permits which are not covered under items 1 and 2 above. The Zoning Officer shall provide a copy of all applications for Zoning permit issued in accordance with this section to the Borough's Environmental Commission for review and recommendation.

SECTION 3: Amend Section 25-2, **Definitions**, as follows:

"Major Development" means: .

A. Development without Planning Board Approval:

Any development that provides for the ultimate disturbance of 1,000 square feet or more of soil, or the construction or redevelopment of 250 square feet or more of impervious surface of any type for which only a Zoning Permit is required. Disturbance for the purpose of this rule is the placement or replacement/redevelopment of impervious surface; exposure and/or movement of soil or bedrock; or clearing, cutting, or removing of all vegetation. Existing residential single-family dwellings and other residential and non-residential development, which otherwise meet the definition of "major development" under this ordinance, because of the amount of disturbance, shall be subject to review by the Environmental Commission, a subcommittee or a designee thereof. The Environmental Commission, subcommittee or a designee thereof, shall make written recommendations as shall be appropriate regarding non-structural methods, such as rain gardens, pervious pavement, vegetative swales, etc., to improve stormwater management within the time periods required by law. The Environmental Commission may refer development or redevelopment under this section to the Borough Engineer for stormwater review as needed, in its discretion. Failure of the Environmental Commission to provide recommendations shall not prevent the Zoning Official from issuing permit(s) under the time period(s) required by law.

B. Development with Planning Board Approval

Any New development and/or redevelopment, which meets the definition of "major development" under state law, in N.J.A.C. 7:8-1.2 (Definitions), i.e. one-quarter acre of new impervious cover and/or one acre of disturbance, shall be required to comply with the non-structural point system and/or the construction of structural stormwater management measures, as specified in Section 25-4 of the Revised General Ordinances of the Borough of Hightstown.

SECTION 4: Amend 25-4 (C), **Stormwater Management Requirements for Major Development**, as follows:

- C. The following linear development projects are exempt from stormwater runoff quantity and quality requirements of Sections 4.F and 4.G:
1. The construction of an underground utility line, provided that the disturbed areas are revegetated upon completion;
 2. The construction of an above ground utility line provided that the existing conditions are maintained to the maximum extent ~~practicable~~ **possible**; and/or
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of fourteen (14) feet, provided that the access is made of permeable material, **or provided that an access made of impervious material occurs solely as a replacement for existing material and no permeable material is practical for this use;**

SECTION 5: Amend Section 26-9-1, **Checklist for Subdivisions**, to add a new section 26-9-14 (h), as follows:

14. Stormwater Management Submission, including the following in accordance with Section 25-9 of the Revised General Ordinances of the Borough of Hightstown:

.....

h. A Stormwater Management Plan incorporating as many non-structural stormwater management measures as can feasibly be accommodated on the site, including but not limited to rain gardens, pervious pavement, rain barrels, native vegetative swales, and the required non-structural stormwater management strategies incorporated at N.J.A.C. 7:8-5.9(a)1., and an explanation as to why additional non-structural measures could not be used, subject to the review and approval of the Borough Engineer, if so requested by the Planning Board.

SECTION 6: Amend Section 26-9-1(c), Requirements for Minor Subdivision, to add the following to 26-9-1(c) 18:

18. Provisions for collecting and discharging stormwater runoff. A composite grading and drainage plan of the entire development shall accompany each submission. This plan shall identify finished floor elevations, all high and low points, breaks in grade, and tentative elevation at the corners of the house locations on each lot. A Stormwater Management Plan incorporating as many non-structural stormwater management measures as can feasibly be accommodated on the site, including but not limited to rain gardens, pervious pavement, rain barrels, native vegetative swales, and the required non-structural stormwater management strategies incorporated at N.J.A.C. 7:8-5.9(a)1., and an explanation as to why additional non-structural measures could not be used, subject to the review and approval of the Borough Engineer, if so requested by the Planning Board.

SECTION 7: Add a new section 26-9-2(a)29(h), Checklist for Site Plans, as follows:

29. Stormwater Management Submission, including the following in accordance with Section 25-9 of the Revised General Ordinances of the Borough of Hightstown:

h. A Stormwater Management Plan incorporating as many non-structural stormwater management measures as can feasibly be accommodated on the site, including but not limited to rain gardens, pervious pavement, rain barrels, native vegetative swales, and the required non-structural stormwater management strategies incorporated at N.J.A.C. 7:8-5.9(a)1., and an explanation as to why additional non-structural measures could not be used, subject to the review and approval of the Borough Engineer, if so requested by the Planning Board.

SECTION 8: Add a new section 26-9-3(a) 11, Checklist for Variances, as follows:

11. A Stormwater Management Plan incorporating as many non-structural stormwater management measures as can feasibly be accommodated on the site, including but not limited to rain gardens, pervious pavement, rain barrels, native vegetative swales, and the required non-structural stormwater management strategies incorporated at N.J.A.C. 7:8-5.9(a)1., and an explanation as to why additional non-structural measures could not be used, subject to the review and approval of the Borough Engineer, if so requested by the Planning Board.

SECTION 9 : Severability

The provisions of this Ordinance are severable, and the invalidity of any section, subdivision, paragraph or other wording in this Ordinance shall not affect the validity or effectiveness of the remainder of this Ordinance.

SECTION 10 : Effective Date

This Ordinance shall take effect upon compliance with procedures prescribed by law, including NJSA 40:55D-97 of the Municipal Land Use Law (Submission of plan and ordinances to County Planning Board for approval).

Introduced:

Adopted:

ATTEST:

Debra L. Sopronyi
Municipal Clerk

Steven Kirson
Mayor