

ORDINANCE NO. 2020- 12 _____

**AN ORDINANCE OF THE CITY OF VINELAND
AMENDING CHAPTER 425 ENTITLED “LAND USE” OF
THE CITY OF VINELAND BY AMENDING THE ZONING
MAP TO IMPLEMENT MASTER PLAN
RECOMMENDATIONS**

WHEREAS, the City Council of the City of Vineland, a municipal corporation in the County of Cumberland, State of New Jersey, finds that an amendment to the Land Use Ordinance of the City of Vineland to revise the Zoning Map is appropriate and will guide the development of land in the municipality in a manner which will promote the public health, safety, morals, and general welfare pursuant to the purposes of *N.J.S.A. 40:55D-2*.

WHEREAS, the Planning Board of the City of Vineland has adopted a Master Plan that comprehensively provides for the appropriate use, regulation and development of lands in the municipality under *N.J.S.A. 40:55D-28*; and

WHEREAS, the Municipal Land Use Law at *N.J.S.A. 40:55D-62a* requires substantial consistency of the provisions regulating zoning and land use with the adopted Master Plan; and

WHEREAS, periodically, the Planning Board has reviewed the Master Plan of the City of Vineland and has made findings and recommendations for the revision of this document and its implementing ordinances; and

WHEREAS, the Planning Board completed such periodic reexamination report of the Master Plan on December 12, 2018 wherein various amendments and district boundary changes to the Zoning Map were recommended.

WHEREAS, the City Council formally refers this Ordinance to the Planning Board for examination, discussion, and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to Municipal Land Use Law at N.J.S.A. 40:55D-15 and in accordance with N.J.S.A.40:55D-62.1.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Vineland, County of Cumberland, and State of New Jersey, as follows:

Section 1. §425-271.C, Zoning Map, is hereby modified to apply the following zoning districts, represented by their symbols, to the following block and lots as indicated on the tax assessment maps of the City of Vineland to implement recommendations following a periodic reexamination of the Master Plan:

Block	Lot(s)	Current Zone(s)	Proposed Zone
117	1-2	A5	I-B
118	1-9	A5	I-B
119	1-8	A5	I-B
120	1-6	A5	I-B
121	1-6	A5	I-B
122	1-5	A5	I-B
123	1-3	A5	I-B
124	1-2	A5	I-B
125	1	A5	I-B
126	1-4	A5	I-B
127	1-5	A5	I-B
128	1-2	A5	I-B
129	1	A5	I-B
130	2-4	A5	I-B
131	3, 5-7	A5	I-B
132	Pt. 9*, 10-24	A5	I-B
303	4, 8	A5	I-B
303	22-40	I-1/B-3	I-B
306	3-5, 10	B-3	I-B
307	1-5, 8-15	B-3	I-B
314	12-17	I-1/B-3	I-B
401	85-96	B-3/R-6	I-B
603	5-7	I-B/B-3	I-B
604	9-13, 15-20	B-3	I-B
701	78-87	B-3/R-6	I-B
801	33-46	B-3/R-4	I-B
803	10-12, 15-17	R-4	I-2
1501	52-71	R-3	I-B
1604	2	R-3/I-2	R-3
1604	4-8, 47	R-3/I-2	I-2
2228	29, 31, 35, 36, 48, 49	I-2	R-1
3304	33	A-5	B-4
3402	25	I-4	R-3
4501	32, 33	A-5	MF
5804	56-58	R-5	R-3
6102	18, 19.01 & 19.02	I-3	I-B
6103	19, 29-32, 39, 40	R-5	I-3
7004	2-3, 9-18, 20, 25, 37, 38	B-4	I-B
7109	11, 13-14	R-5	I-B
7110	34-40	B-4	I-B
7501	1-23	B-4	I-B

* - Part of Lot 9 within 500 feet of Rt. 55.

Section 2. Repealer. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 3. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provision which imposes the greater restriction or limitation shall control.

Section 4. Severability. If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance. The City Council of the City of Vineland declares that it would have passed the Ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 5. Effective Date. This Ordinance shall take effect immediately upon passage, transmittal to the Cumberland County Planning Board, and publication according to law.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk

**AN ORDINANCE OF THE CITY OF VINELAND
AMENDING CHAPTER 425 ENTITLED “LAND USE” OF
THE CITY OF VINELAND TO CREATE THE
RESIDENTIAL TOWNHOUSE (RT) OVERLAY
DISTRICT**

WHEREAS, the City Council of the City of Vineland, a municipal corporation in the County of Cumberland, State of New Jersey, finds that an amendment to the Land Use Ordinance of the City of Vineland to revise the Land Use Ordinance is appropriate and will guide the development of land in the municipality in a manner which will promote the public health, safety, morals, and general welfare pursuant to the purposes of *N.J.S.A.* 40:55D-2.

WHEREAS, the Planning Board of the City of Vineland has adopted a Master Plan that comprehensively provides for the appropriate use, regulation and development of lands in the municipality under *N.J.S.A.* 40:55D-28; and

WHEREAS, the Municipal Land Use Law at *N.J.S.A.* 40:55D-62a requires substantial consistency of the provisions regulating zoning and land use with the adopted Master Plan; and

WHEREAS, periodically, the Planning Board has reviewed the Master Plan of the City of Vineland and has made findings and recommendations for the revision of this document and its implementing ordinances; and

WHEREAS, the Planning Board completed such periodic reexamination report of the Master Plan on December 12, 2018 wherein various amendments and district boundary changes to the Land Use Ordinance were recommended.

WHEREAS, the City Council formally refers this Ordinance to the Planning Board for examination, discussion, and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to Municipal Land Use Law at N.J.S.A. 40:55D-15 and in accordance with N.J.S.A. 40:55D-62.1.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Vineland, County of Cumberland, and State of New Jersey, as follows:

Section 1. The Residential Townhouse Overlay District shall be added to the Land Use Ordinance following §425-303, Regional Mall Overlay District and numbered according to appropriate sequence:

Residential Townhouse Overlay District

- A. Intent. The Residential Townhouse (RT) Overlay district is intended to provide for townhouse development on larger parcels in the vicinity of Vineland’s educational and medical centers to expand the types of housing allowed than is otherwise permitted in the base zoning district.
- B. Principal Permitted Uses. In the RT district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:
 - 1. Townhouse dwellings.
 - 2. Municipal purpose.
 - 3. Open space.

- C. Accessory Uses and Structures Permitted. Any of the following accessory uses and structures shall be permitted when used in conjunction with a principal or conditional permitted use:
1. Active common recreational facilities for the use and enjoyment of residents and their guests, including but not limited to, tennis, community swimming pool, court and field sports, fitness center, fitness trail and bikeway.
 2. Sales center for on-tract real estate transactions only, until the final dwelling is initially sold.
 3. Decks on fee simple townhouses or as approved as part of a site plan for other tenure.
 4. Off-street surface parking.
 5. Fences, walls and street furniture, provided that such fencing and walls are uniform in nature throughout the development and approved by the board with jurisdiction through the development review process.
 6. Signs as otherwise permitted in this Chapter.
 7. Accessory uses on the same lot and customarily incidental to the principal use.
- D. Eligibility Standards for Overlay Uses. An applicant may submit an application for development provided that the minimum tract area is five (5) acres and the maximum tract area is twenty (20) acres, and can be feasibly served with public water and sewer.
- E. Bulk Standards. The following area, yard, and coverage standards shall apply to uses within the RT district:
1. Maximum density. The maximum density of the RT district shall not exceed six (6) dwellings per gross acre.
 2. Perimeter setback. No principal or accessory building, individual residential lot, above ground stormwater management facility, or recreational structure (excluding those associated with recreational trails) shall be located within twenty-five (25) feet of the tract perimeter.
 3. Townhouse dwelling, fee simple lots. See Zoning Schedule, attached hereto.
 4. Townhouse dwellings, other tenure. Where individual fee simple lots are not proposed, the following distance requirements shall substitute for required yard areas:
 - a. Minimum distance from the front of any building to any other building – One hundred (100) feet.
 - b. Minimum distance from the side of any building to any other building – Thirty (30) feet.
 - c. Minimum distance from the rear of any building to any other building – Sixty (60) feet.
 - d. Minimum distance of community recreational structures to any dwelling – Eighty (80) feet.
 - e. Minimum distance of any dwelling to the tract perimeter – Sixty (60) feet.
 - f. Maximum building coverage of net tract area – Twenty-five percent (25%)

g. Maximum impervious coverage of net tract area – Fifty percent (50%).

5. Additional townhouse requirements.

a. Maximum building height – Thirty-five (35) feet.

b. Minimum unit width – Twenty (20) feet.

c. No more than eight (8) townhouse dwellings shall be permitted in any one structure.

d. Driveways to individual dwellings shall be ganged together to reduce curb cuts to allow for uniform on-street parking.

e. No patio, terrace, or other hardscaping shall occupy more than fifty percent (50%) of the yard area in which it is placed.

f. In no event shall a patio, terrace or deck extend more than ten (10) feet from the exterior wall of the dwelling with which it is associated.

g. Where parking lots for townhouse uses are proposed, no parking space shall be closer than twelve (12) feet to the exterior wall of the building. This provision shall not be construed as to affect private parking in residential driveways.

h. Where private driveways to individual dwellings are proposed, the driveway width shall not exceed ten (10) feet within twenty (20) feet of the right-of-way line, the outside edge of a street sidewalk or twenty-two (22) feet from the edge of cartway, depending on the existing or proposed condition. Each driveway shall be able to accommodate two stacked passenger vehicles without encroaching on the right-of-way, passage of pedestrians on a street sidewalk or within five (5) feet of a cartway.

i. The front façade of any garage, whether attached or detached, shall not extend towards a residential access street, whether public or private, any closer than the front façade of the dwelling, but may be recessed to accommodate the requirement in –E.5.e.

j. A minimum of two hundred (200) square feet of full height internally accessed storage shall be provided for each unit, excluding kitchen and bathroom cabinetry, and any required storage under –E.5.i.

k. Accessory structures shall not be located in a front yard or within five (5) feet of a side or rear property line. All accessory structures shall be constructed in accordance with the requirements of the Uniform Construction Code.

l. Each townhouse dwelling in a development without common exterior maintenance of the grounds shall be equipped with a closet with an external door for the storage of outdoor furniture, cooking equipment, lawn maintenance equipment and similar items with a minimum volume of 288 ft³.

m. The front façade of each townhouse shall be separate and distinct from an adjacent townhouse by means of variation in the front yard depth and changes in building materials.

F. Buffer and Landscape Requirements. In addition to the general requirements of §425-73, the following specific requirements pertain to the RT district:

1. Perimeter buffer requirements. Landscape buffers shall be required along the perimeter property lines of the tract. In the development of the site, existing vegetation shall be retained which is of high quality and appropriate density. Where existing vegetation is unsuitable, it shall be augmented or replaced by new plantings in accordance with a landscape plan submitted to and approved by the board with jurisdiction. The perimeter buffer shall be a minimum width of twenty-five (25) feet and suitable for its function of site enhancement, screening, and control of climatic effects. The perimeter buffer may be planted within any required perimeter setback but shall not be included in any fee simple lot.
2. Building within a perimeter buffer. Buffers shall be continuous except for public and private streets providing access to the site through the buffer. Accessory structures and buildings such as utilities, entrance gate facilities, recreational trails, signs approved as part of the signage plan, and traffic signal and street lighting systems shall be permitted within the buffer. No off-street parking facilities, dumpster enclosures, aboveground stormwater management facilities or other buildings and aboveground structures shall be constructed within the required perimeter buffer.
3. Required plant densities. The density of plantings and the requirements for structures shall vary with the width of the buffer in accordance with the following table:

Minimum Plant Density for Buffers

Buffer Width ⁽¹⁾	Minimum Number of Required Plant Types per 100 Lineal Feet		
	Large or Medium Trees	Small or Ornamental Trees	Evergreens and Conifers Shrubs
25 feet	5	8	15 30
40 feet	6	9	18 36
50 feet	8	12	24 48
75 feet	10	15	30 60

- ⁽¹⁾ -The number of plants required shall be interpolated from the proposed buffer width where the proposed width is different from the examples in the table.
4. Where application has been made and approved for a buffer less than the prescribed minimum width of twenty-five (25) feet, the buffer shall incorporate a fence or wall into the landscape design.
- G. Open Space Requirements. Lands not in fee simple lots and building separation yards or for stormwater management purposes shall be in open space. At least thirty percent (30%) of the land area shall be in designated open space, which may include the perimeter buffer land area. Common or public open space provided as a part of any development shall be landscaped in one of the following ways, depending upon the intent of the use for the open space:
1. Conservation use. Conservation areas are appropriate in areas adjacent to and inclusive of natural features to be preserved, including wooded areas, water bodies, streams wetlands, and steep slopes. The following conservation use design guidelines shall apply:
- a. Natural features shall be encompassed in open space areas rather than moved or eliminated in the development process to the degree feasible.
 - b. Cleared areas shall be revegetated to a naturalistic appearance where appropriate.
 - c. Revegetated areas may be seeded with a wildflower and/or meadow grass mix.

2. Passive and active recreational open space. The following landscape standards shall apply for recreational uses:
 - a. Grading and plantings of the recreation area shall remain consistent with the overall landscape design. The landscape design shall consist of massed deciduous and evergreen trees and berms to create spaces and views and ornamental trees and shrub masses for visual variety, interest and detail.
 - b. Plants shall be provided at the following minimum rates:
 - 1) Shade trees - 15 per acre
 - 2) Evergreen trees - 5 per acre
 - 3) Flowering shrubs - 3 per acre
 - 4) Other shrubs - 20 per acre
 - 5) Where open space includes required perimeter buffers, the buffer standards of subsection –F shall apply.
 - c. Adjacent dwelling units shall be buffered from active play areas.
 - d. In the area where a recreation facility fronts onto a public or private street, fencing may be required to provide controlled access. The adjacent street tree planting shall be continued along this area, and any reverse frontage buffer planting shall be integrated with open space plantings.

Section 2. Zoning Schedule, attached to and made part of Chapter 425, Land Use, of the Code of the City of Vineland, shall be modified to add the RT - Residential Zone, Uses and Bulk Standards, for individual lots, as follows:

Zone	Use	Minimum Lot Dimensions				
		Area-Net (sf.)		Frontage (feet)		Depth-Net (feet)
		Inside	Corner	Inside	Corner	
RT-Residential	Townhouse (fee simple, each lot)	2,250	4,000	20	35	115
	Municipal Use	40,000	40,000	200	200	200

[Zoning Schedule, cont.]

Minimum Yards		Maximum Bulk Standards					Parking Space Minimums
Front (feet)	Side (feet) Exterior Wall / Common Wall	Dwelling Units per Building	Building Height (Feet)		Lot Coverage (%)	Dwelling units/Lot Area-Net	
			Principal	Accessory			
30	20/0	25	38	15	75	N/A	See
50	35	50	28	20	50	N/A	Parking Standards

Section 3. §425-271, Enumeration of Zones and Overlay Areas; Zoning Map, shall be amended by adding the RT Residential Townhouse Overlay district to §425-271.B as –B(6), following Regional Mall. The Zoning Map shall be amended to apply the RT Residential Townhouse Overlay to the following blocks and lots:

<u>Block</u>	<u>Lots</u>
4705	18, 50, 56-59
5401	7-16
5501	8-28
5502	1-3, 4.01-4.36, 11, 25, 26, Lot 48 excluding that portion within 612.82 feet of S. Delsea Drive, 59-75
5503	1-17
5601	1-38, 56-58, western half of Lot 59, 124-148
6001	3-18 and including that portion of Lot 19 within 550 feet of Lot 18
6101	32, 35 and 36
6105	1-4, Lot 15 excluding that portion within 168 feet of Coronado Dr., 16-21, 43-48

Section 4. Applicability. The provisions of this ordinance shall be applicable throughout the City of Vineland, and the Chapter 425 entitled “Land Development” of the Code of the City of Vineland shall be deemed amended accordingly.

Section 5. Continuation. In all other respects, the Zoning Ordinance of the City of Vineland shall remain unchanged.

Section 6. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered

Section 7. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the City of Vineland, then the restriction which imposes the greater limitation shall be enforced.

Section 8. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 9. Enactment. This Ordinance shall take effect upon the filing thereof with the Cumberland County Planning Board after final passage, adoption, and publication by the City Council of the City of Vineland in the manner prescribed by law.

Passed first reading:

Passed final reading:

Approved by the Mayor:

President of Council

Mayor

ATTEST:

City Clerk

CITY OF VINELAND

ORDINANCE NO. 2020- 14

ORDINANCE AMENDING CHAPTER 425, SECTION 425-74
OF THE CODE OF THE CITY OF VINELAND ENTITLED
PARKING AND ACCESS

WHEREAS, the planning Board of the City of Vineland has undertaken a re-examination of the city's Master Plan and in conjunction therewith has undertaken a review of the City's Land Use Ordinance ; and

WHEREAS, the Planning Division has provided input to the Planning Board and Zoning Board of Adjustment regarding certain recommended changes to the Land Use Ordinance; and

WHEREAS, the Planning Board has adopted Resolution 6383, a resolution of findings and conclusions wherein the said Board has recommended certain changes to the Land Use Ordinance; and

WHEREAS, City Council adopts the findings and conclusions of the Planning Board as contained in Resolution 6383.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland be and is hereby amended that Chapter 425, Section 425-74 of the Code of the City of Vineland be and is hereby amended as follows:

Section 425-74A shall be amended by the addition of the attached definition of **VEHICLE CLASS** attached hereto and made a part hereof marked Schedule A.

Section 425-74 C (7) shall be deleted in its entirety and replaced as follows:

(7) Parking on residential lots in any zone shall be limited to vehicles categorized as Class 1, Class 2, (including light duty utility trailers a maximum of eight feet in length), Class 3, and Class 5 (dual wheel pick-up trucks only) on the Federal Highway Administration Vehicle Category Classification Chart, in addition to camping or recreational vehicles owned by the property owner. This provision shall not apply to a farm or to the vehicle of a private business providing usual, short-term service to a residential property (e.g. concrete truck or moving van making a delivery). Nothing in this provision should be construed as to allow any business use without approval, as required by this Chapter. All allowable vehicles must be parked on a properly improved and developed surface in a compliant location, as per the Code of the City of Vineland.

BE IT FURTHER ORDAINED that any portion of Chapter 425, Section 425-74 not hereby amended shall remain in full force and effect.

BE IT FURTHER ORDAINED that any Ordinance or portion thereof that is inconsistent herewith shall be void to the extent of such inconsistencies.

Passed first reading:

Passed final reading:

Approved by the Mayor:

President of Council

Mayor

ATTEST:

City Clerk

CITY OF VINELAND

ORDINANCE NO. 2020- 15

ORDINANCE AMENDING CHAPTER 425 OF THE CODE
OF THE CITY OF VINELAND ENTITLED LAND USE IN
ACCORDANCE WITH RESOLUTION 6383 OF THE
VINELAND PLANNING BOARD.

WHEREAS, the Planning Board of the City of Vineland has undertaken a re-examination of the city's Master Plan and in conjunction therewith has undertaken a review of the City's Land Use Ordinance, Chapter 425 of the Code of the City of Vineland; and

WHEREAS, after review of the Land Use Ordinance, the Planning Division has recommended certain revisions with input from the Planning Board and Zoning Board of Adjustment; and

WHEREAS, City Council adopts the findings and conclusions of the Planning Board and finds the recommended changes to the Land Use Ordinance to be in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that Chapter 425 of the Code of the City of Vineland be amended as follows:

1. Increase maximum sizes for garages, sheds and equipment storage buildings.

Amend §425-274 R-B-2 Residential-Business Zone standards to insert the following and renumber:

- C.(1) All accessory uses permitted in the R-B-I Zone.

Amend §425-277 R-3 Residential Zone standards to insert the following and renumber:

- C.(2) Private garage, 1,000 square feet maximum, for a single-family dwelling.
- C.(3) One storage shed, 300 square feet maximum, for a single-family dwelling.

Amend §425-278 R-4 Residential Zone standards to insert the following and renumber:

- C.(2) Private garage, 1,000 square feet maximum, for a single-family dwelling.
- C.(3) One storage shed, 300 square feet maximum, for a single-family dwelling.

Amend §425-279 R-5 Residential Zone standards to insert the following and renumber:

- C.(2) Private garage, 1,000 square feet maximum, for a single-family dwelling.
- C.(3) One storage shed, 300 square feet maximum, for a single-family dwelling.

Amend §425-280 R-6 Residential Zone standards to insert the following and renumber:

- C.(2) Private garage, 1,000 square feet maximum, for a single-family dwelling.
- C.(3) One storage shed, 300 square feet maximum, for a single-family dwelling.

Amend §425 281 A-5 Agricultural Zone standards as follows:

- C.(1) Private garage, 1,200 square feet maximum for a single-family dwelling.
- C.(3) One storage shed, 400 square feet maximum, for a single-family dwelling.
- C.(4) One equipment storage building, 1,500 square feet maximum, for a single-family dwelling, farm, public purpose use or other use.

2. Increase maximum impervious coverage for industrial uses in industrial zones.

Amend §425 Attachment 1 - Zoning Schedule, Sheet 1 to increase the maximum impervious coverage for industrial uses in the I-B, I-I, 1-2, 1-3 and 1-4 zones to 65%.

3. Increase maximum building height for industrial uses in industrial zones.

Amend §425 Attachment 1 Zoning Schedule, Sheet 1 to increase the maximum building height for industrial uses in the I-B, I-I, 1-2, 1-3 and 1-4 zones to 60 feet.

CITY OF VINELAND

4. Increase maximum driveway width for industrial uses.

Amend the Non-Residential Driveway (Two-Way) drawing in §425 Attachment 13 Driveways Standard Construction Details to allow a driveway width of 24 to 40 feet for industrial uses.

Amend the Non-Residential Driveway (Two-Way) drawing in §425 Attachment 13 Driveways Standard Construction Details to allow a driveway opening width of 34 to 130 feet for industrial uses.

5. Establish minimum distance between a driveway and property line.

Amend all the drawing in §425 Attachment 13 - Driveways Standard Construction Details to establish a minimum distance of five feet between a driveway and a property line.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk

**AN ORDINANCE OF THE CITY OF VINELAND
AMENDING CHAPTER 425 ENTITLED “LAND USE”
OF THE CITY OF VINELAND TO ADDRESS SOLAR
ENERGY SYSTEMS**

WHEREAS, it is the purpose of this ordinance to create standards for the appropriate regulation of solar energy systems to support the use of renewable energy and reduce reliance on fossil fuels; and

WHEREAS, the City Council of the City of Vineland, a municipal corporation in the County of Cumberland, State of New Jersey, finds that the public health, safety, morals, and general welfare of the community shall be promoted by the revision and amendment of the Land Use Ordinance of the City pertaining to the use of solar electricity and water heating; and

WHEREAS, the Municipal Land Use Law at N.J.S.A. 40:55D-62a requires substantial consistency of the provisions regulating zoning and land use with the adopted Master Plan; and

WHEREAS, periodically, the Planning Board has reviewed the Master Plan of the City of Vineland and has made findings and recommendations for the revision of this document and its implementing ordinances; and

WHEREAS, the Planning Board completed such periodic reexamination report of the Master Plan on December 12, 2018 wherein various amendments and district boundary changes to the Land Use Ordinance were recommended; and

WHEREAS, the City Council formally refers this Ordinance to the Planning Board for examination, discussion, and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to Municipal Land Use Law at N.J.S.A. 40:55D-15; and

WHEREAS, this Ordinance does not involve a classification or boundary change requiring public notice to property owners under N.J.S.A. 40:55D-62.1.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Vineland that the Land Use Ordinance be hereby amended as follows:

Section 1. §425, Land Use, shall be revised to add Article XXVIII, Alternative Energy Systems, as follows:

Article XXVIII, Alternative Energy Systems

§425-385. Definitions

As used in this article, the following terms shall have the meanings indicated:

PHOTOVOLTAIC ROOF SHINGLE – A type of exterior building cover that serves the dual purpose of waterproofing a roof and producing electricity through conversion of solar radiation.

SOLAR ENERGY SYSTEM – A facility or structure(s) and all associated equipment, for producing electrical energy from photovoltaic technologies.

SOLAR PANEL – An elevated panel or plate, or a canopy or array consisting of such panels or plates that captures and converts solar radiation to produce power or hot water, and includes flat plate or boxed photovoltaic solar cells; but, shall not include solar reflective or concentrating technology (e.g., “solar furnace” or similar use).

§425-386. Solar Heating and Electricity Generation

- A. Purpose. The municipality, recognizing the increasing desire by its residents and business owners with the City for the production of electricity, heating, and hot water other than by means of centrally distributed public utilities, and further recognizing the objectives of the New Jersey Energy Master Plan in broadening the number of providers and methods for producing energy, promulgate this section of the Ordinance to encourage and create reasonable standards for solar energy use for to provide electricity, heating and hot water primarily for use in their domicile, farm or place of business, in accordance with the net metering rules of the NJ Board of Public Utilities.
- B. Accessory use. Solar heating and net metering electricity generation shall be permitted accessory uses and structures to any principal building in the municipality provided they are installed and operated in accordance with the provisions in this section and applicable local, state and federal law.
- C. Roof-mounted solar energy systems shall be required unless the owner is able to demonstrate to the satisfaction of the Zoning Officer that such mounting is impractical, infeasible or lacks the means to meet 80% of the average yearly demands for electricity or hot water for the facility to which it is associated. Standards for roof-mounted systems are as follows:
- (1) For sloped roofs, no panel or other appurtenance of the solar energy system shall be affixed to a height greater than 18 inches from the roof surface.
 - (2) For flat roofs (which shall include roofs with a slope of up to ½ inch rise in 12 inches of run), no portion of the solar energy system shall rise above the height of the roof parapet.
 - (3) In a historic district or a historic site not in a district, no portion of a solar panel or its appurtenances shall be visible from a public right-of-way unless the system is composed of photovoltaic roof shingles on a sloped roof.
 - (4) No portion of a panel shall extend beyond the outside edge of the roof.
 - (5) Roof mounted systems shall be mounted parallel to the roof angle when visible from a public right-of-way.
 - (6) Roof mounted systems shall not exceed the maximum building height in the zoning district.
- D. Standards for ground-mounted systems including solar parking canopies.
- (1) Demonstration that a roof-mounted system is impractical, infeasible or lacks the means to meet 80% of the average yearly demands for electricity or hot water for the facility to which it is associated.
 - (2) Ground-mounted systems shall not be located in a front yard.
 - (3) Ground-mounted systems shall meet the side and rear yard setback standards for accessory structures in the zone that the energy production facility is located.
 - (4) Ground-mounted facilities greater than 1,000 square feet of panel area shall meet the following additional requirements:
 - (a) One or more of the following shall be provided beneath the structures: meadow grass, lawn grass, cultivated agriculture land or parking spaces.
 - (b) Mounting of the solar structures shall minimize impervious surface coverage.

- (c) Ground-mounted systems shall have a solid screen of evergreen plantings and/or a fence along property lines abutting a residential use or a right-of-way (in the event of a reverse frontage lot).
- (d) The minimum height of the screening shall be 6 feet when planted or installed, unless otherwise prohibited by this Ordinance.
- (e) Existing vegetation shall be retained to the extent practical.
- (5) Solar facilities shall not be included in the calculation of maximum lot coverage or impervious cover, unless the area under the system consists of an impervious material.
- (6) All electrical control equipment shall be labeled and secured to prevent unauthorized access and to warn emergency personnel of the presence of equipment that generates electricity independently of the provision of public electrical power.
- E. Zoning Permit. Whenever site plan or subdivision approval is not required, a zoning permit shall be obtained for an alternate energy system as precedent to the issuance of any permit required pursuant to the New Jersey Uniform Construction Code.
- F. Notwithstanding anything herein to the contrary, no solar energy system of any size shall be approved and/or installed prior to the required application, review and approval by the City of Vineland Municipal Electric Utility Engineering Department determination of compliance with all City utility solar energy system requirements.

§425-387. Abandonment and Removal

- A. Any alternate energy system shall be considered abandoned if the system or facility is out of service or otherwise unused for a continuous 18-month period.
- B. The Zoning Officer may issue a Notice of Abandonment to the owner of an alternate energy system that is deemed to have been abandoned. The notice shall be sent by certified mail, return receipt requested, to the last known address of the owner.
- C. The owner shall have the right to respond to the Notice of Abandonment within 45 days from the mailing of the notice and provide such evidence as deemed appropriate to counter the abandonment claim.
- D. If the owner provides information demonstrating to the Zoning Officer that the alternate energy system facility has not been abandoned, no further action shall be taken.
- E. If the Zoning Officer determines that a solar heating or electricity generating system has been abandoned, the owner shall remove all solar heating panels and exterior plumbing, photovoltaic panels, photovoltaic shingles, inverters, interconnection hardware, racking and mounting structures at the owner's sole expense within 3 months after the owner receives the Notice of Abandonment.

§425-387. [RESERVED]

Section 4. Applicability. The provisions of this ordinance shall be applicable throughout the City of Vineland, and the Chapter 425 entitled "Land Development" of the Code of the City of Vineland shall be deemed amended accordingly.

Section 5. Continuation. In all other respects, the Zoning Ordinance of the City of Vineland shall remain unchanged.

Section 6. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision

shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered

Section 7. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the City of Vineland, then the restriction, which imposes the greater limitation, shall be enforced.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk

AN ORDINANCE OF THE CITY OF VINELAND AMENDING
CHAPTER 425 ENTITLED "LAND USE" OF THE CITY OF
VINELAND CODE TO CREATE THE AA-1 ACTIVE ADULT ZONE
& AA-2 ACTIVE ADULT ZONE.

WHEREAS, the City Council of the City of Vineland, a municipal corporation in the County of Cumberland, State of New Jersey, finds that an amendment to the Land Use Ordinance of the City of Vineland is appropriate and will guide the development of land in the municipality in a manner which will promote the public health, safety, morals, and general welfare pursuant to the purposes of N.J.S.A. 40:55D-2; and

WHEREAS, the Planning Board of the City of Vineland has adopted a Master Plan that comprehensively provides for the appropriate use, regulation and development of lands in the municipality under N.J.S.A. 40:55D-28; and

WHEREAS, the Municipal Land Use Law at N.J.S.A. 40:55D-62a requires substantial consistency of the provisions regulating zoning and land use with the adopted Master Plan; and

WHEREAS, periodically, the Planning Board has reviewed the Master Plan of the City of Vineland and has made findings and recommendations for the revision of this document and its implementing ordinances; and

WHEREAS, the Planning Board completed such periodic reexamination report of the Master Plan on December 12, 2018, wherein various amendments and district boundary changes to the Land Use Ordinance were recommended; and

WHEREAS, the City Council formally refers this Ordinance to the Planning Board for examination, discussion, and recommendations in accordance with N.J.S.A. 40:55D-26; and

WHEREAS, the adoption of this Ordinance was appropriately noticed pursuant to Municipal Land Use Law at N.J.S.A. 40:55D-15 and in accordance with N.J.S.A. 40:55D-62.1

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Vineland, County of Cumberland, and State of New Jersey, as follows:

Section 1. The AA-1 Active Adult Zone and AA-2 Active Adult Zone shall be added to the Land Use Ordinance verbatim following §425-302, MF Multifamily Zone and numbered according to appropriate sequence:

§425-xxx AA-1 Active Adult Zone standards.

A. Purpose. It is the purpose of these zones to establish appropriate locations for small active adult communities, characterized by an allowance for more types of housing at higher density with fewer amenities, and to seek to maximize the compatibility between these communities and the surrounding areas. By permitting this use, the City will expand the housing opportunities available to a growing senior citizen population. It is important that zone requirements and design standards not be sacrificed to allow overdevelopment or improper utilization of properties, as this would negatively impact upon the character of these communities and upon the quality of life of adjoining residential areas. Strict adherence to design standards is deemed very important because these zones contribute significantly to the City's image because of their high visibility.

B. Permitted uses. Permitted uses in the AA-1 Active Adult Zone shall be as follows:

- (1) Single-family dwelling.
- (2) Residential cluster.

- (3) Farm, except for those enumerated as prohibited uses.
- (4) Home occupation.
- (5) Active adult community in accordance with Article IXA of this chapter, and only when public sewer service is provided by the Landis Sewerage Authority and public water service is provided by the City of Vineland Water Utility. See §§ 425-xxx through 425xxx, which are made a part of this article by reference.
- (6) Public purpose uses:
 - (a) School.
 - (b) Child-care center.
 - (c) Governmental or public utility facility.
- (7) Community residence, community shelter.

C. Accessory uses. Accessory uses in the AA-1 Active Adult Zone shall be as follows:

- (1) All accessory uses permitted in the R-1 Zone for a single- family dwelling,
- (2) Farm building for livestock, equipment, storage of supplies or harvested crops, or for preparation of crops for market for a farm.
- (3) Commercial production greenhouse for a farm.
- (4) Roadside stand, 300 square feet maximum, for a single-family dwelling or a farm.
- (5) Parking.
- (6) Trash enclosure.
- (7) Fencing, walls, and retaining walls.
- (8) Signage.
- (9) Maintenance and utility structures for an active adult community.
- (7) Management office for an active adult community.
- (8) Community building for an active adult community.
- (9) Recreational facilities for an active adult community.

D. Conditional uses. Conditional uses in the AA-1 Active Adult Zone shall be as follows:

- (1) Church, congregation.
- (2) Recreational facility.

E. Prohibited uses. Prohibited uses in the AA-1 Active Adult Zone shall be as follows:

- (1) Piggery.
- (2) Animal or poultry processing.

F. Residential cluster. A residential cluster shall be developed in accordance with R-6 Zone standards.

G. Lot size averaging. Lot size averaging shall be done in accordance with R-6 Zone standards.

§425-xxx AA-2 Active Adult Zone standards.

A. Purpose. It is the purpose of these zones to establish appropriate locations for larger active adult communities with detached single-family homes with more amenities and to seek to maximize the compatibility between these communities and the surrounding areas. By permitting this use, the City will expand the housing opportunities available to a growing senior citizen population. It is important that zone requirements and design standards not be sacrificed to allow overdevelopment or improper utilization of properties, as this would negatively impact upon the character of these communities and upon the quality of life of adjoining residential areas. Strict adherence to design standards is deemed very important because these zones contribute significantly to the City's image because of their high visibility.

B. Permitted uses. Permitted uses in the AA-2 Active Adult Zone shall be as follows:

- (1) Single-family dwelling.
- (2) Farm, except for those enumerated as prohibited uses.
- (3) Active adult community in accordance with Article IXA of this chapter, and only when public sewer service is provided by the Landis Sewerage Authority and public water service is provided by the City of Vineland Water Utility. See §§ 425-xxx through 425-xxx, which are made a part of this article by reference.
- (4) Public purpose uses:
 - (a) Governmental or public utility facility.
 - (b) Governmental or public utility yard.
- (5) Other uses:
 - (a) Kennel, cattery.
 - (b) Riding academy.
 - (c) Radio, television studio.
 - (d) Small contractor's yard.
 - (e) Golf course.
 - (f) Forestry.
 - (g) Conservation activity.
- (6) Community residence, community shelter.

C. Accessory uses. Accessory uses in the AA-2 Active Adult Zone shall be as follows:

- (1) All accessory uses permitted in the A-5 Zone.
- (2) Equipment storage building for forestry or conservation activity.
- (3) Parking.
- (4) Trash enclosure.
- (5) Fencing, walls, and retaining walls.
- (6) Signage.
- (7) Maintenance and utility structures for an active adult community.
- (8) Management office for an active adult community.

- (9) Community building for an active adult community.
- (10) Recreational facilities for an active adult community.

D. Conditional uses. Conditional uses in the AA-2 Active Adult Zone shall be as follows:

- (1) Church, congregation.
- (2) Recreational facility.
- (3) Campground.

E. Prohibited uses. Prohibited uses in the AA-2 Active Adult Zone shall be as follows:

- (1) Piggery.
- (2) Animal or poultry processing.

Section 2. The following amendments, as required by the addition of AA-1 Active Adult Zones and AA-2 Active Adult Zones, shall be incorporated into the Land Use Ordinance:

1. Add the following to §425-271A:
 - (32) AA-1 Active Adult.
 - (33) AA-2 Active Adult.
2. Amend §425 Attachment 1 Zoning Schedule Sheet 1.
 - Add AA-1 to zones where a school is permitted.
 - Add AA-1 to zones where a child care center is permitted.
 - Add AA-2 to zone's where a governmental or public utility yard is permitted.
3. Amend §425 Attachment 2 [X] Zoning Schedule Sheet 2.
 - Add AA-1 and AA-2 to zones where a church, congregation is permitted.
 - Add AA-1 and AA-2 to zones where a recreational facility is permitted.
 - Add AA-2 to zones where a campground is permitted.
4. Amend the Zoning Map to change block 4501/lot 34 to an AA-1 Active Adult Zone.
5. Amend the Zoning Map to change block 101/lots 2, 3 and 5 and block 138/lot 1 to an AA-2 Active Adult Zone.
6. Amend the Zoning Map to change block 3304/lots 13, 14, 15, 16, 17, 18, 34, 35, 36, 37, 38, 39 and 50 to an AA-2 Active Adult Zone and change all of block 3304/lot 12 to an R-5 Residential Zone.

Section 3. Article IXA Active Adult Communities shall be added to the Land Use Ordinance verbatim following IX Mobile Home Parks and numbered according to appropriate sequence:

Article IXA Active Adult Communities

§425-xxx Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACTIVE ADULT COMMUNITY

Any residential development that offers independent, relatively maintenance-free living and recreational amenities to senior residents. To qualify as an active adult community, at least 80% of the dwelling units shall be occupied by at least one person who is 55 years of age or older. No children under the age of 19 are permitted to reside in an active adult community.

§425-xxx Purpose.

The purpose of this article is to regulate the construction and operation of active adult communities, a form of residential development designed for senior living. This article

governs two zoning districts - AA-1 Active Adult and AA-2 Active Adult. An AA-1 Active Adult Zone is designed for smaller projects and is characterized by an allowance for more types of housing with fewer amenities. An AA-2 Active Adult Zone is designed for larger projects with detached single-family homes with more amenities.

§425-xxx **Standards governing active adult communities.**

A. Location. Active adult communities are permitted in those areas designated as either an AA-1 Active Adult Zone or as an AA-2 Active Adult Zone, in accordance with Article XV, Zoning, of this chapter.

B. Area of community. The minimum lot area-net of an active adult community shall be 15 acres in an AA-1 Active Adult Zone and 150 acres in an AA-2 Active Adult Zone.

C. Impervious lot coverage. The impervious lot coverage of an active adult community shall not exceed 30% in both an AA-1 Active Adult Zone and an AA-2 Active Adult Zone.

D. Limited access. An active adult community shall be gated, thereby limiting access to residents and other authorized people.

E. Ownershp. Either a homeowners' association or a condominium association shall be an acceptable form of ownership for an active adult community. With a homeowners' association, each dwelling unit may have a fee simple lot, but all other lands, accessory uses and amenities, including community drives, shall be owned by the homeowners' association, of which all dwelling unit owners must be a party. With a condominium association, all lands, accessory uses and amenities, including community drives, shall be owned by the condominium association, of which all dwelling unit owners must be a party.

F. Prohibition. A land lease community or mobile home park shall be prohibited. No mobile home or manufactured home shall be placed within an active adult community, except as permitted by N.J.S.A. 40:55D-100 et seq.

§425-xxx **Standards governing dwelling unit lots.**

A. Lot area. The minimum lot area-net of an active adult community lot, whether fee simple or not, shall be 3,600 square feet in an AA-1 Active Adult Zone and 7,200 square feet in an AA-2 Active Adult Zone. No portion of a lot shall include freshwater wetlands, wetlands transition areas or flood hazard areas.

B. Lot frontage. All lots shall front on community drives, not public streets or roads. The minimum frontage of an active adult community lot, whether fee simple or not, shall be 30 feet in an AA-1 Active Adult Zone and 60 feet in an AA-2 Active Adult Zone.

C. Lot depth. The minimum depth of an active adult community lot shall be 120 feet in both an AA-1 Active Adult Zone and an AA-2 Active Adult Zone.

§425-xxx **Standards governing density and design.**

A. Density. The number of active adult community lots per gross acre, whether fee simple or not, shall not exceed three in an AA-1 Active Adult Zone and two in an AA-2 Active Adult Zone.

B. Types of units. Single-family detached dwellings or two-family dwellings with side-by-side units shall be permitted in an AA-1 Active Adult Zone. Only single-family detached dwellings shall be permitted in an AA-2 Active Adult Zone.

C. Distance between residential structures.

- (1) No residential structure shall be placed closer than 20 feet from the side of another residential structure (i.e., side wall to side wall).
- (2) The end-to-end distance between residential structures shall not be less than 60 feet (i.e., rear wall to rear wall).

D. Setback along community drives. No dwelling unit or accessory building shall be placed closer than 30 feet to any community drive, as measured from the back of curb. Adjoining dwelling unit and building setbacks shall be staggered, varying by a minimum of two feet, so as not to present a regimented, barracks-like streetscape.

E. Home orientation. The front façade of all dwelling units shall be oriented toward a community drive.

F. Patios and decks. Any dwelling unit may have a patio or ground level deck, but said patio or deck shall not extend more than ten feet from the rear wall of the dwelling unit.

G. Building Height. The maximum height for dwelling units shall be 25 feet in both an AA-1 Active Adult Zone and an AA-2 Active Adult Zone. The maximum height for other community structures shall be 35 feet.

H. Accessory structures. Accessory structures shall only be permitted for the active adult community, not for individual dwelling units. Accessory structures shall include, but not be limited to a gatehouse, community center, business office, maintenance building for equipment and supplies, and rooftop or parking lot canopy solar.

I. Garages. All dwelling units within an active adult community shall be provided with a one car garage, at a minimum.

J. Block sizes, Block sizes shall be a maximum consistent with the shape of the site and the convenience and safety of the community residents. Blocks longer than 500 feet shall be designed with midblock pedestrian easements at least 10 feet wide to be improved with a five foot-wide hard surface sidewalk or path.

K. Electric and communication utility easements. A ten-foot-wide easement for electric and communication uses shall be provided to the rear of the curb when located in the service area of a utility company or authority requiring same. The easement area may not be used for fences or other obstructions. Paved driveways, sidewalks and landscaping are permitted.

§425-xxx Signs.

A. Community identification. A monument sign with the name of the active adult community shall be installed at each entrance. The monument sign shall be a maximum of 50 square feet.

B. Dwelling unit identification. A consecutive numbering system shall be established, and each dwelling unit lot shall be clearly identified by a number, in accordance with §258-5B and C and §258-10 of the City of Vineland Code.

C. Community drives. Signs shall be required at all intersections identifying community drive names.

D. Traffic control signage. All traffic control signage shall meet MUTCD design and installation standards.

§425-xxx Construction standards.

A. Regulatory standards. The standards established by the New Jersey Residential Site Improvement Standards Act and the New Jersey Uniform Construction Code, the Illuminating Engineering Society, the New Jersey Department of Environmental Protection, the Cumberland County Planning Board, the Soil Conservation District, and such other statutory provisions which pertain shall apply. Each phase or type of construction shall comply with the applicable codes and standards. See Subsection J of §425-71, Flood damage prevention, and §425-79, Construction standards, of Article VII.

B. Grading. The natural topography of a site shall be maintained to the maximum extent possible.

C. Green infrastructure. Green infrastructure shall be incorporated into the design of the community to the maximum extent possible.

D. Lighting. The minimum levels of illumination to be provided are 0.1 average maintained foot-candle for all parts of the community and 0.3 average maintained foot-candle for potentially hazardous locations. For other specifics, refer to Illuminating Engineering Society standards.

§425-xxx Traffic impact statement and circulation.

A. Traffic Impact Statement (TIS). A Traffic Impact Statement (TIS) shall be submitted with the subdivision/site plan application. See Article VII, §425-80, for contents of a traffic impact statement.

B. Community drives. Roadways within an active adult community shall be private drives.

C. Access to dwelling units. Community drives shall be designed to provide convenient, direct access to all dwelling units. Where dead-ended drives are necessary, cul-de-sacs shall be installed.

D. Grading. Community drives shall follow existing contours to the fullest extent possible, while providing satisfactory gradients and fire protection access to dwelling units.

E. Sight triangles. Clear sight triangles shall be provided and maintained at intersections of community drives with public streets and internally at intersections of community drives.

F. Accel/decel lanes. Accel/decel lanes may be required at entrances to an active adult community.

§425-xxx Parking.

A. Dwelling unit parking. In addition to a one-car garage, at a minimum, all dwelling units within an active adult community shall be provided with two parking spaces on the dwelling unit lot in front of the unit,

B. Additional parking. Accessory uses to an active adult community, such as a business office or community center, shall be provided with parking. A community center shall be provided with a minimum of one space per 100 square feet of floor area.

§425-xxx Solid waste and recyclables.

Storage and collection. Solid waste and recyclables shall be stored and collected at each dwelling unit or at a centralized location, in accordance with §625-1 et seq.

§425-xxx Open space and recreational amenities.

A. Required open space. Excluding perimeter buffers, a minimum of 15% of the remaining acreage of an active adult community shall be preserved as open space. At least 30% of this required open space shall be useable, meaning free of environmental constraints (e.g., natural water bodies, streams, freshwater wetlands and buffers, and stormwater retention or detention basins) and shall be suitably sized to accommodate recreational uses.

B. Recreational amenities. Recreational amenities in an active adult community may include, but not be limited to, a community center, picnic/barbeque areas, seating areas, paddle tennis courts, bocce courts, walking or jogging trails, tennis courts, fitness/exercise courses, gardening areas (including greenhouses), shuffleboard courts or any other activity consistent with the lifestyle of community residents. All recreational amenities shall be exclusively for the use of residents or their guests.

C. Location. Recreation amenities shall be so located and arranged as to provide for the maximum efficiency of function, benefit, and convenience to all the community residents. Details of active recreational facilities shall be shown on the subdivision/site plan to be approved by the Planning Board.

D. Community center. The minimum useable open space referred to in Subsection A above may be waived if a community center is provided in an AA-1 Active Adult Zone, while a community center shall be provided in an AA-2 Active Adult Zone. The size of the community center shall be based on 25 square feet per dwelling unit in the community, with a minimum size of 1,500 square feet required in an AA-1 Active Adult Zone and 7,500 square feet in an AA-2 Active Adult Zone. While a larger community center is allowable, the required maximum size based on the calculation shall be 15,000 square feet. A community center may include, but not be limited to, a kitchen, restrooms, ballroom, meeting room, library, computer room or fitness center.

E. Pools. Active adult communities with over 100 dwelling units shall have an outdoor pool. Active adult communities with over 250 dwelling units shall have a community building with an indoor pool. Pools shall be a minimum of 2,800 square feet in size, shall have swimming lanes, shall be heated, and shall have adjoining seating areas.

F. Utilization of buffers. Buffer areas abutting public streets or adjoining properties shall not be used to meet the open space requirements, nor shall such areas be put to recreational use.

G. Fencing and screening. Any areas devoted to active sports, such as tennis, swimming or golf, shall be enclosed by fencing of sufficient height to minimize potential hazard and nuisance to dwelling units within the community or adjacent residences. In addition to fencing, screening may be required to ensure privacy and to buffer noise.

H. Maintenance. Open space and recreation facilities' maintenance shall be the responsibility of the homeowners' or condominium association and shall include maintenance of lawns, landscaping, paved areas, drainage systems, screening materials, including fences, as well as all the facilities to be used in common.

I. Performance guarantee. In addition to any other bonding which may be required, a performance guarantee shall be posted for any proposed community center as a condition for the release of any construction permits for an active adult community. A community center shall be completed and operational by the time 50% of the proposed dwelling units in the active adult community have been issued construction permits. Even if all phases of a project are not completed, any required community center shall be constructed.

§425-xxx Environmental conditions and impact statement.

In reviewing an application for an active adult community, the Planning Board shall ensure that adequate provisions are made to preserve, protect and make maximum use of the natural features and resources of the site. To this end, an environmental impact statement shall be submitted with each application. See Article VII, §425-81, for the contents of an environmental impact statement.

§425-xxx Energy conservation.

A. Building orientation. Buildings shall be oriented to increase energy efficiency, reduce reliance on fossil fuels and promote utilization of renewable energy sources.

B. Natural vegetation and landscaping. Natural vegetation shall be utilized and supplemented with landscaping throughout the site to aid in achieving the fullest practical degree of climate moderation.

§425-xxx Buffers and landscaping.

A. Perimeter buffers. Active adult communities are typically adjacent to lower density residential development. Larger setbacks and existing and/or proposed landscaping shall be required to provide adequate buffering between active adult communities and existing or future lower density development. A minimum buffer of 50 feet along any public right-of-way and 75 feet along any abutting property shall be required for any active adult community. Only natural vegetation, landscaping and fencing shall be permitted within the buffer area. No portion of a dwelling unit lot, whether fee simple or not, accessory use, amenity, or constructed drainage system, may be located within the buffer area. In approving a landscaping plan, the Planning Board shall take into consideration the depth and quality of existing vegetation in buffers, as supplemented by the landscaping, in determining if adequate screening is provided.

B. Existing perimeter vegetation. No trees or vegetation shall be removed from street line or property line setback areas, except for the removal of noxious, dead or diseased materials needed to improve the health of the existing trees and shrubs or to accommodate supplemental landscaping. Clearing for streets, drives or utility connections or similar, required improvements shall be permitted but only to the extent needed to accommodate the improvements and necessary regrading.

C. Perimeter buffers standards:

(1) The minimum standard for a planted buffer, assuming there is no existing perimeter vegetation, is as follows:

- (a) Deciduous shade trees: two for every 100 feet.
- (b) Deciduous flowering or ornamental trees: three for every 100 feet.
- (c) Deciduous shrubs: 10 for every 100 feet,
- (d) Evergreen trees: five for every 100 feet.
- (e) Evergreen shrubs: five for every 100 feet.

- (2) Where existing vegetation is preserved, the minimum buffer quantities listed in Subsection CO) above may be reduced to no less than 1/3 of the total, depending on the quality of the existing materials and their buffering performance. The proposed additional buffer materials will be judged based on compatibility with the existing vegetation and their ability to thrive in the proposed conditions.
- (3) When the perimeter buffer depth is reduced to less than the minimum, the quantities listed in Subsection CO) above must be increased by no less than 1/3 of the total.
- (4) If a screening fence or wall is used, the minimum buffer quantities listed in Subsection CO) above may be reduced to no less than 1/3 of the total.

D. Landscaping. Landscaping shall be an essential feature of the active adult community and shall be used as a means of unifying the total site. Tall trees and massing of plants can be used to create focal points and define public areas. To the fullest practical extent, shade trees shall be retained or planted at appropriate locations throughout the community and shall be provided along public streets and community drives, at least one for each 50 feet of frontage. Deciduous trees shall have at least one-and-three-fourths-inch caliper at planting; evergreen trees shall be at least five feet tall; and all shrubs, other than dwarf varieties, shall be at least two feet tall at time of planting.

E. Dwelling unit lots. One third, at a minimum, of the dwelling unit lot in front of the dwelling unit shall be landscaped with a combination of trees, bushes, shrubs, flowers and grass. Berming and additional trees, bushes or grasses must also be provided when dwelling units back up to other dwelling units or facilities in the development to enhance privacy. At least one tree for every three dwelling units must be planted along these rear lot areas.

F. Accessory uses and amenities. Accessory uses and amenities, particularly community centers and parking lots, shall be landscaped, utilizing a combination of trees, bushes, shrubs, flowers and grass.

G. Service areas. Service areas shall be fully screened from public streets, adjacent residential properties and community dwelling units.

H. Planning Board review. In reviewing the landscaping plan, the Board shall determine that:

- (1) Erosion-resistant plants are planned for slope areas.
- (2) Plantings along public roads are sufficient to buffer noise and headlights.
- (3) The use of plants to serve as windscreens in winter and to provide shade in summer has been utilized to the maximum extent practicable.
- (4) The plan makes all possible attempts to break up the vista of long rows of dwelling units.
- (5) The plan provides for a variety of species to avoid extensive disease or winter-kill losses.
- (6) The plan provides some seasonal variations.

§425-xxx Development phasing regulations.

If an active adult community is proposed to be developed in phases, the following regulations shall apply:

A. Required and useable open space. The preservation of required open space and the development of useable open space shall be proportionally divided in accordance with the number of proposed dwelling units in each phase. In no case may recreational amenities be postponed to later phases of an active adult community.

B. Abandonment of phases. Each phase of an active adult community shall be designed to be functionally self-contained and capable of sustained occupancy and maintenance. Phases shall be developed in the order presented in the approved plan.

§425-xxx Submission of development application.

A. Type of application. A major subdivision application shall be submitted if the proposed active adult community is to be owned by a homeowners' association (i.e., fee-simple lots). A major site plan application shall be submitted if the proposed active adult community is to be owned by a condominium association.

B. Subdivision plan and site plan details and other required data. In addition to the requirements of §425-60 and §425-61, the following shall be required:

- (1) Delineation and dimensioning of the active adult community. All numerical standards established in the Zoning Schedules and in this article shall be addressed.
- (2) Delineation and dimensioning of all dwelling unit lots, whether fee simple or not. Standard subdivision dimensioning techniques are to be utilized, except the back or curb shall be used in lieu of the right-of-way line if the dwelling unit lots are not fee simple. All numerical standards established in the Zoning Schedules and in this article shall be addressed.
- (3) Traffic Impact Statement (TIS) prepared in accordance with §425-80,
- (4) Environmental Impact Statement prepared in accordance with §425-81.
- (5) All environmental regulatory boundaries (e.g., flood hazard area, freshwater wetlands, Category I waters).
- (6) Delineation and quantification of required and useable open space (Note: natural water bodies, streams, freshwater wetlands and buffers, and stormwater retention or detention basins are to be excluded.).
- (7) Location and design details of all accessory uses and amenities.
- (8) Location and design details, including floor plan, of any community center, if applicable.
- (9) Draft association documents, if application is for final approval.
- (10) Plan showing phasing, if proposed, with improvements that may be necessary if each subsequent phase doesn't proceed (e.g., cul-de-sac at terminus of community drive at limit of phase).
- (11) Report on how efforts were made to maintain woodlands and natural topography and to incorporate green infrastructure and energy conservation into the design of the active adult community.

§425-xxx Improvements.

A. On-site improvements. On-site improvements, such as drives, lights, signs, curbs and gutters, as well as sidewalks, shall be provided as specified under the New Jersey Residential Site Improvement Standards or, when applicable, the construction standards of the City of Vineland. See Article VII, Design Standards, §425-79.

B. Off-tract improvements. Off-tract improvements, if required, shall be in accordance with the provisions of Article VI, §425-47.

§425-xxx Exceptions, variances and public hearings.

A. For provisions regarding exceptions, see VI, Subdivision and Site Plan Review and Approval, §425-50,

B. For provisions regarding variances, see the Zoning Schedule (§425-308 of Article XV, Zoning).

C. All active adult community applications shall be subject to a public hearing. For provisions regarding public hearings, see Article I, General Provisions, §425-9 et seq.

§425-xxx Responsibility for community maintenance.

A. Property maintenance. It shall be the responsibility of the homeowners' association or the condominium association, whichever the case may be, to maintain all common facilities and improvements of the community in good operating order at all times. The association shall also maintain all dwelling unit lots, whether fee simple or not.

B. Annual reporting. The secretary of the association shall annually provide the Tax Assessor with the name and phone number of the responsible contact person for the association.

Section 4. The AA-1 Active Adult Zone and AA-2 Active Adult Zone shall be added to the Land Use Ordinance Zoning Schedule, Sheet 1:

Section 5. Applicability. The provisions of this ordinance shall be applicable throughout the City of Vineland, and the Chapter 425 entitled "Land Development" of the Code of the City of Vineland shall be deemed amended accordingly.

Section 6. Continuation. In all other respects, the Zoning Ordinance of the City of Vineland shall remain unchanged.

Section 7. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof of directly involved in the controversy in which such judgment shall have been rendered

Section 8. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the City of Vineland, then the restriction which imposes the greater limitation shall be enforced.

Section 9. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 10. Enactment. This Ordinance shall take effect upon the filing thereof with the Cumberland County Planning Board after final passage, adoption, and publication by the City Council of the City of Vineland in the manner prescribed by law.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk

Area, Yard, Bulk and Parking Standards
(Part 1 Cont'd)

Zone	Use ³	Minimum Lot Dimensions						Minimum Yardages				Minimum Heights				Dwelling Units or Area- Not	Minimum Number of On- Site Parking Spaces ²¹
		Area-Not ² (square feet)		Frontage ²² (feet)		Depth ⁵ (feet)	Front ⁴ (feet)	Side (feet)	Rear (feet)	Dwelling Units per Building	Principal	Accessory	Impervious	Lot Coverage ⁶ (percent)			
		Inside	Corner	Inside	Corner												
W-5 Woodlands	1-family Farm	100,000	100,000	250	280	330	50	40 ¹⁰	50 ¹⁰	1	30	15	15	N/A	See Parking Standards		
	Other uses	250,000	250,000	330	330	330	60	50	40	50	N/A	35	25	15		N/A	
W-6 Woodlands	1-family Farm	250,000	250,000	300	330	330	60	50 ¹⁰	60 ¹⁰	1	30	15	10	N/A	See Parking Standards		
	Other uses	250,000	250,000	330	330	330	60	50	60	N/A	35	25	10	N/A			
P-A Pinelands	See Article XI, §300-213	250,000	250,000	300	330	330	60	50	50	N/A	See Article XI, §300-213C	See Article XI, §300-219C(5) ¹⁴	See Article XI, §300-213	See Article XI, §300-213	See W-5		
Aggricultural Production	See Article XI, §300-214	See W-5	See W-5	See W-5	See W-5	See W-5	See W-5 ¹⁴	See W-5	See W-5	See Article XI §300-214C	See Article XI §300-214C	See Article XI, §300-219C(5) ¹⁴	See Article XI, §300-214	See W-5			
P-F Pinelands	See Article XI, §300-215	See W-5	See W-5	See W-5	See W-5	See W-5	See W-5 ¹⁴	See W-5	See W-5	See Article XI, §300-215C	See Article XI, §300-215C	See Article XI, §300-219C(5) ¹⁴	See Article XI, §300-215	See W-5			
P-R Pinelands	See Article XI, §300-215	See W-5	See W-5	See W-5	See W-5	See W-5	See W-5 ¹⁴	See W-5	See W-5	See Article XI, §300-215C	See Article XI, §300-215C	See Article XI, §300-219C(5) ¹⁴	See Article XI, §300-215	See W-5			
Development	All uses	100,000	100,000	200	200	330	50	40	50	N/A	35	25	15	N/A	See Parking Standards		
CO - Conservation	All uses	100,000	100,000	200	200	330	50	40	50	N/A	35	25	60	N/A	See Parking Standards		
P - Public	All uses	100,000	100,000	200	200	330	50	40	50	N/A	35	25	30	N/A	Note 25		
MF - Multifamily	1-family Multifamily Residential Cluster Other uses	217,800 17,800 217,800	110 120 150	40 150 300	40 150 300	Note 27 Note 27 Note 27	Note 27 Note 27 Note 27	Note 27 Note 27 Note 27	Note 27 Note 27 Note 27	6 6 6	30 30 30	15 15 15	30 30 30	N/A			
AA-1 Active Adult	1-family Farm	40,000 80,000	150 200	200 200	200 200	250 250	60 60	50 50	50 50	N/A N/A	30 30	15 15	15 15	N/A	See Parking Standards		
	Other uses	80,000 100,000	200 250	200 230	200 230	330 330	50 50	40 40	50 50	1 1	35 35	25 25	15 15	N/A			
AA-2 Active Adult	Residential cluster Other uses	30,000 80,000	150 250	165 280	165 280	180 230	60 60	50 ¹⁰ 50 ¹⁰	50 ¹⁰ 50 ¹⁰	1 1	30 30	15 15	15 15	N/A	See Parking Standards		
	Active adult Other uses	15 Acres 15 Acres	250 280	280 330	280 330	330 330	60 60	50 50	50 50	N/A N/A	30 30	15 15	15 15	N/A			
AA-2 Active Adult	1-family Farm	100,000 250,000	250 330	280 330	280 330	330 330	50 50	40 ¹⁰ 50 ¹⁰	50 ¹⁰ 60	1 1	30 35	15 25	10 10	N/A	See Parking Standards		
	Other uses	100,000 150 Acres	280 330	330 330	330 330	330 330	60 60	50 50	50 50	N/A N/A	30 30	15 15	15 15	N/A			
Business	Industrial uses Business uses	87,000 45,000	250 150	200 150	200 150	200 200	35 35	20 20	20 20	N/A N/A	40 ¹³ 40 ¹³	15 ¹⁴ 15 ¹⁴	50 50	N/A N/A	See Parking Standards		
	Industrial uses	45,000	150	150	150	200	200	35	20	20	N/A	40 ¹³	15 ¹⁴	50		N/A	