

MONROE TOWNSHIP, MIDDLESEX COUNTY

ORDINANCE NO.: O-4-2018-014

ORDINANCE OF THE MONROE TOWNSHIP  
COUNCIL AMENDING CHAPTER 108 OF THE CODE  
THE TOWNSHIP OF MONROE ENTITLED, "LAND  
DEVELOPMENT" REGARDING MULCH PROCESSING

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NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Monroe, County of Middlesex, State of New Jersey, that Chapter 108 of the Monroe Township Land Use Ordinance be amended and supplemented as follows:

**SECTION 1.**

**Chapter 108, Article II, § 108-2.3** "Terms defined" is amended in part to read as follows:

**AGRICULTURE** – The production, storage, keeping, harvesting, grading, packaging, processing, boarding or maintenance, for sale, lease, or use of plants and animals useful to humans, including but not limited to: forage and sod crops; grain and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products, except mulch processing; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

**MULCH** – Organic material derived from tree branches, tree limbs, tree trunks, brush and wood chips derived from tree parts used as ground cover.

**MULCH PROCESSING** – Industrial activities which result in the creation of mulch, including but not limited to the treatment and transformation of source material. Processing includes, but is not limited to, cutting, crushing, grinding, shredding and removing contaminants from source material.

**MULCH PROCESSING FACILITY** – Areas or sites where mulch processing occurs. Mulch processing facilities may also include wholesale sales space, office space, equipment and vehicles, equipment and vehicle storage, storage of materials associated with mulch processing.

**PROCESSING EVENT** -- Mulch processing for no more than fourteen consecutive days during a two-week period occurring on quarterly basis four times per year.

**SOURCE MATERIAL** – Tree branches, tree limbs, tree trunks, brush and wood chips derived from tree parts.

**SECTION 2.**

**Chapter 108, Article VI, §108-6.7(D)** "R-3A Residential-Agricultural District" is amended in part to read as follows:

**§108-6.7 R-3A Residential-Agricultural District.**

D. Conditional uses requiring a conditional use permit, subject to the provisions of Article VII of this chapter.

- (1) Farm stand or market.
- (2) Parks, playgrounds and other public recreation facilities not operated by Monroe Township.
- (3) Home occupations.
- (4) Nursery, landscaping and horticulture.
- (5) Public utility installations.
- (6) Community residences for the developmentally disabled.

- (7) Satellite antennas.
- (8) Mulch processing facilities.

### **SECTION 3.**

**Chapter 108, Article VI, §108-6.27(D)** “RR-FLP Rural Residential – Farmland Preservation District” is amended to read as follows:

#### **§108-6.27 RR-FLP Rural Residential-Farmland Preservation District.**

- D. Conditional uses requiring a conditional use permit, subject to the provisions of Article VII of this chapter.
- (1) Farm stand or market.
  - (2) Parks, playgrounds and other public or private recreation facilities not operated by Monroe Township.
  - (3) Annual membership clubs, including country, golf, tennis and swim clubs.
  - (4) Quasi-public uses.
  - (5) [Repealed 4-7-14 by Ord. No. O-4-2014-004]
  - (6) [Repealed 4-7-14 by Ord. No. O-4-2014-004]
  - (7) Nursery, landscaping and horticulture.
  - (8) Public utility installations.
  - (9) Community residences for the developmentally disabled.
  - (10) Satellite antennas.
  - (11) Mulch processing facilities.

### **SECTION 4.**

**Chapter 108, Article VII, §108-7.2** “Standards of approval” is amended to read as follows:

#### **§ 108-7.2. Standards of approval.**

- A. The following standards and conditions are required to be met in order to receive Approving Authority approval for specific conditional uses as indicated:
- (1) Extended, intermediate and long-term care facilities and hospitals shall adhere to the following:
    - (a) A statement setting forth the need for any particulars on the operation of the structures or use shall be filed with the approving board.
    - (b) The property proposed to be occupied by the use shall have a minimum lot area of five (5) acres, minimum front, rear and side yard areas shall be one hundred (100) feet and the maximum lot coverage shall not exceed twenty-five percent (25%).
    - (c) The height of structures may exceed the maximum height requirements of § 108-6.4 provided, however, that the front, rear and side yard requirements set forth above shall be increased by one (1) foot for each foot by which the height of the structure exceeds the maximum height which would be otherwise permitted by this chapter, and further provided that in no case shall any proposed structure exceed fifty (50) feet in height.
  - (2) Fraternal social and civil associations shall adhere to the following:
    - (a) A statement setting forth the need for the use and a complete list of the proposed charter membership, including names and resident addresses shall be filed with the approving board.
    - (b) The proposed use is a bona fide not-for-profit organization operated solely for the recreation and enjoyment of the members of said organization.

- (c) All regulations for the zoning district in which the use is to be located shall be complied with, except that the minimum lot area shall be not less than three (3) acres. Not more than twenty percent (20%) of the land area shall be covered by structures.
  - (d) No building, structure or active recreation facilities shall be located within one hundred (100) feet of an adjacent residential property line.
  - (e) Parking shall be provided in accordance with the requirements of this chapter.
  - (f) Where parking areas are adjacent to a residential zone or use, a twenty-five (25) foot buffer strip, including fences and shrubs, no less than six (6) feet high shall be provided.
  - (g) A landscape buffer strip twenty (20) feet in width shall be provided along any road frontage, and along any side or rear lot line that abuts a residential zone. The buffer strip shall consist of shade trees, perennial-planting beds, annual flowerbeds or a combination thereof so installed as to provide a landscape buffer between properties per §108-8.1.
- (3) Quasi-public uses: churches, synagogues, parish houses and similar religious uses, including parochial and private schools shall adhere to the following:
- (a) All regulations for the zoning district in which the use is to be located shall be complied with, except that the minimum lot area shall be not less than forty thousand (40,000) square feet, the side yards shall be not less than twenty-five (25) feet each, and all other yard requirements shall be complied with.
  - (b) Parking shall be provided in accordance with the requirements of this Article.
  - (c) Where parking areas are adjacent to a residential zone, a twenty-five (25) foot wide buffer strip, including fences and shrubs, no less than six (6) feet high shall be provided.
  - (d) A landscape buffer strip twenty (20) feet in width shall be provided along any road frontage, and along any side or rear lot line that abuts a residential zone. The buffer strip shall consist of shade trees, perennial-planting beds, annual flowerbeds or a combination thereof, so installed as to provide a landscape buffer between properties per §108-8.1.
- (4) Public utility installations. Public utility uses and installations, above and below ground, such as transmission lines, telephone booster stations, gas metering stations, water storage tanks, pumping stations, substations and similar installations, but not service or storage yards, shall provide the municipal agency with the following:
- (a) A set of plans, specifications and plot plans and a statement setting forth the need and purpose of the installation.
  - (b) Proof is furnished to the municipal agency that the proposed installation in a specific location is necessary and convenient for the efficiency of the public utility system or the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located, further provided that the design of any building in connection with such facility conforms to the general character of the zone and will in no way adversely affect the safe and comfortable enjoyment of property rights of the zone in which it is located, that adequate and attractive fences and other safety devices will be provided and that sufficient landscaping, including shrubs, trees and lawn, will be provided and periodically maintained.
  - (c) All other requirements for the zone in which the use is to be located shall apply.
  - (d) A landscape buffer strip twenty (20) feet in width shall be provided along any road frontage, and along any side or rear lot line that abuts a residential zone. The buffer strip shall consist of shade trees, perennial-planting beds, annual flowerbeds or a combination thereof so installed as to provide a landscape buffer between properties per §108-8.1.
  - (e) Utility distribution or collection lines for water, gas, sewerage, electric and telephone services which are located in a public street or which provide service to private property in Monroe Township are exempt from this section.

- (5) Nursery, landscaping and horticulture shall adhere to the following:
- (a) With the exception of landscape plants, shrubs and trees, all materials shall be contained within a fully enclosed building or an enclosure with at least three (3) solid sides with a height of six (6) feet and an opening that is not visible to the public and from adjacent lots viewed from front, side and rear yards, except that open storage and sales areas may be maintained in a side or rear yard, provided that such open storage and sales areas are contiguous to the building and are encircled by a fence or wall of a design which is homogeneous to the adjacent building.
  - (b) A six (6)-foot high solid two-sided fence shall be so designed as to screen all materials and supplies, except plant materials, from public view. All other sections of the fence ordinance shall apply.
  - (c) All regulations for the zoning district in which the use is to be located shall be complied with, except that the minimum lot area shall be not less than five (5) acres, the maximum percentage of impervious lot coverage shall not exceed twenty percent (20%), the maximum floor area ratio shall not exceed ten one-hundredths (0.10), and the maximum gross floor area of the building used for retail sales shall not exceed one thousand (1,000) square feet.
  - (d) Plant materials may be displayed openly in any yard except within required side and rear yard buffers as required by the zoning district in which the use is to be located. Plant material displayed within a front yard shall be set back at least twenty (20) feet from the street right-of-way line.
  - (e) Off-street parking for employees shall be provided at the rate of one (1) space per two (2) employees.
  - (f) Landscaping and horticulture nurseries that have retail sales of landscape plants, shrubs and trees and landscaping materials shall provide off-street parking for patrons at the rate of two (2) spaces per one (1) acre of lot area used for the production of landscape plant material, storage of landscape material and sale of landscaping plants and landscaping materials for retail sales. In addition, one (1) parking space per two hundred fifty (250) square feet of gross floor area of retail building space shall be provided.
  - (g) Trucks and equipment shall be stored in buildings or enclosed by a solid eight (8) foot high fence which shall not be located within a front, side or rear yard setback required by the zoning district in which the use is to be located.
- (6) Swimming pool sales, boat and marine equipment sales, and nonmotorized recreation equipment sales shall adhere to the following:
- (a) All materials shall be contained within a building, except that open storage and sales area may be maintained in a side or rear yard, provided that such open storage and sales areas are contiguous to the building.
  - (b) All other requirements of the zone in which the use is located shall apply.
- (7) Automotive gasoline stations, automotive repair garages, automotive service stations, automotive sales and service facilities shall adhere to the following:
- (a) Setbacks. Where a yard adjoins a residential property, the commercial use shall maintain not less than a fifty (50) feet setback from the boundary of a residential property.
  - (b) Canopies. A cantilevered cover or canopy may be permitted to extend into the front yard, provided that it is at least thirty (30) feet from any front property line and maintains the required setback of the zone.
  - (c) Curb cuts and driveways.
    - [1] On a corner lot, a driveway shall be at least twenty-five (25) feet from the street intersection as measured along the right-of-way line.
    - [2] Driveways shall be no less than twenty-five (25) feet and no more than thirty (30) feet wide as measured along the right-of-way line. The driveway shall be flared or slanted at the curb line to facilitate auto ingress and egress.
    - [3] Curb cuts shall be no less than ten (10) feet from any adjacent property line extended to the curb line.

- [4] Any two (2) driveways giving access to a single street shall be separated by a curbed island of at least twenty (20) feet.
  - [5] A raised curb of at least six (6) inches in height shall be provided along the street property lines, except for drive-way openings.
  - [6] There shall not be more than two (2) curb cuts providing access to any one (1) street.
- (d) Signs.
- [1] Freestanding signs. One (1) free-standing sign shall be permitted, provided that the aggregate area of all sides of the sign shall not exceed forty (40) square feet.
  - [2] Façade signs. Façade signs shall be allowed on front or side façades so as not to exceed ten percent (10%) of the square footage of the façade on which it is located.
  - [3] Other signs. Other signs that may be required by state or federal law shall be allowed, but no other advertising signs shall be permitted.
  - [4] All other sign requirements of this chapter shall apply.
  - [5] In the case of a multi-use facility, only one (1) freestanding sign per facility in total shall be permitted. The placement of individual signs for individual uses shall not be permitted.
- (e) Lighting. All lighting shall be so designed, arranged and installed as to reflect all light down and away from adjoining properties and streets and highways. No strings of multiple lights shall be permitted.
- (f) Pavement. All parking, access and driveway areas shall be paved with a permanent surface, such as macadam, with proper drainage so as not to affect adjacent property owners.
- (g) Location of pumps (automotive gasoline stations and automotive repair garages only). All pump islands shall be a minimum of forty (40) feet from any adjacent property line, fifty (50) feet if a residential zone, and forty (40) feet from any public right-of-way.
- (h) Accessory buildings.
- [1] All lifts, lubrication equipment, service pits and goods for sale shall be enclosed within the service stations. With the exception of those items, wiper blades, oil and tires, outdoor displays of products for sale or rental shall not be permitted, except for the temporary storage of trash or garbage.
  - [2] Convenience retail sales ancillary to gasoline service stations may be permitted in accessory buildings having a gross floor area that shall not exceed seven thousand (7,000) square feet. All products for sale shall be within the convenience retail building.
- (i) Accessory uses.
- [1] The sale or rental of cars, trucks, trailers, boats or any other vehicles on the premises of an automotive gasoline station, automotive repair garage, automotive service station, automotive sales and service facility shall be prohibited.
  - [2] The storage of cars, trucks, trailers, boats or any other vehicles not being serviced or repaired on the premises of an automotive gasoline station, automotive repair garage, automotive service station, automotive sales and service facility shall be prohibited.
  - [3] All other activities are prohibited, including trailer or motor vehicle rentals. Storage of any vehicle requiring body work, or which is inoperable because of major repairs required, shall not be permitted, except at an automotive gasoline station, automotive repair garage, automotive service station, automotive sales and service facility.
  - [4] The storage of inoperable vehicles, classified as junk cars, or those not currently registered with the State of New Jersey shall not be permitted.

- (j) Trash and garbage. A solid enclosed area shall be provided for the temporary storage of trash, garbage and unusable automotive parts. Except for tires, all trash shall be stored in tight containers. The enclosed area shall be so designed that the trash shall not be seen from a public street or from adjoining properties.
- (k) Fuel tanks. Underground fuel storage tanks shall comply with all state and federal requirements.
- (l) Landscaping buffers and screening shall be provided as follows:
  - [1] In all zones where the above automotive services are permitted as a conditional use, the following mini-mum requirements shall be met:
    - [a] A minimum landscaped area twenty (20) feet wide shall be provided along all property lines abutting public streets, except where curb cuts are permitted.
    - [b] All buffers and landscaped areas shall be protected from adjacent parking areas by curbs, or concrete, metal or wood bumpers at least six (6) inches in height and securely anchored into the ground.
    - [c] Service areas and parking areas shall be screened from abutting property. A minimum of a six (6) foot high architecturally solid fence shall be erected on all property lines, except the front property line.
    - [d] All street trees and on-site deciduous shade trees shall conform to the requirements of the Monroe Township Shade Tree Commission.
- (m) Parking. There shall be four (4) parking spaces for each repair bay, plus one (1) space for each employee on the maximum shift, with a maximum of six (6) vehicles stored in public view.
- (n) Service stations shall be subject to all other requirements of the zone in which they are located and to all laws of the municipality.
- (o) The use and parking of tow trucks shall be limited to three (3) per automotive service station or automotive sales and service facility or automotive gasoline station and shall be unlimited for an automotive repair garage.
- (8) Car washes shall adhere to the following:
  - (a) All other regulations for the district in which the use is to be located shall be complied with, except that the minimum lot area for a car wash shall be not less than eighty thousand (80,000) square feet.
  - (b) Such use shall provide an adequate off-street automobile stacking area which shall not be less than twenty (20) spaces per bay. Such stacking system shall in no way hinder or impair normal traffic flow on adjoining property or public rights-of-way. In addition, one (1) parking space per employee on the maximum shift shall be required.
  - (c) Approval of the Municipal Engineer regarding utilities and drainage and the Department of Health regarding performance standards shall be required.
  - (d) A landscape buffer strip twenty (20) feet in width shall be provided along any road frontage, and along any side or rear lot line that abuts a residential zone. The buffer strip shall consist of shade trees, perennial planting beds, annual flowerbeds or a combination thereof so installed as to provide a landscape buffer between properties per §108-8.1.
- (9) Community residences for the developmentally disabled. Community residences for the developmentally disabled as defined in this Chapter shall adhere to the following:
  - (a) A set of building and floor plans, specifications and plot plan shall be submitted to the municipal agency.
  - (b) A statement outlining the proposed use and purpose shall be submitted describing the types of services to be rendered to the residents of the facility, as well as the credentials and training of the personnel to be employed at the facility and the number of individuals who will reside therein.
  - (c) A site plan pursuant to the requirements of this chapter shall be submitted.
  - (d) The structure shall conform to all of the yard, area and height requirements of this chapter.

- (e) Off-street parking shall be provided in the side or rear yard areas at the rate of one (1) space for each staff member as described above, in addition to one (1) space for each group of three (3) residents, or fraction thereof. Said parking area shall provide a minimum of a ten (10) foot wide buffer area along all adjacent residential property lines.
  - (f) Each resident shall be supplied with a single bedroom of not less than two hundred (200) square feet, and a minimum total living area per resident shall be four hundred (400) square feet. In addition, one (1) bathroom with a toilet, tub, shower and basin shall be provided for each group of two (2) residents, or fraction thereof.
  - (g) In no case shall a community residence for the developmentally disabled be permitted within one thousand five hundred (1,500) feet of another such use or if the number of developmentally disabled and mentally ill persons resident within such facilities in the municipality exceeds fifty (50) persons or five-tenths percent (0.5%) of the municipal population, whichever is greater, or if the granting of such conditional use will cause the number of the developmentally disabled or mentally ill persons resident in such community residences to exceed the aforementioned maximum number for such persons in the municipality.
- (10) Amusement centers. Amusement centers shall adhere to the following:
- (a) A set of building plans and floor plans, including the number of locations of all coin-operated amusement devices, specifications and plot plan shall be submitted to the municipal agency.
  - (b) A site plan pursuant to the requirements of this chapter shall be submitted.
  - (c) Amusement centers shall not be located within five hundred (500) feet of a religious institution, library or school offering courses in public education.
  - (d) Amusement centers shall be operated entirely within an enclosed building and shall be provided with self-closing doors.
  - (e) Not more than two (2) coin-operated amusement devices shall be permitted for each one hundred (100) square feet of gross floor area dedicated to such use.
  - (f) Off-street parking shall be provided at the ratio of one (1) space for each one hundred (100) square feet of gross floor area dedicated to such use.
  - (g) Amusement centers may be established as an accessory activity to a permitted commercial use, except that not more than twenty percent (20%) of the gross floor area may be utilized for such purpose. Where such accessory use is proposed, it shall be physically separated from the principal use by a floor-to-ceiling solid partition.
  - (h) All other requirements of this Article shall apply.
- (11) Commercial recreation activities. Commercial recreation uses and activities, as herein defined, may be permitted in the following manner:

<b>Use or Activity</b>	<b>Zone</b>
Miniature golf	R-60 & R-3A
Golf driving ranges	R-60 & R-3A
Tennis courts	R-60 & R-3A
Gymnasiums and athletic clubs	H-D
Swimming pools	H-D
Billiards and pool rooms	N-C

- (a) If proposed as freestanding structures on site it must meet the minimum bulk regulations for the zone in which it is located.
- (b) Ingress and egress for the parking areas shall be limited to the minimum required to properly handle the volume of traffic anticipated to be attracted by the use. Wherever said driveways are located on a state highway, acceleration and deceleration lanes shall be provided.

- (c) Wherever the property abuts or is across the street from a residential zone, a buffer area shall be established conforming to the requirements set forth in this chapter.
  - (d) All signs shall conform to permitted signs in commercial zoning districts.
- (12) Satellite antennas shall adhere to the following:
- (a) All satellite antenna installations shall be permitted in all zoning districts subject to the following and shall require a construction permit.
  - (b) Satellite antennas shall be considered an accessory building and shall be located to the rear of the front building line of the principal building.
  - (c) Satellite antennas shall be permitted as ground installations only.
  - (d) Satellite antennas may be installed on lots only where a principal building exists.
  - (e) A maximum of one (1) satellite antenna dish shall be permitted per lot.
  - (f) Only antennas constructed with a wire mesh type dish shall be permitted.
  - (g) The antenna dish shall not exceed twelve (12) feet at its widest point.
  - (h) The overall height of the antenna assembly shall not exceed fifteen (15) feet. This height shall be measured from grade with the dish facing at zero (0) to horizontal.
  - (i) The pedestal base to the antenna shall be located at a distance equal to the maximum overall height of the antenna plus one (1) foot from any side or rear property line.
  - (j) Wiring between the principal building and the antenna shall be underground and at least eighteen (18) inches below finish grade.
  - (k) Antennas shall be screened by fencing or shrubbery of a suitable height to reduce motor drive noise and to minimize the visual impact from the street and the adjacent properties.
- (13) Regional shopping centers shall adhere to the following:
- (a) A minimum lot area of twenty-five (25) acres shall be required and meet all the requirements of Article VI of this chapter.
  - (b) Not more than sixty percent (60%) of impervious surface shall be permitted for any site.
  - (c) Must provide traffic study for internal and external traffic.
  - (d) All proposed retail uses shall conform to the bulk standards of their respective zones.
  - (e) Not more than twenty percent (20%) of the required parking shall be permitted in a front yard. All other requirements of this chapter shall apply.
  - (f) All buildings will have a break in façade at least every forty (40) feet.
  - (g) Landscaping and buffering shall be provided in accordance with the requirements of this chapter.
  - (h) Storm drainage and utilities shall be provided in accordance with the requirements of this chapter.
  - (i) Proposed signs shall be provided in accordance with the requirements of this chapter.
  - (j) Lighting shall be provided in accordance with the requirements of this chapter.
- (14) Community shopping centers shall adhere to the following:
- (a) A minimum lot area of fifteen (15) acres shall be required.
  - (b) A maximum lot area of twenty (20) acres shall be permitted.
  - (c) A minimum lot width and frontage of five hundred (500) feet shall be required.
  - (d) A minimum lot depth of five hundred (500) feet shall be required.
  - (e) The maximum permitted gross floor area shall be 0.30.

- (f) The maximum permitted impervious coverage of the lot shall be sixty percent (60%).
  - (g) Setback. Where a yard adjoins a residential use or zone, the building, accessory structures and parking and loading areas shall be set back at least sixty-five (65) feet from the property line that forms the boundary with the residential use or zone.
  - (h) Landscape buffer area. A landscape buffer area shall have a width of sixty-five (65) feet for the yard that adjoins a residential use or zone and twenty-five (25) feet for all yards that adjoin nonresidential uses or zones. The design of the buffer area shall comply with requirements set forth in § 108-6.29.H., except for the width of the buffer areas adjoining residential and nonresidential uses and zone as required herein.
  - (i) Not more than twenty percent (20%) of the required parking shall be permitted in a front yard. All other requirements of this chapter shall apply.
  - (j) All buildings shall have a break in the façade at least every forty (40) feet.
- (15) Neighborhood shopping centers shall adhere to the following:
- (a) A minimum lot area of three (3) acres shall be required.
  - (b) A maximum lot area of five (5) acres shall be permitted.
  - (c) A minimum lot width and frontage of five hundred (500) feet shall be required.
  - (d) A minimum lot depth of two hundred (200) feet shall be required.
  - (e) The maximum permitted gross floor area shall be 0.30.
  - (f) The maximum permitted impervious coverage of the lot shall be sixty percent (60%).
  - (g) Setback. Where a yard adjoins a residential use or zone, the building, accessory structures and parking and loading areas shall be set back at least sixty-five (65) feet from the property line that forms the boundary with the residential use or zone.
  - (h) Landscape buffer area. A landscape buffer area shall have a width of sixty-five (65) feet for the yard that adjoins a residential use or zone and twenty-five (25) feet for all yards that adjoin nonresidential uses or zones. The design of the buffer area shall comply with requirements set forth in § 108-6.17.H., except for the width of the buffer areas adjoining residential and nonresidential uses and zone as required herein.
  - (i) Not more than twenty percent (20%) of the required parking shall be permitted in a front yard. All other requirements of this chapter shall apply.
  - (j) All buildings shall have a break in the façade at least every forty (40) feet.
- (16) Farm stands. Farm stands shall adhere to the following:
- (a) The farm stand must be located on an active farm or farmland.
  - (b) The farm stand requires site plan approval.
  - (c) The farm stand shall comply with all requirements of the zoning district in which it is located.
- (17) Home occupations shall adhere to the following:
- (a) Such uses are confined to not more than twenty-five percent (25%) of the habitable floor area of the principal structure.
  - (b) Not more than two (2) persons shall be employed in the home occupation or trade.
  - (c) The use shall comply with Articles IX and X of this chapter regarding parking and signs.
  - (d) There shall be a ten (10) foot buffer in accordance with Article VIII of this chapter.
  - (e) The use shall obtain site plan approval.
  - (f) The use shall comply with all the requirements of the respective zoning district.
- (18) Advertising structures shall adhere to the following:

- (a) An advertising structure shall be located within one hundred (100) feet of the New Jersey Turnpike right-of-way.
  - (b) The maximum area of the advertising surface shall be one thousand (1,000) feet on each side, its maximum height shall be twenty-five (25) feet and its maximum length shall be sixty (60) feet. All dimensions include border, trim, cutouts and extensions, but exclude decorative bases and supports. The overall height of the sign shall not exceed forty-five (45) feet from grade.
  - (c) The location and design of an advertising structure shall comply with N.J.S.A. 27:5-5 et seq. (P.L. 1991, c.413) entitled "Roadside Sign Control and Outdoor Advertising Act" and N.J.A.C. 16:41C-1.1 et seq. entitled "Chapter 41C, Roadside Sign Control and Outdoor Advertising Act" and any other regulations adopted thereunder.
  - (d) An advertising structure may contain an off-premises advertisement.
  - (e) Billboards shall be located no closer than one thousand (1,000) feet to a residential zone line or use including the PRC or PRGC zone.
- (19) Hotels and motor inns shall adhere to the following:
- (a) A minimum lot area of three (3) acres shall be required.
  - (b) A minimum lot width and frontage of three hundred (300) feet shall be required.
  - (c) A minimum lot depth of three hundred (300) feet shall be required.
  - (d) The maximum permitted gross floor area shall be 0.35.
  - (e) The maximum permitted impervious coverage of the lot shall be sixty percent (60%).
  - (f) Landscape buffer area. The landscape buffer area shall comply with § 108-6.19.H.
  - (g) Signage. One (1) freestanding sign in the form of a monument sign shall be permitted. The maximum height of the sign shall be eight (8) feet, and the maximum area of the sign shall be fifty (50) square feet. The sign shall be set back a minimum of ten (10) feet from the property line.
  - (h) Not more than fifty percent (50%) of the required parking shall be permitted in a front yard. All other requirements of this chapter shall apply.
- (20) Cabinet-making shop. Cabinet-making shops shall adhere to the following:
- (a) A minimum lot area of one (1) acre shall be required.
  - (b) No more than five percent (5%) of the gross floor area of the shop building shall be used for retail sales of cabinets manufactured in the premises of the shop building. Outdoor displays for retail sales are prohibited.
  - (c) Setback. Where a yard adjoins a residential use or zone, the building, accessory structures and parking and loading areas shall be set back at least sixty-five (65) feet from the property line that forms the boundary with the residential use or zone.
  - (d) The maximum permitted floor area ratio shall be 0.30.
  - (e) The maximum permitted impervious coverage of the lot shall be fifty-five percent (55%).
  - (f) Landscape buffer area. A landscape buffer area shall have a width of sixty-five (65) feet for the yard that adjoins a residential use or zone and twenty-five (25) feet for all yards that adjoin nonresidential uses or zones. The design of the buffer area shall comply with requirements set forth in § 108-6.17.H., except for the width of the buffer areas adjoining residential and nonresidential uses and zone as required herein and the provision that fences and walls used for screening and noise reduction purposes shall be permitted within the buffer areas for side and rear yards.
- (21) Mulch processing facilities. Mulch processing facilities shall adhere to the following:

- (a) Mulch that is fully processed and ready for sale shall be contained within a fully enclosed building or an enclosure with at least three (3) solid sides and an opening that is not visible to the public and from adjacent lots viewed from front, side and rear yards. Open storage and sales areas may be maintained in a side or rear yard provided that such open storage and sales areas are contiguous to the building and are encircled by a fence or wall of a design which is homogeneous to the adjacent building.
- (b) A six (6)-foot high, solid two-sided fence shall be so designed as to screen all materials and supplies from public view. All other sections of the fence ordinance shall apply.
- (c) All regulations for the zoning district in which the use is to be located shall be complied with.
- (d) Off-street parking for employees shall be provided at a rate of one (1) space per two (2) employees.
- (e) Trucks and equipment shall be stored in buildings or enclosed by a solid eight (8)-foot high fence. Parking and storage areas for trucks and equipment shall not be located within a front, side or rear yard setback required by the zoning district in which the use is to be located.
- (f) Mulch processing is restricted to the processing of Source Material derived from the processor's own tree service business activities.
- (g) Mulch Processing Facilities shall comply with all applicable state, county and local rules and regulations, including all state, county and local regulations regarding the storage and use of hazardous substances, including but not limited to safe and secure containment of chemicals and dyes. The municipal zoning official shall have the authority to enforce any violation of any state, county or local regulation as a zoning violation, including but not limited to regulations regarding the storage and use of hazardous substances.
- (h) Mulch processing facilities shall only process mulch between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday, and no mulch processing shall occur on Saturdays, Sundays and legal holidays.
- (i) Mulch processing facilities that are exempt from obtaining approval as a recycling center from the Department of Environmental Protection shall limit their mulch processing operations as follows:
  - (i) Only the amount of unprocessed Source Material which the equipment on-site or as may be readily available is capable of processing within a one-week period up to a maximum of 7,500 cubic yards may be stored on-site;
  - (ii) Storage of processed material on-site shall not exceed one year;
  - (iii) Storage of processed material on-site shall not exceed 7,500 cubic yards; and
  - (iv) Processing is limited to four times per year on a quarterly basis, and each processing event shall be limited to a two-week time period, unless prior approval is received from the Township.

- (v) A Mulch Processing Facility shall notify the zoning official at least 48 hours prior to commencement of mulch processing of the date when the processing event will begin and the date when the processing event will end.
- (vi) Mulch Processing Facilities shall be responsible for keeping a log indicating the dates and hours of mulch processing at the facility, which information shall be reported to the municipal zoning official on the first day of the month following a month when mulch processing has been conducted at the facility.
- (j) Mulch piles shall be turned on a regular basis to protect against spontaneous combustion. The turning of mulch piles shall not be considered a processing event, and, except in extraordinary circumstances for safety reasons, shall be conducted between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday excepting legal holidays.

**SECTION 5.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 6.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 7.** This Ordinance shall take effect upon final passage and publication as provided by law.

**SO ORDAINED** as aforesaid.



STEPHEN DALINA, Council President

RECORDED VOTE – INTRODUCTION – April 9, 2018						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Baskin	X		X			
Councilwoman Cohen			X			
Councilman Dipierro					X	
Council V. President Schneider		X	X			
Council President Dalina			X			

**NOTICE**

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Monroe Township Council held on April 9, 2018. Said Ordinance will again be read and considered for final passage at the next scheduled meeting of the Monroe Township Council to be held on May 7, 2018 at 7:00 p.m. at the Monroe Township Municipal Building, 1 Municipal Plaza, Monroe Township, New Jersey 08831. At said time and place all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.



PATRICIA REID, Township Clerk

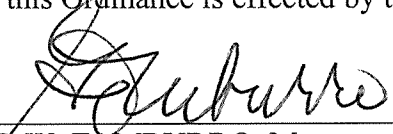
RECORDED VOTE – SECOND READING & FINAL ADOPTION– May 7, 2018						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Baskin	X		X			
Councilwoman Cohen		X	X			
Councilman Dipierro					X	
Council V. President Schneider			X			
Council President Dalina			X			

**ORDINANCE NO.: O-4-2018-014**

**ORDINANCE OF THE MONROE TOWNSHIP  
COUNCIL AMENDING CHAPTER 108 OF THE CODE  
THE TOWNSHIP OF MONROE ENTITLED, “LAND  
DEVELOPMENT” REGARDING MULCH PROCESSING**

**MAYORAL APPROVAL**

By virtue of the Optional Municipal Charter Law of 1950 and Chapter 3, Section 19 of the Code of the Township of Monroe, my approval of this Ordinance is effected by the affixing of my signature hereto.

  
 \_\_\_\_\_  
 GERALD W. TAMBURRO, Mayor

Date signed: 5/8/18

## Summary of Mulch Ordinance Amendment

In July of 2016, the Township passed O-6-2016-019, amending Chapter 108 of the Township code to allow mulch processing as a conditional use in two zone districts.

The ordinance incorporates language from NJDEP regulations governing the recycling of trees, which allow small-scale mulch processors to be exempt from more onerous State recycling permit requirements. Among other requirements, the NJDEP regulations limit exempt activity to “four two-week intervals per year.” Some operators have claimed that this grants them fourteen non-consecutive days to process mulch in each quarter, which interpretation undermines the purpose of exempting small operators and effectively allows them to process mulch fifty-two weeks of the year.

To eliminate any ambiguity, we are amending our ordinance to clarify that the time period during which mulch may be processed in Monroe consists of sequential days during a two-week period, excluding weekends and holidays, during the hours of 9:00 a.m. and 4:00 p.m. We are also adding a notice requirement to facilitate oversight by the Township.

Sarah E. Fitzpatrick, Esq.



SHAIN SCHAFFER

150 Morristown Road, Suite 105  
Bernardsville, NJ 07924  
tel: 908-953-9300  
fax: 908-953-2969  
shainlaw.com

**MONROE TOWNSHIP PLANNING BOARD RESOLUTION**  
**RECOMMENDATION OF AMENDMENT TO CHAPTER 108**  
**LAND DEVELOPMENT ORDINANCE**

WHEREAS, the MONROE TOWNSHIP PLANNING BOARD has received a recommendation from the Township Attorney to amend Section 108-2.3 "Terms defined"; Section 108-6.7(D) "R-3A Residential-Agricultural District"; Section 108-6.27(D) "RR-FLP Rural Residential - Farmland Preservation District"; and Section 108-7.2 "Standards of approval" of the Land Development Ordinance as indicated in the proposed Ordinance #O-4-2018-014 entitled *Ordinance of the Monroe Township Council Amending Chapter 108 of the Code The Township of Monroe Entitled, "Land Development" Regarding Mulch Processing* attached hereto as Exhibit A; and

WHEREAS, the MONROE TOWNSHIP PLANNING BOARD believes that this amendment is meritorious, and should be recommended and referred to the Monroe Township Council, pursuant to NJSA 40:55D-26.

NOW THEREFORE BE IT RESOLVED by the MONROE TOWNSHIP PLANNING BOARD on this 26<sup>th</sup> day of April, 2018 that it hereby recommends that Chapter 108 Land Development Ordinance, Section 108-2.3 "Terms defined"; Section 108-6.7(D) "R-3A Residential-Agricultural District"; Section 108-6.27(D) "RR-FLP Rural Residential - Farmland Preservation District"; and Section 108-7.2 "Standards of approval" be amended as indicated in the proposed Ordinance #O-4-2018-014 entitled *Ordinance of the Monroe Township Council Amending Chapter 108 of the Code The Township of Monroe Entitled, "Land Development" Regarding Mulch Processing* attached hereto as Exhibit A; and

It is Further Resolved that this Resolution and Exhibit A be delivered to the Monroe Township Council forthwith.

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Monroe Township Planning Board on April 26, 2018, and memorialized on April 26, 2018.

  
LAURA ZALEWSKI  
Board Secretary



# Township of Monroe

County of Middlesex

**PATRICIA REID**  
Township Clerk

Municipal Complex  
1 Municipal Plaza  
Monroe Township, NJ  
08831-1900  
Phone (732) 656-4573  
Fax (732) 521-3190

## Affidavit of Publication

I, Patricia Reid, Township Clerk, of the Township of Monroe, County of Middlesex, State of New Jersey, do hereby certify that the attached legal notice is a true copy of such notice, which was published in the Home News Tribune, the official newspaper of Monroe Township and a newspaper of general circulation in the County of Middlesex on April 13, 2018.



Patricia Reid, Township Clerk

Ad Number: 0002856426

Run Dates: 04/13/18

MONROE TOWNSHIP  
NOTICE OF PENDING ORDINANCE

ORDINANCE NO.: O-4-2018-014

NOTICE IS HEREBY GIVEN THAT AN ORDINANCE ENTITLED: "ORDINANCE AMENDING CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED "LAND DEVELOPMENT" REGARDING MULCH PROCESSING", has been introduced and passed on first reading at the regular meeting of the Monroe Township Council held on April 9, 2018 and will be further considered for final passage after a Public Hearing during the council meeting to be held on May 7, 2018 at 7:00 p.m. in the Monroe Twp. Municipal Building, One Municipal Plaza, Monroe Twp., N.J. 08831. At said time and place, all persons will be granted the opportunity to be heard concerning this Ordinance prior to its consideration for adoption by Council.

The purpose of this Ordinance is to incorporate language from NJDEP regulations governing the recycling of trees, which allow small-scale mulch processors to be exempt from more onerous State recycling permit requirements. To eliminate any ambiguity, the ordinance is amended to clarify that the time period during which mulch may be processed in Monroe consists of sequential days during a two-week period, excluding weekends and holidays, during the hours of 9 am and 4 pm. We are also adding a notice requirement to facilitate oversight by the Township.

The proposed Ordinance in its entirety can be viewed on the Township website, [www.monroetwp.com](http://www.monroetwp.com) and is on file in the Municipal Clerk's Office. Copies may be obtained without charge between the hours of 8:30am and 4:30pm. Monday through Friday.

Patricia Reid, Municipal Clerk  
(\$30.80)

0002856426-01



# Township of Monroe

County of Middlesex

**PATRICIA REID**  
Township Clerk

Municipal Complex  
1Municipal Plaza  
Monroe Township, NJ  
08831-1900  
Phone (732) 656-4573  
Fax (732) 521-3190

### Affidavit of Publication

I, Patricia Reid, Township Clerk, of the Township of Monroe, County of Middlesex, State of New Jersey, do hereby certify that the attached legal notice is a true copy of such notice, which was published in the Home News Tribune, the official newspaper of Monroe Township and a newspaper of general circulation in the County of Middlesex on May 11, 2018.

Patricia Reid, Township Clerk

Ad Number: 0002916629

Run Dates: 05/11/18

#### MONROE TOWNSHIP NOTICE OF FINAL ADOPTION

Notice is hereby given that the following entitled Ordinance was introduced and passed on First Reading at the regular meeting of the Monroe Township Council held on April 9, 2018. Furthermore, this Ordinance was adopted after a Public Hearing was held at the May 7, 2018 regular meeting of the Monroe Township Council at One Municipal Plaza, Monroe Township, N.J. 08831 and was thereafter approved and signed by the Mayor on May 8, 2018

ORDINANCE NO.: O-4-2018-014

ORDINANCE OF THE MONROE TOWNSHIP  
COUNCIL AMENDING CHAPTER 108 OF THE CODE  
THE TOWNSHIP OF MONROE ENTITLED, "LAND  
DEVELOPMENT" REGARDING MULCH PROCESSING

PATRICIA REID, R.M.C  
Monroe Township Municipal Clerk

(\$18.48)

0002916629-01