

**TOWNSHIP OF FAIRFIELD
ORDINANCE # 2009-03**

**AN ORDINANCE AMENDING CHAPTER 45 AND 42 OF THE CODE OF THE
TOWNSHIP OF FAIRFIELD REGARDING ZONING AND LAND
SUBDIVISION**

WHEREAS, the Township of Fairfield has enacted a Stormwater Management Plan;

WHEREAS, the Township Engineer has recommended that the Zoning AND Land Subdivision Ordinances be amended for the purpose of incorporating non-structural stormwater management strategies outlined in the Township's Stormwater Management Plan.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Fairfield that it does hereby supplement and amend Chapters XLII and XLV Land Subdivision and Zoning Ordinance of the Township of Fairfield as follows:

SECTION 1: The table in Section 45-12.7a. is amended to increase the buffer width from 10 feet to 20 feet.

SECTION 2: Section 45-12.7g shall be amended to read as follows (emphasis added for amended portions):

No structure, activity, storage of materials, driveways or parking of vehicles shall be permitted in a buffer area, other than the crossing of utilities or non-structural stormwater measures. No land disturbance shall occur within a buffer area except for utilities and non-structural stormwater management measures.

SECTION 3: Section 45-12.7h.1. shall be amended to read as follows (emphasis added for amended portions):

A solid and continuous landscaped screen shall be planted and maintained to conceal the parking and loading areas, eliminate the glare of vehicle lights throughout the year and camouflage the building from the abutting residential areas. The landscaped screen shall consist of native vegetation including evergreen trees, such as hemlock, Douglas fir, Norway spruce, etc. Evergreen trees shall not be less than eight (8') feet high when planted, and the lowest branches shall be not more than one (1') foot above the ground. In the event that the existing evergreen trees do not cover the required area from the ground, said landscaping screen shall be supplemented with evergreen shrubbery. A Landscape Architect or Licensed Engineer shall certify that native vegetation species are being utilized pursuant to this section.

SECTION 4: Section 45-12.11a shall be amended to add the following sentences to the end of the section:

Raw materials shall not be stored in such a form or manner that natural forces such as precipitation, wind, or evaporation can transfer them off the lot, directly or indirectly. Materials or wastes that create a pollutant or hazard must be enclosed in appropriate containers.

SECTION 5: Section 45-12.11e shall be amended to read as follows: Outdoor storage is prohibited in all zones except L-1, L-2 and C-3.

SECTION 6: The language in Section 45-17h.1 shall be stricken and amended to read as follows:

Where the area proposed for tree removal is to be occupied by a building or other similar structure, the area permitted to be cleared shall extend a maximum of 30 feet beyond the building footprint. In the case of a street or roadway, driveway, patio, swimming pool, recreation area, utility line easement or right-of-way the area to be cleared shall extend a maximum of 15 feet beyond the edge of these structures or areas. A minimum of ten percent of existing forested areas shall be protected from disturbance.

SECTION 7: Section 45-18 is amended to include the following sentences at the end of the section:

For all non-residential development applications, whenever a variance for maximum impervious coverage is granted, the property owner must mitigate the impact of the additional impervious surfaces unless the stormwater management plan for the development provided for these increases in impervious surfaces. This mitigation effort must address water quality, flooding and groundwater recharge as described in Section 42-10.1.

SECTION 8: The top of page 4539 reference number "45-7" shall be removed and replaced with "45-19".

SECTION 9: The language in Section 45-19.1a shall be stricken and amended to read as follows:

Whenever there is more than one (1) use conducted on any one premises, parking spaces shall be provided in accordance with the combined requirements of each use as shown in the above schedule unless it can be demonstrated through a parking generation analysis prepared by a qualified traffic engineer that the peak parking demand is less than the total number of spaces required by ordinance. Where re-development takes place on a site and a reduced number of parking spaces is approved, excess impervious pavement shall be removed and replaced with green space which is to be utilized for stormwater management strategies.

SECTION 10: The second sentence shall be amended by removing the wording "that necessitates restriping of parking spaces".

SECTION 11: The first sentence of Section 45-19.5d.1 shall be amended to read as follows (emphasis added for amended portions):

In residential zones, R-1, R-2, R-5 and any other property used for detached residential dwellings, the edge of the driveway or parking pavement shall not be closer than four (4') feet to a side property line and no driveway shall be less than twelve (12') feet in width or more than eighteen (18') feet in width.

SECTION 12: Section 45-19.5d.2 shall be amended to read as follows (emphasis added for amended portions):

Driveways for newly constructed residences or modification to existing driveways must be surfaced with bituminous asphalt, concrete or permeable paving materials as

approved by the Township Engineer. A construction permit must be secured from the Zoning Officer prior to the start of work upon said driveway.

SECTION 13: Section 45-19.6c shall be amended to read as follows (emphasis added for amended portions):

All new uses or expansion of existing uses in nonresidential zones shall be required to provide curbs which may be raised or flush. Flush curbs are to be utilized to allow disconnection of impervious surfaces as a nonstructural stormwater strategy. All such curbs shall be installed in accordance with Township specifications as set forth in this chapter and Land Subdivision Ordinance of Fairfield.

SECTION 14: After the first sentence in Section 45-5.1, the following sentence shall be inserted:

For all residential developments and subdivisions, design standards shall be as required by the latest edition of the Residential Site Improvement Standards, N.J.A.C. Title 5, Chapter 21.

SECTION 15: Section 45-39.3d2 shall be amended by removing "Chapter 39A" and replacing it with "Article 4-9".

SECTION 16: Section 45-62.3b shall be amended by removing "45-59.5" and replacing it with "45-62.2".

SECTION 17: Section 45-78.1 Schedules, remove Schedule of Uses 4641/4642.

SECTION 18: Section 42-5.1q shall be amended to read as follows (emphasis added for amended portions):

Where a proposed development is traversed by a watercourse, drainageway, channel or stream, there shall be provided an undisturbed vegetative buffer 25 feet in width measured from the top of the bank and a stormwater easement or drainage right-of-way conforming substantially to the lines of the watercourse, and the same shall be designed in accordance with the provisions set forth in this subsection.

SECTION 19: The language in Section 42-5.1q (1) shall be deleted and replaced with the following:

For all developments, the method of stormwater management shall be in conformance with the Township's stormwater management plan and Section 42-10.1. All drainage through a tract or along its perimeter shall be by inlets and pipes where feasible or by a lined ditch. In lieu of inlets, pipes or lined ditches, the developer may use vegetated swales. For all developments and developments which add more than one-quarter acre of new impervious coverage, the developer shall demonstrate that the impervious surfaces are reasonably dispersed or disconnected to the greatest possible extent to promote pollutant removal and groundwater discharge.

SECTION 20: The language in Section 42-5.1q(2) shall be stricken and replaced with the following:

Drainage design criteria shall be in conformance with the latest requirements of the Residential Site Improvement Standards and Section 42-10.1.

SECTION 21: Section 42-5.1q(2)(a) shall be stricken and replaced with the following:

The rational formula or National Resource Conservation Service ("NRCS") method shall be used to determine peak rates of runoff for the for the 2 year, 10 year, 25 year, and 100 year storm frequencies.

SECTION 22: The table in Section 42-5.1q(2)(b) shall be stricken and the section shall be amended to read as follows (emphasis added for amended portions):

The coefficient of runoff should be based on good engineering judgment and should take into consideration the ultimate use of the land involved. Runoff coefficients for the rational formula shall be taken from Table 7.1 found in the Residential Site Improvement Standards. Curve numbers for the NRCS method shall be taken from Table 2.2a found in "Urban Hydrology for Small Watersheds".

SECTION 23: Section 42-5.1q (2)(c) shall be stricken and replaced with the following:

Rainfall intensities shall be based on Precipitation Frequency Estimates from NOAA Atlas 14 for Northern New Jersey.

Section 42-5.1q 2(d) Delete sub section d1 and replace with 'For Storm sewer design a 10yr storm for storm drain systems where excess flow up to the 100yr storms can continue downgrade safely and does not exceed gutter capacity. Twenty-five year storm for storm drain systems where flow is totally contained within a pipe and for open channels and culverts with a drainage area of 50 acres or less. A 100yr storm for open channels and culverts with drainage areas greater than areas.

SECTION 24: The top of page 4608.1 reference number "45-7" shall be removed and replaced with "45-63".

SECTION 25: A new Section 42-5.1u shall be inserted as follows:

Natural Features. Natural features, such as trees, brooks, swamps, hilltops, steep slopes, wetlands and views, shall be preserved whenever reasonably possible, and that care be taken to preserve selected trees to enhance soil stability and landscaped treatment of the area. All natural areas to be preserved shall be delineated in the field prior to the start of construction. A minimum of two shade trees per lot shall be planted for new residential subdivisions.

SECTION 26: A new Section 42-5.1v shall be inserted as follows:

Off-site and Off-tract Improvements. Any off-site and off-tract stormwater management and drainage improvements must conform to the "Design and Performance Standards" described in the Township's Stormwater Management Plan and provided in Section 42-5.1 of the Township Code.

SECTION 27: A new Section 42-5.1w shall be inserted as follows:

Shade Trees. For new residential subdivisions in the R-1 and R-2 zones, a minimum of two shade trees per lot shall be planted in the front yard. For all other zones, the planting of shade trees shall be in accordance with the requirements of Section 45-12.7 Buffer Area and Screening Requirements and Section 45-19.8 Landscaping and Parking Lots.

SECTION 28: A new Section 42-5.1x shall be inserted as follows:

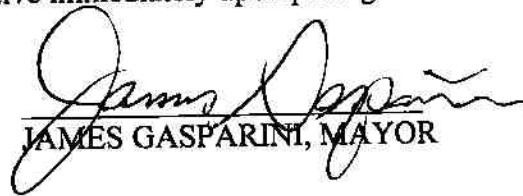
Sidewalks. In new residential subdivisions, any requirement for sidewalks is controlled by the Residential Site Improvement Standards. Sidewalks shall be a minimum of four (4) feet in width. When sidewalks are constructed of impervious materials, they shall be designed to discharge stormwater to lawns where feasible. If it is not feasible to design such sidewalk to discharge stormwater to lawns, permeable paving materials shall be used for the sidewalk where appropriate.

SECTION 29: The language in Section 42-5.1d shall be stricken and amended to read as follows:

The street right-of-way and pavement width for residential development shall be in accordance with the Residential Site Improvement Standards. For nonresidential development, the street right-of-way width shall be 60 feet with a pavement width of 36 feet.

SECTION 30: Severability. In the event that a court of competent jurisdiction declares any part of this Ordinance as unenforceable for constitutional or other reasons, the remaining portions of this Ordinance shall remain enforceable and in full force and effect.

SECTION 31: This Ordinance shall become effective immediately upon passage and publication accordance with law.


JAMES GASPARINI, MAYOR

ATTEST:


DENISE D. CAFONE, MUNICIPAL CLERK

NOTICE

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on **January 12, 2009**, introduced and read by title and passed first reading, and that said Governing Body was further considered the same for second reading and final passage thereof at a meeting held on **January 26, 2009 at 7:00 p.m.**, at which time was tabled and is now being will be further considered the same for second reading and final passage thereof at a meeting to be held on **February 23, 2009 at 7:00 p.m.**, at the Municipal Building, 230 Fairfield Road, Fairfield and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.

Denise D. Cafone
Municipal Clerk