WHEREAS, the Township Council of the Township of Monroe has recommended certain amendments to Chapter 175 of the Code of the Township of Monroe and has determined that it is in the best interest of the Township to amend this specific section.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Monroe that the Code of the Township of Monroe is hereby amended to include the amendments herein.

SECTION I. This section 145 entitled Swimming Pools, which is a part of Chapter 175, is hereby amended as follows:

§ 175-145 **Swimming Pools**

- **A.** No private residential pool shall be installed on any lot unless said lot shall contain a residence and said pool shall be accessory to the residence. Swimming pools shall not be located in the front yard. The pool shall be set back a minimum distance of 10 feet from any rear or side lot line, and a minimum distance of 35 feet from any public right-of-way line. The required setback shall be measured from the property line and/or right-of-way line to the nearest inside face of the swimming pool at its waterline.

 [Amended 4-22-2003 by Ord. No. O-8-2003]
- **B.** Pools shall otherwise be installed, operated and used in accordance with other health and safety ordinances regarding water filtration, circulation and treatment, fencing, noise and lighting.

The requirements of Subsection <u>A</u> above notwithstanding, all swimming pools, except those located on a single-family detached residential lot or two-family attached residential lot, shall comply with the requirements of § 305 entitled Barrier Requirements of the International Swimming Pool and Spa Code (2018) as adopted by the State of New Jersey at N.J.A.C. 5:23-3.14. <u>175-146J(9)(b)</u>

[Added 4-22-2003 by Ord. No. O-8-2003]

C. The construction of private residential in-ground swimming pools shall comply with the lot grading and drainage requirements included in § <u>175-117.1</u> of this chapter. [Added 4-27-2004 by Ord. No. O-13-2004]

SECTION II. This section 175-146 J(9)(b)[2] entitled Single Family Attached Dwelling Units; Other Single-Family Attached Dwelling Unit Building Design and Performance Standards; Recreation, which is a part of Chapter 175, is hereby amended as follows:

§ 175-146. Single-family attached dwelling units. [Amended 2-19-1986 by Ord. No. O-2-86; 12-7-1987 by Ord. No. O-43-87; 10-3-1988 by Ord. No. O-21-88; 5-21-1990 by Ord. No.O-11-90]

- J. Other single-family attached dwelling unit building design and performance standards.
 - (1) Single-family attached dwelling unit structures shall be arranged and designed so that a maximum number of dwelling units front directly on the common open space and also so as to take advantage of the natural terrain.
 - (2) To the maximum extent practical, all single-family attached dwelling unit building structures should be arranged into small clusters. The maximum number of single-family attached dwelling units per cluster should not exceed 30 units.
 - (3) Single-family attached dwelling unit structures shall not front on a street designed to convey through traffic, whether said street is internal or external to the project site.
 - (4) Building facades shall be offset a minimum of four feet after every two dwelling units within single-family attached dwelling unit structures.
 - (5) All utility lines, including telephone and electric transmission service, shall be installed underground.
 - (6) Adequate facilities for disposal of refuse shall be provided, and all refuse disposal units or locations for deposit shall be screened from view and designed in such a fashion as to prevent access from rodents and blowing away of refuse.

- (7) Any outdoor storage area shall be completely screened from view from any public right-of-way, yard or any residential use. All organic rubbish or storage shall be contained in an airtight, verminproof container. Such area shall be surrounded by fencing and/or vegetation planted of an appropriate height and thickness to accomplish the required screening.
- (8) Each single-family attached dwelling unit shall include adequate space for individual laundry facilities and a minimum of 400 cubic feet of storage space.
- (9) Recreation; other provisions. Usable recreation space shall include the following facilities such as the following, the mix of which shall be determined on an individual project basis:
 - (a) A swimming pool, court games, ballfield, tot areas, improved park and open space and other recreational facilities, all of which shall be located and improved on an approved site plan.

 The developer shall be responsible for providing such recreation facilities as may be required to meet the expected needs of the single-family attached dwelling unit development population, and where special recreational considerations must be met, such as for senior citizens, student facilities, etc., the developer shall be required to submit a recreation site plan encompassing and satisfying these needs.
 - (b) Where a swimming pool is proposed, it shall meet with the following minimum requirements:
 - [1] No swimming pool shall be permitted without a filtering system utilizing chlorinated water.
 - [2] No swimming pool shall be permitted unless <u>it complies with the</u> requirements of § 305 entitled Barrier Requirements of the International Swimming Pool and Spa Code (2018) as adopted by the State of New Jersey at N.J.A.C. 5:23-3.14 . a permanent continuous fence which is at least six feet high surrounds the facility.
 - [3] No structure shall be within 20 feet of any property line.

- [4] No structure shall be constructed between the building setback line and the street line.
- [5] No swimming pool shall be permitted unless surrounded by a paved surface extending a minimum of five feet from the water's edge.
- [6] No lighting, if provided, shall create a glare on any surrounding lots.
- [7] No persons other than residents and their guests shall be permitted to use the facility.
- [8] In addition to the other parking requirements contained herein, one parking space for each three dwelling units shall be provided for the swimming pool in addition to the residential parking requirements.
- [9] Where tennis courts are proposed, these must be surrounded by a fence 10 feet beyond the playing area in all directions; yards shall be completely landscaped; playlots shall be surrounded by fencing at least four feet in height, with benches for adults; and facilities for such games as shuffleboard, basketball or horseshoes shall be located at least 20 feet from any building. All outdoor recreational facilities, except yards and garden areas, shall not be located within 15 feet of any lot line. No outdoor facilities except yards shall be located between the building setback line and the street line.
- (10) Parking. Off-street parking is to be provided in all instances.

 The parking areas should be arranged so as to prevent through traffic to other parking areas. Parking areas shall not be created which necessitates entry and exit from each space onto a subcollector, collector or arterial street.
 - (a) There shall be at least 2.5 parking spaces per unit if condominium

ownership, and 3.0 spaces per unit if fee simple ownership of units.

- (b) Normal parking stalls shall have the dimensions of 10 by 20 feet and be accessed by aisle widths designed in accordance with accepted standards. Up to 2/3 of the total stalls may be 9 by 18 feet.
- (c) Parking areas shall be located within 100 feet of the door of the unit.
- (d) No more than 60 spaces shall be accommodated in any single parking area.
- (e) No more than 15 spaces may be permitted in a continuous row without an adequate planted break of at least 10 feet, and such break between rows shall be adequately landscaped.
- (f) Landscaping shall be provided around parking areas to offset adverse effects.
- (g) Parking areas, aisles, etc., shall have sufficient maneuvering room to accommodate medium-size trucks, such as moving, delivery and refuse trucks, where applicable.
- (h) No parking shall be allowed along any street which is of subcollector classification or higher.
- (i) Ramps or driveways leading from the street to parking areas should be at least 24 feet wide for two-way traffic and at least 15 feet wide for one-way traffic, except a driveway to an individual unit which may be 12 feet.
- (j) Parking areas should have curbs made of granite block or concrete for durability and to clearly mark the traveled

right-of-way and prevent damage to the pavement edge. Asphalt curb and/or railroad ties will not be permitted.

- (k) Driveways should be located on the outside of curves for better sight distances, and therefore should be avoided on the inside of curves.
- (l) Visitor parking areas are to be provided and are not to be more than 400 feet from the dwelling unit. No on-street parking is to be permitted.
- (m) At least 5% to 10% of the parking area is to be landscaped.
- (n) Parking areas and driveways shall consist of the following minimum requirements:
 - [1] Four inches of Soil Aggregate, Type 5A, subbase.
 - [2] Two inches of FABC-1, Type I-5, base.
 - [3] Two inches of FABC-1, Type I-5, top.

(11) Lighting.

- (a) Lighting shall be provided to promote security, safety and convenience. Street and path lighting should be selected to have a high illuminating efficiency to conserve energy and of a quality construction to deter vandalism. Lighting shall be so arranged as to protect street and adjoining properties from direct glare or hazardous interference of any kind.
 - [1] Streets, sidewalks, paths and parking areas are to be lighted as necessary.
 - [2] Lighting should be located or mounted to prevent light shining upon residential windows or into the eyes of drivers,

pedestrians or bicyclists.

- (b) Lighting design and layout are to be reviewed by the Township before construction. A tentative lighting plan must be submitted with the preliminary plans.
- (12) Landscaping.
 - (a) Landscaping should be provided throughout the development, including but not limited to open space areas, drainage facility areas, parking areas, buffer areas, dwelling unit areas, etc.
 - [1] A landscape plan should show all existing major tree growth and existing natural features. It should indicate the number, type and size of trees, shrubs and ground cover to be planted, and their location. The plan should indicate what protection devices will be used to protect existing trees.
 - [2] The landscape plan should break up long buildings and screen off parking, service and utility areas.
 - [3] The landscape plan should take into consideration the local soil conditions, lack of or abundance of water, topography and climate-logical factors.
 - [4] Trees should be placed on the house side of the walk at least three feet from the walk. Trees are not to be placed along a street between the walk and curb.
 - [5] A minimum of 10% of the parking area shall be devoted to landscaping.
 - [6] Fences or walls being constructed should complement the

structure, type and design of the principal structure.

- (b) A landscaping plan must be submitted with the preliminary plans.
- (13) Utilities, laundry, refuse disposal and storage.
 - (a) Prior to the erection of any single-family attached dwelling unit, each plan of development must provide a description of the provisions made for sewerage and waste disposal, water supply and stormwater drainage.
 A certification as to the adequacy of the proposed sewerage disposal system or the adequacy of the existing municipal water and sewer facilities to serve the proposed use by the Board Engineer and the Monroe Township Municipal Utilities Authority shall be required.
 - (b) Applicants shall secure from the Board Engineer a certification that the development site is not located on an area subject to flooding.
 - (c) If the development site will be located in an area subject to flooding, the applicant shall submit, in addition to other requirements, a statement, prepared by a registered architect or engineer, giving an explanation of the building methods to be used in overcoming the danger of flooding. Such statement shall also include an explanation of how the existing watershed will be maintained and that other adjacent areas will not become subject to flooding. These proposals shall be submitted to the Board Engineer for study and certification that these plans are adequate.
 - (d) Within the single-family attached dwelling unit development, provisions shall be made by the developer of the project for the installation of any and all public water, sewage and drainage facilities or such facilities as shall be required. All installations of such improvements will be made at the sole cost of the developer.

- (e) All dwelling units shall be connected through approved and functioning public water and sanitary sewage systems prior to the issuance of a certificate of occupancy, except as where otherwise provided herein.
- (f) All telephone and electric transmission service shall be installed in the ground.
- (g) Adequate facilities for disposal of refuse shall be provided, and all refuse disposal units or locations for deposit must be screened from view, designed in such a fashion as to prevent access from rodents and blowing away of refuse.

(14) Common open space.

- (a) The amount, location or locations, types, configurations, topography, improvements and maintenance of common open space, including recreational areas in any proposed single-family attached dwelling unit development, shall be reviewed and approved by the Planning Board. It shall make detailed findings regarding the adequacy or inadequacy of the aforementioned items in conformance with the provisions of this chapter.
- (b) The developer or landowner may offer to dedicate any or all common open space to the Township. Such offer shall first be reviewed by the Planning Board, which shall forward its recommendation to the Township Council. If the Township Council does not accept the dedication, the developer or landowner thereafter shall provide and maintain such open space in the manner designated in the development plan, and as required by the provisions of this chapter as hereinafter enumerated.
- (c) Owner's responsibility to maintain. It shall be the owner's responsibility to keep and maintain all open space, including recreational areas and such other common areas of use within the owner's control such as foyers, hallways and grounds, streets, driveways, curbs, sidewalks and lighting in a safe, clean and orderly condition. All common facilities and open space set forth in the development plan shall be maintained and preserved in the manner designated. The transfer of the development or open space and common facilities to any other person or persons, including associations organized pursuant to N.J.S.A. 46:8A-1 et seq. and 46:8B-1 shall not abate the continuing responsibility of the subsequent owner or transferee of the

development, common open space and/or common elements within said development to preserve and maintain all common open space, including recreational areas, and other common facilities of development consistent with the purpose set forth in this subsection. In the event that any owner, organization, association or any other person or persons owning and/or establishing to own and/or maintain the common open space and/or common facilities within the development, or any successor of such person, organization, association, person or persons, fails to maintain the common open space and/or common facilities in reasonable order and/or fails to continue in accordance with the development plan, the Township Council, pursuant to the authority vested in it by the provisions of N.J.S.A. 40:55-32^[2] and 40:48-2.12a and 40:2.12f, may institute the following action:

- [1] The Township Council shall serve written notice upon the appropriate party, setting forth the manner in which this party has failed to maintain the common open space and/or common facilities in reasonable condition, and/or in what manner such party has failed to protect either the health, safety and general welfare of the development population or the community, or in what manner the use or maintenance of said common open space and/or common facilities has created a nuisance or defect contrary to any municipal ordinance or state law, or has failed to maintain such common facilities and open space contrary to the provisions of the development plan. Said notice shall include a demand that such deficiency be cured within 30 days thereof, and shall state the date and place of a hearing thereon, which shall be held within 14 days of the notice. All notices shall be served personally by a designated agent of the Township Council or by certified mail, return receipt requested.
- [2] At such hearing, the Township Council may modify the terms of the original notice as to deficiencies and may give an extension of time within which these shall be cured.
- [3] If the deficiencies set forth in the original notice, or in the modification thereof, shall not be cured within 30 days or any extension thereof, the Township Council may adopt a resolution enumerating the deficiencies and requiring the service

of a notice on the responsible party to appear before the Township Council at a specified time, place and date to show cause why the Township should either enter upon the common open space and/or common facilities to make such repairs or take such action as may be required to cure the deficiencies.

[2] Editor's Note: N.J.S.A. 40:55-32 was repealed L. 1975, c. 291; see now N.J.S.A. 40:55D-62, 55D-65 and 55D-67.

- (d) Township maintenance. The Township may enter upon said common open space and/or common facilities and maintain the same for a period not to exceed one year. Said entry and maintenance shall not vest in the public any rights to use common open space and/or common facilities except when the same is voluntarily dedicated to the public by the residents and owners. Before expiration of the designated period of maintenance and entry, the Township Council may, upon its initiative or upon the request of the responsible party, call a public hearing upon notice to that responsible party, at which time such party or the residents within that development shall show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding period of time not to exceed more than one year. If the Township shall determine that common open space or facilities are in reasonable condition, the Township shall cease its maintenance. If the Township shall determine that such party is not ready and able to maintain said common open space and/or facilities in a reasonable condition, the Township may, in its discretion, continue to maintain said area during the next succeeding year and be subject to a similar hearing and determination in each year thereafter. The decision of the Township in any case shall constitute a final administrative decision subject to judicial review.
- (e) Cost of maintenance.
 - [1] The cost of such maintenance by the Township shall be assessed against the owner, transferee or successor of said owner and shall become a tax lien on said property, thereby assessed in

such manner provided for the creation and assessment of all tax liens.

- [2] Where the responsible party is a group, organization or association established for the ownership and/or maintenance of the common open space and facilities, such cost of maintenance shall be assessed ratably against the properties within the development that have a right of enjoyment of the common open space and common facilities.
- [3] The Township, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of such lien in the office of the County Clerk upon the properties affected by such lien within the development.
- (f) Developer's agreement. Prior to final approval for any plan of development for a high density residential use, the developer, owner or such person, persons, association or group designated to own and/or to maintain the common open space, including recreational area and common facilities within the development, shall be required to execute an agreement with the Township of Monroe guaranteeing the continued compliance with the development plan and the maintenance of such common open space and facilities contained therein. This agreement shall be binding on the heirs, successors and assigns of the executing party, and approved in form and substance by the Township Solicitor.

SECTION III. All prior Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV. If any word, phrase, clause, section or provision in this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

SECTION V. This Ordinance shall take effect twenty (20) days after final passage and publication as required by law.

	TOWNSHIP OF MONROE
	CNCL. PRES. JOSEPH P. MARINO, III
ATTEST:	
TWP. CLERK, AILEEN or DEPUTY CLERK, JE	•

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MONROE TO AMEND CHAPTER 175-145 (C) ENTITLED SWIMMING POOLS AND CHAPTER 175-146 J (9)(b)[2] ENTITLED SINGLE FAMILY

ATTACHED DWELLING UNITS; OTHER SINGLE-FAMILY ATTACHED DWELLING UNIT BUILDING DESIGN AND PERFORMANCE STANDARDS; RECREATION OF THE CODE OF THE TOWNSHIP OF MONROE

CERTIFICATION OF CLERK

			ERK, AILEEN CI Y CLERK, JENN	,	
heard.	• •		•	•	
New Jersey 08094, at w	hich time any p	erson interested	therein will be give	en an opportunity	y to be
be held on	at the	Municipal Buildi	ng, 125 Virginia A	venue, Williams	stown,
final passage and adopti	•		1		
Township of Monroe he		<u>-</u>			
The foregoing (Ordinance was	introduced at a r	neeting of the To	wnship Council	of the

ROLL CALL VOTE

1st Reading

	AY	NA	ABSTA	ABSE
	ES	YS	IN	NT
Cncl. Dilks				
Cncl. Falcone				
Cncl. Garbowski				
Cncl. Miller				
Cncl. O'Reilly				
Cncl. Wolfe				
Pres. Cncl.				
Marino				
Tally:				

2nd Reading

	AY	NA	ABSTA	ABSE
	ES	YS	IN	NT
Cncl. Dilks				
Cncl. Falcone				
Cncl. Garbowski				
Cncl. Miller				
Cncl. O'Reilly				
Cncl. Wolfe				

Pres.	Cncl.		
Marino			
Tally:			

Th	e foregoing ordinan	ce was hereby approved by	the Mayor of the Township of Monroe
on this	day of	, 2020.	
			MAYOR RICHARD DILUCIA