

Cranbury Township Ordinance # 03-11-07

AN ORDINANCE REGULATING THE INTENSITY OF USE IN AREAS OF STEEPLY SLOPING TERRAIN TO LIMIT SOIL LOSS, EROSION, EXCESSIVE STORMWATER RUNOFF, THE DEGRADATION OF SURFACE WATER AND TO MAINTAIN THE NATURAL TOPOGRAPHY AND DRAINAGE PATTERNS OF LAND.

I. PURPOSE

The purpose of this ordinance is to regulate the intensity of use in areas of steeply sloping terrain in order to limit soil loss, erosion, excessive stormwater runoff, the degradation of surface water and to maintain the natural topography and drainage patterns of land.

II. BACKGROUND

Disturbance of steep slopes results in accelerated erosion processes from stormwater runoff and the subsequent sedimentation of waterbodies with the associated degradation of water quality and loss of aquatic life support. Related effects include soil loss, changes in natural topography and drainage patterns, increased flooding potential, further fragmentation of forest and habitat areas, and compromised aesthetic values. It has become widely recognized that disturbance of steep slopes should be restricted or prevented based on the impact disturbance of steep slopes can have on water quality and quantity, and the environmental integrity of landscapes.

At the time of adoption of this ordinance the requirements set forth were consistent with those found in the State of New Jersey's Water Quality Management Planning rule (N.J.A.C. 7:15).

III. APPLICABILITY

This ordinance shall be applicable to new development or land disturbance on a steep slope within Cranbury Township.

IV. DEFINITIONS

"Disturbance" means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

"Impervious surface" means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

"Redevelopment" means the construction of structures or improvements on areas which previously contained structures or other improvements.

"Steep Slopes" means any slope equal to or greater than 20 percent as measured over any minimum run of 10 feet. Steep slopes are determined based on contour intervals of two feet or less.

V. DESIGNATION OF AREAS

The percent of slope (rise in feet per horizontal distance) shall be established by measurement of distance perpendicular to the contour of the slope. The percent of slope shall be calculated for each two-foot contour interval. For example, any location on the site where there is a one-foot rise over a 10-foot horizontal run constitutes a 10 percent slope; a 1.5 foot rise over a 10-foot horizontal run constitutes a 15 percent slope; a two-foot rise over a 10-foot horizontal run constitutes a 20 percent slope.

VI. STEEP SLOPE LIMITS

For steep slopes any disturbance shall be prohibited except as provided below:

1. Redevelopment within the limits of existing impervious surfaces; and
2. New disturbance necessary to protect public health, safety or welfare, such as necessary linear development with no feasible alternative; to provide an environmental benefit, such as remediation of a contaminated site; to prevent extraordinary hardship on the property owner peculiar to the property; or to prevent extraordinary hardship, provided the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment. For example, redevelopment, within the footprint of existing impervious cover should be allowed to support efforts to revitalize development that has fallen into disrepair.
The applicant shall demonstrate through site plans depicting proposed development and topography that new disturbance is not located in areas with a 20 percent or greater slope.

VII. CONFLICTS AND SEVERABILITY

- A. Conflicts: All other ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this ordinance apply.
- B. Severability:
 1. Interpretation: This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.
 2. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.
 3. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

VIII. ENFORCEMENT, VIOLATION AND PENALTIES

A prompt investigation shall be made by the appropriate personnel of Cranbury Township of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this Ordinance is discovered, a civil action in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this Ordinance shall be construed to preclude the right of Cranbury Township pursuant to N.J.S.A 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any section or subsection of this Ordinance shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this Ordinance. Each day a violation continues shall be considered a separate offense.

Any person, firm or corporation violating any provisions of this chapter shall, upon conviction thereof by any court authorized by law to hear and determine the matter, be fined such sum not exceeding \$500, as such court, in its discretion, may impose; or, if the party so convicted is a natural person, such person may be imprisoned for such term not exceeding 90 days, as such court in its discretion may impose, or be fined a sum not exceeding \$500, as such court in its discretion may impose, or such natural person may be both imprisoned and fined not exceeding the maximum limits set forth herein, as such court in its discretion may impose. Each day that such violation continues beyond a ten-day period following written notice by the Construction Official or the Zoning Officer served by certified or registered mail or personal service shall constitute a separate offense.

IX. EFFECTIVE DATE

This Ordinance shall take effect upon final adoption and publication in accordance with the law on May 13, 2011.

CERTIFICATION

I, Kathleen R. Cunningham, Clerk, hereby certify that this is a true copy of an Ordinance introduced on First Reading on March 28, 2011 at a meeting of the governing body of the Township of Cranbury, in the County of Middlesex, State of New Jersey. It was further considered for final passage, after public hearing thereon and finally adopted, at a meeting of the governing body held in the Meeting Room of Town Hall, 23-A North Main Street, in the Township of Cranbury on May 9, 2011.

Kathleen R. Cunningham, Clerk