

**AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, COUNTY OF MORRIS,
TO AMEND AND SUPPLEMENT CHAPTER 400 ENTITLED “LAND USE” TO
PROVIDE REGULATIONS FOR STREAM CORRIDOR BUFFERS**

WHEREAS, the Mount Olive Environmental Commission has made recommendation to the Mount Olive Planning Board to create a defined buffer area along streams and rivers within the Township; and

WHEREAS, the Mount Olive Planning Board has on a number of occasions requested such buffers of applicants during the course of site plan or subdivision review; and

WHEREAS, the Planning Board does agree with the determination of the Environmental Commission that such buffers serve to enhance the environmental quality of the streams and rivers within the Township; and

WHEREAS, the Mount Olive Township Council does accept the combined recommendation from both the Planning Board and Environmental Commission that such buffers represent an important management tool in preserving the quality of the Township's streams and rivers.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Mount Olive, in the County of Morris and State of New Jersey, as follows.

Section 1.

Chapter 400, Land Use, Article II, Definitions, Section 400-6, Terms Defined, of the Code of the Township of Mount Olive, Morris County, New Jersey is hereby amended and supplemented to add the definition of Stream Corridor to read as follows:

Stream Corridor. The stream channel and all land on either side of the stream channel which is within the one hundred (100)-year floodplain as delineated by the Federal Emergency Management Agency (FEMA) or the New Jersey Department of Environmental Protection (NJDEP), or is a sloping area of fifteen percent (15%) or greater contiguous to the stream channel, one hundred (100)-year floodplain or State Open Water. Stream channels shall mean permanent or intermittent watercourses shown on U.S.G.S. quadrangle maps, the Morris County Soil Survey or such other authoritative source as the Planning Board may deem appropriate.

Section 2.

New Section 400-83. Stream Corridor Buffers.

1. Statement of Purpose

The purpose of this subsection is to protect property from flooding; to reduce land development impacts on stream water quality and flows; to protect existing natural drainage features; to protect other's rights within the same watershed from adverse effects of improper stream corridor development; and to provide recreation and wildlife migration corridors.

2. Stream Corridor Buffers

All residential and nonresidential subdivisions, including minor subdivisions, and all site plans, both residential and nonresidential shall provide for a stream corridor buffer as part of the development scheme. Stream corridor buffers shall have a width of one hundred (100) feet on each side of all stream corridors, and no building or structure, including driveways or parking areas, whether pervious or impervious, shall be erected within any stream corridor or stream corridor buffer. No septic system shall be located within any stream corridor, or stream corridor buffer, and in no case closer than one hundred (100) feet of the top of bank of any stream.

3. Information Required

The following information shall be supplied for any development within a stream corridor and buffer. Such information shall be in addition to information required for site plan or subdivision review.

- a) Delineation of stream corridors and buffers as defined in Section 400 -6 of this Chapter.
- b) A plan indicating the disposition of any materials proposed to be deposited or removed by the grading or regrading of land.
- c) A demonstration of how suitable techniques, including erosion and soil stabilization measures, sediment traps and nutrient control by vegetation filters or other mechanisms, will be incorporated to protect the stream.

4. Vegetation Requirements

Where the lands proposed for development include a portion of the stream corridor, a condition of any major subdivision or major site plan approval shall be the vegetation or revegetation of any portions of the required stream corridor buffer which are not vegetated at the time of the application or which were disturbed by prior land uses, such as agriculture. The Planning Board shall approve a vegetation plan, which utilizes native tree and plant species.

5. Drainage and Conservation Easements

The drainage and conservation easement requirements of this Chapter shall be followed in addition to the requirements for stream corridor buffers

6. Permitted Activities

The Planning Board or Zoning Board of Adjustment may permit the following activities within the stream buffer area subject to review and approval.

- (a) Recreational use, whether open to the public or restricted to private membership, which is specifically related to the stream corridor and is water dependent.
- (b) Dams, culverts and bridges that have received approval from the appropriate municipal, county and State agencies having such authority.

TOWNSHIP OF MOUNT OLIVE
Ordinance No. 49-2000

7. Waivers

The Planning Board or Zoning Board of Adjustment may waive the stream corridor buffer requirements of this section if the applicable board has jurisdiction with respect to site plan, subdivision or bulk variance review and approval. Said waiver(s) must demonstrate good cause, such as, but not limited to, to permit additions to existing buildings or structures which are located within the stream corridor or buffer. Waivers granted under this subsection shall be subject to other requirements of this Chapter or those of the Morris County Soil Conservation District or the New Jersey Department of Environmental Protection with regard to flood hazard control, soil erosion control measures, stream encroachment and freshwater wetlands regulations.

Section 3..

This Ordinance shall take effect upon final adoption, publication of a notice for final adoption, and the filing of same with the Morris County Planning Board.

Steve Rattner
Mount Olive Township Council Vice President

Attest: 12/20/00

Lisa M. Lashway
Mount Olive Township Clerk