

**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

ORDINANCE NO. 25-1847

**AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL
AMENDING THE LAND USE AND DEVELOPMENT CODE TO
ENSURE THAT “MINOR DEVELOPMENTS” ARE SUBJECT TO
THE STORMWATER CONTROL REQUIREMENTS SET FORTH IN
EXISTING LAW**

WHEREAS, the Township of Hopewell recognizes the importance of proper stormwater management to maintain the integrity of the waters of the State of New Jersey; and

WHEREAS, the Township recognizes that regulating and mitigating stormwater impacts from development within the municipality advances public health, safety and welfare and benefits the entire community; and

WHEREAS, on July 17, 2023, the New Jersey Department of Environmental Protection (“NJDEP”) amended the Stormwater Management Rules, N.J.A.C. 7-8; and

WHEREAS, the Township is required to maintain minimum standards for stormwater pollution prevention as part of its municipal stormwater General Permit issued by the NJDEP; and

WHEREAS, the Township has, in consultation with its staff and professionals, created a local stormwater control ordinance that is fair, practical and in the best interests of the public; and

WHEREAS, on July 15, 2024, the Township adopted Ordinance 24-1830, which implemented the amended Stormwater Management Rules, and made those rules applicable to all major developments; and

WHEREAS, the Township now amends the Land Use and Development Code to ensure that the Stormwater Management Rules are also applicable to all minor developments, as that term is defined in the Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey that Section 17-82, entitled Stormwater Control, contained within Article VI of the Design Standards in Chapter 17 (Land Use and Development) of the Code of the Township of Hopewell is hereby amended as follows (new material is underlined; deleted material is ~~struck through~~; numbering changes are noted in [brackets]):

SECTION I.

Section 17-82 Stormwater Control

17-82.1. Scope and Purpose:

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in 17-82.2 and for “minor development” as defined below in 17-82.2.

C. Applicability

1. This ordinance shall be applicable to the following major developments:
 - a. Non-residential major developments; and
 - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by the Township of Hopewell.
3. This ordinance shall be applicable to “minor development” projects as described below in 17-82.2.
4. [Formerly number 3] An application required by ordinance pursuant to C.1 above that has been submitted prior to July 15, 2024 shall be subject to the stormwater management requirements in effect on July 14, 2024.
5. [Formerly number 4] An application required by ordinance for approval pursuant to C.1 above that has been submitted on or after March 2, 2021, but prior to July 15, 2024 shall be subject to the stormwater management requirements in effect on July 14, 2024.
6. [Formerly number 5] Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

17-82.2. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. The word "shall" is always mandatory and not merely directory.

"Major development" means an individual "development," as well as multiple developments that individually or collectively result in:

- a. The disturbance of one or more acres of land since February 2, 2004;
- b. The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;
- c. The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021; or
- d. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

"Minor Development" means all development that does not meet the definition of a major development and meets one or more of the following criteria:

- a. Any development that requires a "C" variance pursuant to N.J.S.A. 40:55D-70c to exceed the maximum lot coverage permitted within the applicable zoning district.
- b. Any development that requires a "D" variance pursuant to N.J.S.A. 40:55D-70d to exceed the maximum lot coverage permitted within the applicable zoning district.
- c. Any development that results in an increase in regulated motor vehicle surface of greater than 250 square feet for residential development or 1,000 square feet for commercial development.
- d. Increases in regulated motor vehicle surface in excess of the limits established under subsection 3 above shall be applicable to all development, including those that are compliant with the total lot coverage permitted within the applicable zoning district.

SECTION II. Effective Date.

This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

SECTION III. Severability.

The various parts, sections, and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

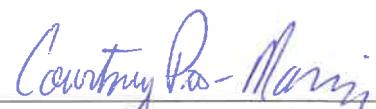
SECTION IV. Repealer.

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Date Introduced: June 2, 2025

Date Advertised: June 4, 2025

Date Adopted: June 16, 2025



Courtney Peters-Manning
Mayor



Katherine Fenton-Newman, RMC
Municipal Clerk