

§ 250-625. Noncontiguous Parcel Cluster (NPC)

- A. Purpose - To encourage land owners to conserve, preserve, and protect open space, farmland, and the sensitive environmental features of the Township, particularly those located in the Environs, by creating a mechanism to move development from the environs to the centers through planned development which offers flexibility in the density, intensity of land uses, and design and type of development.
- B. Definition-Noncontiguous Parcel Clustering or NPC – a development technique that allows one or more parcel to be preserved in its partially or entirely for farming, recreation or open space, while its development rights are used on a noncontiguous parcel.
- C. Applicability –NPC requires that a parcel(s) located in the RC Rural Conservation Zone be partially or entirely permanently deed restricted from further development, and that development rights that had existed on that land located in the RC Rural Conservation Zone be used instead on a contiguous or non-contiguous parcel(s) in the RC Rural Conservation Zone, TR Town Residential Zone, R Residential Zone, TC Town Center Zone, and/or the HV Hildreth Village Zone pursuant to a planned development in accordance with the regulations in this section and district regulations.
- D. Minimum lot area requirements, and maximum densities permitted under NPC:

	RC Rural Conservation	R Residential	TC Town Center	TR Town Residential & HV Hildreth Village
Minimum lot area	10 acres combined	10 acres combined 5 acres in R 1 acre in RC	10 acres combined 5 acres in TC 1 acre in RC	10 acres combined 2 acres in TR or HV 1 acre in RC
Maximum density	One (1) dwelling unit/acre	6 dwelling units/acre	8 dwelling unit/acre	8 dwelling unit/acre

- E. NPC is not permitted in the Cape May Court House Overlay Zone
- F. The Applicant / Developer must comply with each and all of the following requirements:
 - 1. Establish unconstrained land area on parcel(s) in the RC Rural Conservation Zone by providing a map that shows the unconstrained lands on the parcel(s) and a NJDEP Letter of Interpretation to establish the unconstrained lands on the parcel(s).

2. A minimum of 1 acre of contiguous unconstrained lot area shall be required within the RC Rural Conservation District to ensure that lands to be preserved are adequately sized to have open space value.
3. For each acre of unconstrained land that is preserved in the RC Rural Conservation Zone, one (1) dwelling unit may be developed on the Center (RC, HV, R, TC, or TR) parcel in addition to the number of dwelling units permitted to be developed on the Center parcel subject to the density limitations on the Center parcel.
4. If the RC Rural Conservation parcel intended to be partially preserved is improved with a single family residential dwelling, there must remain at least 3.5 acres of contiguous, unconstrained, and unrestricted land on the parcel. For instance, if a parcel is developed with a single family residential dwelling and has 6.5 acres of unconstrained land, the 3.5 acres of unconstrained land surrounding the dwelling shall remain leaving 3 acres available to be used in NPC.
5. Acres to be used in NPC must be complete acres; there is no rounding up.
6. Lands within the RC Rural Conservation Zone that are approved for NPC shall be permanently encumbered from any development by a deed restriction in favor of the Township of Middle in a form acceptable to the Municipal Solicitor and recorded with the County Clerk. Nothing shall restrict the Township of Middle from conveying or assigning the deed restriction to other public entities or conservation groups. Any such lands within the RC Rural Conservation Zone to be used for NPC shall not be preserved already pursuant to any other deed restrictions or ownership by a public entity or conservation group.
7. NPC must be part of a Planned Development as defined in NJSA 40:55D-65(c).
8. All parcels involved in NPC must be in common ownership at the time the deed restriction is recorded.

G. The following lands shall be considered as priority lands for NPC

1. Lands adjacent to public open space.
2. Lands adjacent to lands identified for Federal acquisition as part of the Cape May National Wildlife Refuge.
3. Lands within NJDEP Natural Heritage Priority Site.
4. Lands within Cape May County Open Space Priority Acquisition Areas.
5. Lands adjacent to preserved farmland.
6. Lands within Rank A or B ground water recharge areas.
7. Lands within defined wellhead protection areas.
8. Lands containing threatened and endangered species habitat.
9. Lands that are forested with at least 50% canopy cover.
10. Hazard prone areas as identified by State and Federal regulatory agencies and in the Middle Township Hazard Mitigation Plan.

§ 250-626. Open Space Clustering (OSC)

- A. Purpose - To provide a method of developing land in the Township so that desirable open spaces, conservation areas, floodplains, recreation areas, agricultural areas, and other environmentally sensitive lands can be preserved.
- B. Definition - Open Space Clustering or OSC– the grouping of residential units on a site to preserve a large portion of land as open space, recreation or agriculture.
- C. Applicability – OSC is permitted on parcels in the RC Rural Conservation District with a minimum lot area of ten (10) acres.
- D. Lot area reduction – Clustered parcels may be reduced from 3.5 acres to a minimum of one (1) acre.
- E. Density bonus - Developments that utilize OSC can increase the permitted density by 20%.
- F. Requirements
 - 1. Density to be clustered shall be based upon one dwelling unit per one acre of unconstrained land. Fractions of lots may be considered in the calculation; however, the lot density shall only be rounded downward to establish the ultimate lot density for cluster.
 - 2. To determine the underlying lot yield, a conventional sketch plat should be required as part of the application submission for subdivision approval. Standards for minimum contiguous unconstrained lot area shall be established for each residential lot to ensure that there is adequate buildable area to accommodate the dwelling, well and septic areas, and other associated improvements.
 - 3. The preserved land may include recreational facilities, such as play equipment for children, ball fields, court games and picnic tables.
 - 4. Bulk requirements of the developed lots shall follow the SR Suburban Residential district regulations for single family dwellings.
 - 5. Open space to be created by the development shall be suitable for passive or active recreation uses and/or valuable for the protection of the natural environment and/or necessary for public purposes. Developers have the option of offering the open space lot(s) for dedication to a public entity (such as the Township of Middle, Cape May County, State and/or Federal government) or non-profit land conservation entity. If the lands are not considered suitable for dedication by these governmental entities, the open space shall be encumbered by a permanent deed restriction and designated as a separate lot under the subdivision homeowner’s association or alternatively the property may be incorporated into one residential lot with a permanent deed restriction prohibiting any further subdivision.
 - 6. The open space to be created by the development shall comply with the open space requirements of this chapter.