

TOWNSHIP OF BASS RIVER
Ordinance 2023-2

**AN ORDINANCE OF THE TOWNSHIP OF BASS RIVER AMENDING
TITLE 17 OF THE BASS RIVER TOWNSHIP CODE, COUNTY OF
BURLINGTON, AND STATE OF NEW JERSEY**

BE IT ORDAINED by the Board of Commissioners of the Township of Bass River, County of Burlington and State of New Jersey, as follows:

- I. **PURPOSE:** The purpose of this Ordinance is to amend Title 17, Zoning, of the Code of the Township of Bass River in response to the completion of the Master Plan reexamination.
- II. Title 17, Zoning, is hereby deleted in its entirety and replaced with the following:

TITLE 17

Chapter 17.04 - INTRODUCTORY PROVISIONS AND DEFINITIONS

Sections:

17.04.010 - Title.

- A. A title to regulate and restrict the location, height and density of buildings or other structures; their construction and use; and the use of land in the township, county of Burlington, entitled the Zoning Ordinance of the Township of Bass River. The map herein referred to, identified by the title of 2019 Zoning Map of the Township of Bass River and any amendments and supplements thereto and all explanatory material thereon, is adopted and made part of this title.
- B. This title shall be known and may be cited as the Township of Bass River Zoning Ordinance. (Ord. 89-8 § 1)

17.04.020 - Purpose.

The specific purposes of this title are as follows: To guide and regulate the orderly growth and development of the township in accordance with a comprehensive plan; to protect the established character and the social and economic well-being of the community; to secure safety from fire, panic, overcrowding and other dangers, and provide adequate light, air and property access; to lessen congestion and to facilitate adequate provision for transportation, schools, parks and other public facilities and services; to prevent overcrowding of land and buildings and avoid undue concentration of population; to preserve and enhance important characteristics of the natural environment, and to conform to the New Jersey Pinelands Comprehensive Management Plan.

(Ord. 89-8 § 2)

17.04.030 - Definitions.

- A. Intent. For the purpose of this title, the word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The present tense includes the future, the singular number includes the plural and the plural includes the

singular. The word "shall" is mandatory, the word "may" is permissive. The words "used" or "occupied" include the words intended, designed or arranged to be used or occupied. Words not herein defined shall have the meaning given in Webster's Unabridged Dictionary.

B. Words and Phrases Defined. Unless otherwise stated, words and phrases set forth in the following subsection shall have the meaning therein indicated.

"Accessory structure or use" is a structure or use which:

1. Is subordinate to and serves a principal building or a principal use, including but not limited to the production, harvesting, and storage as well as washing, grading and packaging of unprocessed produce grown on-site;
2. Is subordinate in area, extent and purpose to the principal structure or principal building or a principal use;
3. Contributes primarily to the comfort, convenience or necessity of the occupants, business or industry of the principal structure of principal use served; and
4. Is located on the same parcel as the principal structure or principal use served, except as otherwise expressly authorized by the provisions of this chapter.

"Agricultural employee housing" means residential dwellings for the seasonal use of employees of an agricultural or horticultural use which, because of their character or location, are not to be used for permanent housekeeping units and which are otherwise accessory to a principal use of the lot for agriculture.

"Agricultural or horticultural purpose or use" means any production of plants or animals useful to man, including but not limited to: forages or sod crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, and including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental and greenhouse products; or any land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agency of the Federal Government.

"Alternate design pilot program treatment system" means an individual or community on site waste water treatment system that has the capability of providing a high level of treatment including a significant reduction in the level of total nitrogen in the wastewater, limited to the following systems authorized for use for residential development by the pilot program established in N.J.A.C. 7:50-10, Part IV:

1. Ashco RFS III;
2. FAST;
3. Cromaglass;
4. Bioclere; and
5. Amphidrome

"Amendment" is means for making changes to the certified local master plan or local land use ordinance.

Animals, Threatened or Endangered. For "threatened or endangered animals" see N.J.A.C. 7:50-6.32.

Applicant. See "developer."

"Application for development" means any application filed with any permitted agency for any approval, authorization or permit which is a prerequisite to initiating development in the Pinelands Area, except as provided in Section 17.32.070.

"Approval agency" means any board, body, authority or person within the township with

authority to approve or disapprove subdivisions, site plans, zoning permits, construction permits or other applications for development approval.

"Automobile laundry" means any establishment for the washing of automobiles or other motor vehicles, using a chain or other conveyor to move the vehicles and/or using various automatic devices for the application of soap, water, steam, air, or other materials required in the cleaning process.

"Average finished grade" means the mean height or level of completed lawn, walk, or driveway surfaces, as shown on official plans or designs relating thereto, adjoining the front facade of the building.

"Basement" means a story of a building that is partly underground which has more than one-half of its interior height, measured from the floor to finished ceiling, below the average finished grade of the ground adjoining the building.

"Billboard" means a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

"Block" means the length on one side of a street between two street intersections.

Boarding Horses and other large animals. Large animals are defined in the "Recommended Guidelines For Home Animals Agriculture in Residential Areas Guidelines of Leaflet 501 Published November 1982 by Rutgers University" (hereinafter referred to as the Rutgers Guidelines), is not a general agricultural use. The boarding and keeping (keeping is defined as the harboring of animals, either owned by the property owner or anyone else) of up to twenty (20) horses or other large animals on the property with a residential dwelling shall be considered a home occupation and is subject to the home occupation requirements of this chapter. The boarding and keeping of over twenty (20) horses or other large animals shall be considered a commercial use, and shall be subject to the requirements of the township's site plan ordinance.

"Buffer zone" means a required open space area to be landscaped or naturally planted along district boundary lines, as shown on the zoning map, in connection with industrial or commercial uses.

"Building" means any structure having a roof supported by columns or walls, including tents, lunch wagons, trailers, dining cars, camp cars or other structures on wheels or other supports; any unroofed platform terrace or porch, having a vertical face higher than three feet above the level of the ground from which the height of the building is measured. The term "building" shall include "structure" and the term "structure" shall include "building."

"Building line" means a line parallel to the street at a distance therefrom equal to the depths of the front yard required for the district under consideration. No part of a building may extend closer to the street than the building line. Roofed porticos, whether open or enclosed, shall be considered as a part of a building when measuring distances from the street line and lot lines. Existing roofed porches and porticos may only be permanently enclosed when they comply with all setback or rear yard requirements and all side yard requirements.

"Camper" means a portable structure, which is self-propelled or mounted on or towed by another vehicle, designed and used for temporary living for travel, recreation, vacation, or other consecutive, short-term use. Camper includes motor homes and travel trailers, but does not include mobilehomes, house trailers, or other trailers used as permanent dwellings.

"Campground" means an area utilized for the placement of tents, camp trailers, motor homes, or other structures or conveyances, which are not permanent dwellings, and any other facilities used in connection therewith, or any area on which the activity generally referred to as camping

takes place.

Campsite. Same as campground.

"Channel" means the bed and banks of a stream which convey the normal flow of the stream.

"Club" means any organization catering exclusively to members and their guests, or any organization for religious, vocational, civic, recreational, or athletic purposes, which is not conducted for financial gain.

"Commission" means the Pinelands Commission created pursuant to Section 5 of the Pinelands Protection Act.

"Comprehensive management plan" means the plan and amendments thereto adopted by the Pinelands Commission pursuant to Section 7 of the Pinelands Protection Act, referred to in this title as the CMP.

"Contiguous lands" means land which is connected or adjacent to other land so as to permit the land to be used as a functional unit; provided that separation by lot line, streams, dedicated public roads which are not paved, rights-of-way, and easements shall not affect the contiguity of land unless a substantial physical barrier is created which prevents the land from being used as a functional unit.

"Coverage" means that percentage of the plot or lot area covered by all structures other than retaining walls, hedges, and fences.

Day. For purposes of computing time limits, the word "day" in this title refers to a calendar day.

"Density" means the average number of housing units per unit of land.

"Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a development including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

"Development" means the change of or enlargement of any use or disturbance of any land, the performance of any building or mining operation, the division of land into two or more parcels, and the creation or termination of rights of access or riparian rights including, but not limited to:

1. A change in type of use of a structure or land;
2. A reconstruction, alteration of the size, or material change in the external appearance of a structure or land;
3. A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land;
4. Commencement of forestry activities resource extraction drilling, or excavation on a parcel of land;
5. Demolition of a structure or removal of trees;
6. Deposit of refuse, solid or liquid waste or fill on a parcel of land;
7. In connection with the use of land, the making of any material change in noise levels, thermal conditions, or emissions of waste material; and
8. Alteration, either physically or chemically, of a shore, bank, or floodplain, seacoast, river, stream, lake, pond, wetlands or artificial body of water.

"Development approval" means any approval granted by an approval agency, including appeals to the governing body, except certificates of occupancy and variances which do not otherwise include issuance of a construction permit, subdivision or site plan approval.

Development, Major. "Major development" means any division of land into four or more lots, any construction or expansion of any housing development of four or more dwelling units; any construction or expansion of any commercial or industrial use or structures on a site of more than

three acres; or any grading, clearing, or disturbance of an area in excess of five thousand (5,000) square feet.

Development, Minor. "Minor development" means all development other than major development.

District, Zoning. "Zoning district" means a portion of the territory of the township within which certain regulations and requirements or various combinations thereof apply pursuant to the provisions of this title.

"Dormitory" means a structure containing sleeping rooms of not less than eighty (80) square feet each; and containing complete sanitary facilities although not necessarily within individual rooms; and without cooking facilities in individual rooms; and occupied only by students and assigned supervisory staff of an educational institution.

"Drainage" means the removal of surface water or groundwater from land by drains, grading or other means and includes control of run-off to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

"Dwelling" means any structure or portion thereof which is designed or used for residential purposes.

Dwelling, Detached. "Detached dwelling" means a building detached from other buildings for residential purposes by one family and which has its own cooking, sleeping, sanitary and general living facilities.

Dwelling, Multiple. "Multiple dwelling" means a building containing more than two dwelling units.

Dwelling, Single-family. "Single-family dwelling" means a detached building designed for, or occupied by, one family only.

"Dwelling unit" means any room or group of rooms located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation by one family.

"Earth extraction" means the removal of sand, topsoil, gravel, fill dirt or ilmenite or clay products for sale or reuse at another site exclusive of agricultural soil conservation works, excavation incidental to agricultural operations or the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

"Electric distribution lines" means all electric lines other than electric transmission lines.

"Electric transmission lines" means electric lines which are part of an electric company's transmission and subtransmission system, which provide a direct connection between a generating station or substation of the utility company and: (1) Another substation of the utility company; (2) A substation of or interconnection point with another interconnecting utility company; (3) A substation of a high-load customer of the utility.

"Enlargement" means an addition to the floor area of an existing building, an increase in the size of any other existing structure or an increase in that portion of a tract of land occupied by an existing use.

"Environmental commission" means a municipal advisory body created pursuant to N.J.S.A. 40:56A-1 et seq.

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

"Essential service" means structures and physical improvements, whether publicly or privately owned, necessary to permit the orderly development of an area, including such facilities

as streets, water, sewage, gas, telephone, and electric lines; supporting structures such as manholes, catch basins, underground pumping stations, and underground transformer stations; but not including generating or storage plants; processing stations, maintenance yards, administration headquarters facilities, aboveground utility poles with major subdivisions.

"Family" means one or more persons related by blood, adoption or marriage, living and cooking together, as a single housekeeping unit, exclusive of household servants. A number of persons living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage shall be deemed to constitute a family.

"Farm" means any parcel of land containing at least five acres used for general purpose agriculture, which includes the raising of agricultural or horticultural products, livestock, poultry and their resultant products.

"Fire hazard" means the classification of a parcel of land in accord with the following:

Hazard	Vegetation Type
Low	Atlantic White Cedar; Hardwood Swamps
Moderate	Nonpine barrens forest; Prescribed burned areas
High	Pine barrens forest including mature forms of pine, pine-oak or oak-pine
Extreme	Immature or dwarf forms of pine-oak or oak-pine; all classes of pine-scrub oak and pine-lowland

"Fish and wildlife management" means the changing of the characteristics and interactions of fish and wildlife populations and their habitats in order to promote, protect and enhance the ecological integrity of those populations.

"Fence or wall" means a structure which permanently or temporarily prohibits or inhibits unrestricted travel between properties or portions of properties or between the street or public right-of-way and a property.

"Floating home" means any vessel in fact used, designed, or occupied as a permanent dwelling unit, business office, or source of any occupation, or for any private or social club of whatsoever nature, including, but not limited to, a structure constructed upon a barge primarily immobile and out of navigation or which functions substantially as a land structure while the same is moored or docked within the corporate limits of Bass River township; whether such vessel is self-propelled or not and whose volume coefficient is greater than three thousand (3,000) square feet. Volume coefficient is the ratio of the habitable space of a vessel measured in cubic feet and the draft of a vessel measured in feet of depth.

"Floating home marina" means that area within Bass River township covered by any waterway within the township where one or more sites or locations are rented or offered for rent, sold, or offered for sale for the location of floating homes.

"Floodplain" means in sections of the township involving areas along tidal portions of any river, stream, or body of water, land subject to an intermediate regional tidal flood shall constitute a floodplain as delineated by the U.S. Corps of Army Engineers. In areas adjoining any other natural stream, drainage course or water body, a floodplain shall include Berryland, Muck, and Pocomoke soils as delineated by the Soil Survey for Burlington County, U.S. Department of Agriculture.

"Floodway" means any portion of a floodplain lying within fifty (50) feet of the adjacent channel edge of a natural stream or within twenty-five (25) feet from the edge of a lake or center line of any watercourse other than a natural stream.

Floor Area, Gross. "Gross floor area" means the sum of the total horizontal area of the several floors of a building, excluding basement space, unless designed to be used for customary visits by commercial clientele, but including the area of permanent roofed porches and terraces. All dimensions shall be measured from the outside face of exterior walls or from the center line of parting or common walls.

Floor Area, Habitable. "Habitable floor area" means area fully enclosed by the inside surfaces of walls, windows, doors, and partitions and having a headroom of at least six feet six inches including living, eating, cooking, sleeping, storage, circulation, service, utility and other related household spaces but excluding garages, carports, porches, unheated sheds, and basements. Attics or portions thereof may be considered habitable floor area provided they are fully finished and meet the proper height requirements.

"Forestry" means the planting, cultivating and harvesting of trees for the production of wood products, including firewood or for forest health. It includes such practices as reforestation, site preparation and other silvicultural practices, including but not limited to artificial regeneration, bedding, broadcast scarification, clearcutting, coppicing, disking, drum chopping, group selection, individual selection, natural regeneration, root raking, seed tree cut, shelterwood cut and thinning. For purposes of this chapter, the following activities shall not be defined as forestry:

1. Removal of trees located on a parcel of land one acre or less on which a dwelling has been constructed;
2. Horticultural activities involving the planting, cultivating or harvesting of nursery stock or Christmas trees;
3. Removal of trees necessitated by the development of the parcel as otherwise authorized by this chapter;
4. Removal of trees necessary for the maintenance of utility or public rights-of-way;
5. Removal or planting of trees for the personal use of the parcel owner; and
6. Removal of trees for public safety.

Garage, Private. "Private garage" means an accessory building incidental to a dwelling unit, as defined herein, which accessory building is intended for the off-street storage of motor vehicles belonging to the inhabitants of such dwelling unit, but in which garage no business service or occupation is conducted or rendered for profit. The rental storage space for more than two cars not owned by persons residing on the premises is considered a business profit.

Garage, Repair. "Repair garage" means a building used for the off-street storage of motor vehicles, the provision of incidental gasoline service, the sale of accessories and the repair of motor vehicles excluding body work.

"Gasoline service station" means an area of land, including any structures thereon, used primarily for the retail sale and direct delivery to motor vehicles of motor fuel and lubricants, as well as such incidental services as the lubrication and hand washing of motor vehicles and the sale, installation and minor repair of automobile accessories, such as tires and batteries.

"Glare" means illumination whereby a source of light, producing a reading of fifty (50) or more on a Standard Weston Photographic light meter or equivalent at a distance of three feet is visible from the public right-of-way or a reading of zero point eight (0.8) or more is found when such meter or equivalent is held anywhere on a residential property line.

"Habitat" means the natural environment of an individual animal or plant, population, or

community.

"Height of building or structure" means the vertical distance from the established average finished grade to the highest point on the building or structure.

"Historic resource" means any site, building, district, area district, structure or object important in American history or prehistory, architecture, archaeology and culture at the national, state, county, local and municipal level.

"Home occupation" means an occupation or profession which is clearly incidental to the use of the lot and dwelling for residential purposes and is carried on by a member of the family residing on the premises; does not involve more than one employee not living on the premises; does not occupy more than twenty (20) percent of the principal residential structure or more than three hundred (300) square feet of an accessory structure; does not have any exterior evidence of such secondary use other than one sign as per Section 17.20.100 and does not include the storing of any stock in trade outside a principal or accessory building. In connection with the operation of a home occupation or home professional office, only external operations which are customary to residential buildings shall be permitted. In the case of any home occupation or home professional office involving customer or patient visitation, adequate off-street parking shall be provided in conformance with standards contained in this title. The boarding and keeping of up to twenty (20) horses or other large animals, **excluding dogs and cats**, on a property with a residential building shall be considered a home occupation. The maintenance of a horse and large animal boarding occupation for up to twenty (20) horses or other large animals shall be subject to the following acreage conditions: a minimum of one acre for the first two animals and an additional minimum of one acre for each additional animal. For purposes of this section, "acreage" shall be defined as land which is owned by the user or under a long term lease or written agreement for its use and is the primary residence of the user, or is contiguous to his primary residence and usable and accessible for the keeping and maintaining of horses, cattle, and other large animals. Surface water bodies and wetlands shall not be included in the acreage calculations. Unusable land as defined in the Rutgers Guidelines shall not be counted in or toward the acreage calculations.

"Hotel or motel" means any structure providing overnight accommodation; in other than dwelling units, for hire to the traveling public, and where only a general kitchen and dining room are provided within the building or as an accessory building.

House, Apartment. "Apartment house" means the same as structure, multifamily.

House, Boarding. "Boarding house" means a rooming house in which the renting individuals are also served with meals prepared in one kitchen by the owner or operator of the house in return for a valuable consideration.

"Houseboat" means those vessels not designed primarily for residential dwelling units, designed primarily for pleasure craft, recreation, and for independent navigation, whose volume coefficient is less than or equal to three thousand (3,000) square feet and not considered a floating home in accordance with the definition set forth in "floating home."

House, Rooming. "Rooming house" means a single-family house, wherein furnished rooms without cooking facilities are rented for a valuable consideration to one or more individuals unrelated by blood or marriage to the owner or operator of the house.

House, Row or Town. "Row or town house" means the same as structure, multi-family.

"House trailer" means the same as mobilehome.

"Hydrophytes" means any plant growing in water or in substrate that is at least periodically deficient in oxygen as a result of excessive water content.

"Immediate family" means those persons related by blood or legal relationship in the

following manner: grandparents, grandchildren parents, sons, daughters, brothers and sisters, nieces and nephews, aunts and uncles and first cousins, husbands and wives, great-grandparents and great-grandchildren.

"Impermeable surface" means any surface which does not permit fluids to pass through or penetrate its pores or spaces, typically having a maximum permeability for water of 10^{-7} cm/second at the maximum anticipated hydrostatic pressure. The term "impermeable" is equivalent in meaning.

"Impervious surface" means any surface that has been compacted or covered with a layer of material so that it prevents, impedes or slows infiltration or absorption of fluid, including stormwater directly into the ground, and results in either reduced groundwater recharge or increased stormwater runoff sufficient to be classified as impervious in Urban Areas by the United States Department of Agriculture, Natural Resources Conservation Service Title 210 - Engineering, 210-3-1 - Small Watershed Hydrology (WINTR-55) Version 1.0. Such surfaces may have varying degrees of permeability.

"Industrial park" means an area planned for specific industrial and commercial operations, the coordinated development of which is carried out under unified management and is governed by approved design, plot size, setback, height, open space, buffering and performance standards.

"Institutional use" means any land used for the following public or private purposes: Educational facilities, including universities, colleges, elementary and secondary and vocational schools, kindergartens and nurseries, cultural facilities such as libraries, galleries, museums, concert halls, theaters, and the like; hospitals, including such educational, clinical, research and convalescent facilities as are integral to the operation of the hospital; medical and health service facilities, including nursing homes, supervised residential institutions, rehabilitation therapy centers and public health facilities; law enforcement facilities; military facilities; churches; public office buildings; cemeteries and other similar facilities.

"Institution of higher learning" means an educational institution of higher learning chartered by the state of New Jersey or a private educational institution approved by and subject to regulations prescribed by the state of New Jersey and giving instruction or affording facilities for study in academic or technical subjects only at or above the college level.

"Interested person or party" means any persons whose right to use, acquire or enjoy property is or may be affected by any action taken under this title or whose right to use, acquire or enjoy property under this title or under any other law of this state or of the United States has been denied, violated or infringed upon by an action or a failure to act under this title.

"Interim rules and regulations" means the regulations adopted by the Pinelands Commission pursuant to the Pinelands Protection Act to govern the review of applications from the adoption of the regulations until the Pinelands Comprehensive Management Plan took effect on January 14, 1981. These regulations were formerly codified as N.J.A.C. 7:1G-1 et seq.

"Junk yard" means the use of more than one thousand (1,000) square feet in the case of an agricultural parcel or more than two hundred (200) square feet of the area of any other lot, whether inside or outside a building, or the use of any portion of that half of any lot that joins a public thoroughfare, for the storage, keeping, processing or abandonment of waste paper, rags, scrap metal or other discarded material, or the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts thereof.

"Kennel" means any building or land parcel used for the keeping of dogs and other small household pets. The keeping of more than five such animals on any one property constitutes a kennel.

"Land" means and includes the surface and subsurface of the earth as well as improvements and fixtures on, above, or below the surface and any water found thereon.

"Landfill" means sites, including open dumps, where solid waste, liquid and dry sewage sludge, and liquid and dry chemical waste are disposed of by land application with or without the use of management practices or soil covering. For the purpose of this title solid waste transfer stations shall not be considered landfills.

"Landowner" means any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having legal title to the land. The holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land, may file an application as the landowner for the purpose of this title.

"Landscaping" means the installation of plant material or seed as a part of development.

"Loading space" means any off-street space not less than twelve (12) feet in width, seventy (70) feet in length, and fourteen (14) feet in height available for the loading or unloading of goods, having direct access to a street or alley and so arranged that no vehicle is required to back into a street.

"Local communications facility" means an antenna and any support structure, together with any accessory facilities, which complies with the standards in N.J.A.C. 7:50-5.4 and which is intended to serve a limited, localized audience through point-to-point communication, including cellular telephone cells, paging systems and dispatch communications. It does not include radio or television broadcasting facilities or microwave transmitters.

"Lot" means a designated parcel, tract, or area of land established by a plat or as otherwise permitted by law and to be used, developed, or built upon as a unit.

Lot, Corner. "Corner lot" means a lot fronting on two streets at their intersection.

"Lot depth" is the mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

"Lot frontage" means the horizontal distance measured along the full length of the front line. In the case of a corner lot, the shorter of the two street lines shall be considered as the frontage.

Lot Line, Front. "Front lot line" means the right-of-way line of a street which a lot or parcel abuts.

Lot Line, Rear. "Rear lot line" means a lot line other than a street line which is the farthest lot line from the street. In the case of a lot abutting two streets, required front yard setbacks from both streets shall be observed.

Lot Line, Side. "Side lot line" means a continuous line which runs back from an intersection with the front lot line and which forms the boundary line between the lot and the adjacent parcel land.

"Lot width" means the distance between the side lot line measured at right angles to the depth of the lot, along the front setback line.

"Marina" means a dock or base and operated for profit or to which public patronage is invited providing moorings or marine services primarily for power yacht launches or other water craft other than floating homes, and which is also capable of removing any and all crafts moored within the marina, out of the water for repair or as a result of emergent conditions.

"Mobilehome" means any vehicle or similar conveyance so designed or constructed as to permit its transportation as a fully built unit and to permit occupancy for dwelling purposes on a permanent basis.

"Mobilehome park" means a land parcel upon which two or more mobilehomes for dwelling purposes are located on a permanent basis. Includes trailer court, trailer park or trailer coach park,

when so used.

Motel. See "hotel" or "motel."

"Motor home" means a self-propelled vehicle, less than eight feet in width and less than thirty-five (35) feet in length, which is used for sleeping and other temporary human occupancy during the course of activities commonly known as "camping" or "caravaning."

"Natural stream" means a naturally eroded channel with visible evidence of banks and bed, as distinguished from a swale which shows no evidence of natural erosion, except occasional gullying, and from a ditch, which is an artificially excavated channel.

"Navigable waters" means water capable of being traversed by pleasure craft.

"Nonconforming building" means a building in its design or location upon a lot which does not conform to the regulations of this title for the district in which it is located and which was not in violation of any ordinance at the time of its construction.

"Nonconforming lot" means a lot or land parcel which does not have the minimum width or depth, or contain the minimum area for the district in which it is located or the use to which it is being put.

"Nonconforming use" means a use of a building or land lawful at the time it was commenced which does not conform with the permitted uses of this title for the district in which it is located.

"Nursing or convalescent home" means a private institution where the aged, ill, or injured may receive minor medical, surgical or psychiatric treatment, nursing, food, lodging, care, etc., during illness or convalescence.

"Parcel" means any quantity of land, consisting of one or more lots, that is capable of being described with such definiteness that its location and boundaries may be established.

"Parking lot" means an area which contains two or more off-street parking spaces.

Parking Spaces, Off-Street. "Off-street parking spaces" means an area not less than ten (10) feet by twenty (20) feet, exclusive of driveways appurtenant and giving access thereto, accessible from a street but not located on a street, and which is both suitable and intended for the parking of a passenger motor vehicle.

"Person or party" means an individual, corporation, public agency, business trust, partnership association, two or more persons having a joint or common interest, or any other legal entity.

"Pinelands area" means the area designated pursuant to Section 10(a) of the Pinelands Protection Act.

"Pinelands Development Credit" means a use right allocated to certain lands within the township and the Pinelands area pursuant to N.J.A.C. 7:50-5.43 that can be used to secure a residential density bonus on certain other lands within the Pinelands area.

"Pinelands Development Review Board" means the agency responsible from February 8, 1979 until June 28, 1979 for the review of and action on applications for development in the Pinelands area which required approvals of other state agencies, except where the Pinelands Commission acted on applications during that time period.

"Pineland Protection Act" means N.J.S.A. 13:18A-1 to 29, as amended.

"Pinelands Resource Related Use" means any use which is based on resources which are indigenous to the Pinelands including but not limited to forest products, berry agriculture and sand, gravel, clay or ilmenite.

"Piggery" means a place where pigs are assembled for growth or fattening before slaughter.

"Plat" means one or more maps of a subdivision or a site plan which shows the location, boundaries and ownerships of individual properties.

"Preservation area" means that area so designated by Section 10(b) of the Pineland Protection

Act.

Plants, Threatened or Endangered. "Threatened or endangered plants" means a Pinelands plant species whose survival worldwide, nationwide, or in the state is in jeopardy.

"Protection area" means all land within the Pinelands area which is not included in the preservation area.

"Public development" means development, including subdivisions by any township or other governmental agency.

"Public purpose" means the use of land by the township committee, school board, or some officially created municipal agency or authority.

"Public service infrastructure" means sewer service, gas, electricity, water, telephone, cable television, and other public utilities developed linearly, roads and streets and other similar services provided or maintained by any public or private entity.

"Recommended management practice" means the management program which employs the most efficient use of available technology, natural, human and economic resources.

"Record tree" means the largest tree of a particular species in New Jersey based on its circumference at 4.5 feet above ground level. A listing of the largest known tree of each species and its location is maintained at the principal offices of the commission.

Recreational facility, intensive. "Intensive recreational facility" means any recreational facility which does not satisfy the definition of low-intensity recreational facility, including but not limited to golf courses, marinas, amusement parks, hotels, and motels.

"Recreational facility, low-intensity" means a facility or area which complies with the standards of N.J.A.C. 7:50-5, Part III, utilizes and depends on the natural environment of the Pinelands and requires no significant modifications of that environment other than to provide access, and which has an insignificant impact on surrounding uses or on the environmental integrity of the area. It permits such low intensity uses as hiking, hunting, trapping, fishing, canoeing, nature study, orienteering, horseback riding and bicycling.

"Resource management system plan" means a plan, prepared in accordance with the United States Department of Agriculture, Natural Resources Conservation Service New Jersey Field Office Technical Guide, dated June 2005. Such plans shall prescribe needed land treatment and related conservation and natural resources management measures, including forest management practices, for the conservation, protection and development of natural resources, the maintenance and enhancement of agricultural or horticultural productivity, and the control and prevention of non-point source pollution; and establish criteria for resource sustainability of soil, water, air, plants and animals.

"Seasonal high water table" means the level below the natural ground surface to which water seasonally rises in the soil in most years.

"Sign" means any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, or city, or any fraternal, religious or civic organizations; merchandise, pictures or models of products or service incorporated in a window display; works of art which in no way identify a product; or scoreboards located on athletic fields.

"Structural alteration" means any change in either the supporting members of a building, such as bearing wall columns, beams and girders, or in the dimensions or configurations of the roof or

exterior walls.

"Structure" means a combination of materials to form construction for occupancy, use or ornamentation having fixed location on, above or below the surface of land attached to something having a fixed location on, above or below the surface of land.

"Subdivision" means the division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions with the meaning of this title, if no new streets are created: (1) Divisions of land bound by the planning board or subdivision committee thereof appointed by the chairman to be for agricultural purposes where all resulting parcels are five acres or larger in size; (2) Divisions of property by testamentary or intestate provisions; (3) Divisions of property upon court order, including but not limited to judgments of foreclosure; (4) Consolidation of existing lots by deed or other recorded instrument; and (5) The conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality. The term "subdivision" shall also include the term "resubdivision."

"Submerged lands" means those lands which are inundated with water throughout the year.

Trailer. See the definition of mobilehome.

Trailer, Camp or Court. See the definition of mobilehome park.

Trailer, Travel. "Travel trailer" means structures less than eight feet in width and less than thirty (30) feet in length and not used for purpose of day-to-day habitation, but designed to be moved from place to place, and which may be entirely enclosed or partially enclosed with canvas or other material and which are used for sleeping and other temporary human occupancy during the course of activities commonly known as "camping" or "caravaning."

"Utility distribution lines" means lines, conduits or pipes located in a street, road, alley or easement through which natural gas, electricity, telephone, cable television, water, sewage, or stormwater discharge is distributed to or from service lines extending from the main line to the distribution system of the building or premises served. Utility distribution lines do not include electric transmission lines.

"Vegetation" means any plant material including grasses, shrubs and trees.

"Watercourse" means any land area or use either naturally formed or artificially designed for the storage, passage, retention, or flow of water, including but not limited to the following: lake, pond, canal, ditch or swale.

"Wetlands" means those lands which are inundated or saturated by water at a magnitude, duration and frequency sufficient to support the growth of hydrophytes. Wetlands include lands with poorly drained or very poorly drained soils as designated by the National Cooperative Soils Survey of the Soils Conservation Service of the United States Department of Agriculture, and further defined in N.J.A.C. 7:50-6.3 through 6.5.

"Wetlands management" means the establishment of a characteristic wetland or the removal of exotic species or Phragmites from a wetland in accordance with the standards of N.J.A.C. 7:50-6.10. For purposes of this definition, exotic species are those that are not indigenous to North America.

"Wetland soils" means those soils designated as very poorly drained or poorly drained by the Soil Conservation Service of the United States Department of Agriculture, including but not limited to Atsion, Baybor, Berryland, Colemantown, Elkton, Keansburg, Leon, Muck, Othello, Pocomoke, St. Johns and Freshwater Marsh and Tidal Marsh soil types.

"Yard" means an open space on the same lot with a principal building, unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this title.

Yard, Front. "Front yard" means the yard extending across the entire width of the lot between the street right-of-way line and the nearest part of any building. In the case of lots having frontage on two or more streets, front yards shall be provided along each street frontage. In the case of corner lots, required front yard depth shall be provided along all street frontages. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear-front yard lines shall be parallel.

Yard, Rear. "Rear yard" means a yard extending across the rear of the lot between inner side yard lines. In the case of through lots, there will be no rear yards. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum depth required by district regulations with its inner edge parallel to the rear lot line.

Yard, Side. "Side yard" means a yard extending along the side lot line from the front yard to the rear lot line. In the case of through lots, side yards shall extend between the required front yard lines. In the case of corner lots, there shall be only one side yard, adjacent to the interior lot line. Width of a required side yard shall be measured in such manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel to the side lot line.

(Ord. 2002-9 § 1; Ord. 2001-8 §§ 1, 2; Ord. No. 1997-4, § 2; Ord. 93-5 § 2(B); Ord. 90-15 § 1 (part); Ord. 89-8 Arts. 1, 2 and 3)

(Ord. No. 2013-05, § II, 9-9-13)

Chapter 17.08 - ZONING DISTRICTS DESIGNATED

Sections:

17.08.010 - District map.

- A. The township is divided into zoning districts as shown on the zoning map, which are in compliance with the Pinelands CMP, which together with all explanatory matter thereon, is adopted by reference and declared to be a part of this title. However, in the event of an inconsistency between the zoning map and contents thereof and the contents of this title, the contents of this title shall govern.
- B. Unless expressly authorized to the contrary by portions of this title certified as to conformity, the uses, performance standards and requirements of the Pinelands CMP shall apply to all developments within the Township **which are within the jurisdiction of the Pinelands Commission**. The following regulations of the Pinelands CMP, without limitation as to other applicable requirements of the CMP, shall apply under this title.

(Ord. 89-8 § 4.1)

17.08.020 - Pinelands development credits established.

- A. Except for land which was owned by a public agency on January 14th, 1981, land which is thereafter purchased by the state for conservation purposes, land which is subject to an easement limiting the use of land to nonresidential uses or land otherwise excluded from entitlement pursuant to this section, every parcel of land in the Pinelands Preservation, Coastal Wetlands and Special Agricultural Production Districts shall have a use right known as Pinelands Development Credit that can be used to secure a density bonus for lands located in a regional growth area.

- B. Pinelands Development Credits are established at the following ratios:
 - 1. In the Pinelands Preservation and Coastal Wetlands Districts located within the Pinelands area:
 - a. Uplands which are undisturbed but currently or previously approved for resource extraction pursuant to this title: two Pinelands Development Credits per thirty-nine (39) acres;
 - b. Uplands which are mined as a result of a resource extraction permit approved pursuant to this title: zero Pinelands Development Credits per thirty-nine (39) acres;
 - c. Other uplands: one Pinelands Development Credit per thirty-nine (39) acres; and
 - d. Wetlands: two-tenths Pinelands Development Credits per thirty-nine (39) acres.
 - 2. In the Special Agricultural Production District:
 - a. Uplands which are undisturbed but approved for resource extraction pursuant to this title: two Pinelands Development Credits per thirty-nine (39) acres;
 - b. Uplands which are mined as a result of a resource extraction permit approved pursuant to this ordinance: zero Pinelands Development Credits per thirty-nine (39) acres;
 - c. Other uplands and areas of active berry agricultural bogs and fields: two Pinelands Development Credits per thirty-nine (39) acres;
 - d. Wetlands in active field agricultural use as of February 7th, 1979: two Pinelands Development Credits per thirty-nine (39) acres; and
 - e. Other wetlands: two-tenths Pinelands Development Credits per thirty-nine (39) acres.
- C. The allocations established in subsection B of this section shall be reduced as follows:
 - 1. Any property of ten (10) acres or less which is developed for a commercial, industrial, resource extraction, intensive recreation, institutional, campground or landfill use, shall not receive Pinelands Development Credit entitlement. For such an improved property of more than ten (10) acres, the area activity used for such use or ten acres, whichever is greater, shall not receive Pinelands Development Credit entitlement.
 - 2. The Pinelands Development Credit entitlement of a parcel of land shall be reduced by one-quarter PDC for each existing dwelling unit on the property.
 - 3. The Pinelands Development Credit entitlement for a parcel of land shall be reduced by one-quarter PDC for each reserved right to build a dwelling unit on the parcel retained by the owner of the property pursuant to Section 17.08.050 or when a variance for cultural housing is approved by the township pursuant to Section 17.20.110 of this chapter.
 - 4. The Pinelands Development Credit entitlement for a parcel of land shall also be reduced by one-quarter Pinelands Development Credits for each dwelling unit approved pursuant to N.J.A.C. 7:50-4.61 et seq. when a waiver of strict compliance is granted by the Pinelands Commission.
- D. The owners of parcels of land which are smaller than thirty-nine (39) acres shall have a fractional Pinelands Development Credit at the same ratio established in subsection B of this section.
- E. Notwithstanding the provisions above, the owner of record of one-tenth or greater acres of land in those portions of the Pinelands Preservation, Special Agricultural Production, and Coastal Wetlands Districts located within the Pinelands area as of February 7, 1979, shall be entitled to one-quarter Pinelands Development Credits, provided that the parcel of land is vacant, was not in common ownership with any contiguous land on or after February 7, 1979, and has not been sold or transferred except to a member of the owner's immediate family.
- F. The provisions of subsection E. above shall also apply to owners of record of less than one-tenth acres of land in those portions of the Pinelands Preservation, Special Agricultural

Production, and Coastal Wetlands Districts located within the Pinelands area, as of February 7, 1979, provided that said owners acquire vacant, contiguous lands to which Pinelands Development Credits are allocated pursuant to subsection B. above which lands, when combined with the acreage of the parcel owned prior to February 7, 1979, total at least one-tenth of an acre.

(Ord. 2004-4 §§ 1, 2; Ord. No. 1997-4, §§ 3—5; Ord. 93-5 §§ C—E; Ord. 90-15 § 1 (part); Ord. 89-8 § 4.1(1))

17.08.030 - Limitations on use of Pinelands Development Credits.

- A. No Pinelands Development Credit may be conveyed, sold, encumbered or transferred unless the owner of the land from which the credit has been obtained has received a Pinelands Development Credit Certificate from the New Jersey Pinelands Development Credit Bank pursuant to N.J.A.C. 3:42-3 and has deed restricted the use of the land in perpetuity to those uses set forth in Chapter 17.12 by a recorded deed restriction which is in favor of a public agency or not-for-profit incorporated organization and specifically and expressly enforceable by the Pinelands Commission.
- B. Notwithstanding the provision of A. above, an owner of property from which Pinelands Development Credits are sold may retain a right for residential development on that property provided that the recorded deed restriction expressly provides for same and that the total allocation of Pinelands Development Credits for that property is reduced in proportion to the lot area required pursuant to this chapter for the residential development. Subdivision of the property shall not be required until such time as the residential development right is exercised. No such reduction is required if the right to develop a farm-related residence in accord with N.J.A.C. 7:50-5.24(a)2 is retained.
- C. The bonus density of a parcel of land on which Pinelands Development Credits are used shall not exceed the upper limits of the density range of the municipal zone or district in which the property is located.

(Ord. No. 1997-4, § 6; Ord. 90-15 § 1 (part); Ord. 89-8 § 4.1(2))

17.08.040 - Pinelands development credit bonus multipliers.

Pinelands Development Credits which are used for securing density bonus for parcels of land located in a regional growth area shall yield a bonus of four dwelling units per credit.

(Ord. 89-8 § 4.1(3))

17.08.050 - Aggregation of development credits.

Pinelands Development Credits may be aggregated from different parcels for use in securing a bonus for a single parcel of land in a regional growth area provided that the density does not exceed the limits of the density range specified in the municipal district in which the property is located.

(Ord. 89-8 § 4.1(4))

17.08.060 - Recordation of deed restriction.

No conveyance, sale or transfer of Pinelands Development Credits shall occur until the municipality with jurisdiction over the parcel of land from which the Pinelands Development Credits were obtained, the agency or organization to which the restriction is in favor, and the Pinelands Commission have been provided with evidence of recordation of a restriction on the deed to the land from which the credits were obtained. Such deed restriction shall specify the number of Pinelands Development Credits sold and that the property may only be used in perpetuity for the following uses:

- A. In the Pinelands Preservation and Coastal Wetlands Districts: Berry agriculture; horticulture

of native Pinelands plants; forestry; beekeeping; fish and wildlife management; wetlands management; agricultural employee housing as an accessory use; and low-intensity recreational uses in which the use of motorized vehicles is not permitted except for necessary transportation, access to water bodies is limited to no more than fifteen (15) feet of frontage per one thousand (1,000) feet of frontage on the water body, clearing of vegetation does not exceed five percent of the parcel and no more than one percent of the parcel will be covered with impervious surfaces.

- B. In the Special Agricultural Production District: Berry agriculture, horticulture of native Pinelands plants; forestry; beekeeping; fish and wildlife management; wetlands management; and agricultural employee housing as an accessory use.
- C. In all other Pinelands Area Zoning Districts: Agriculture, forestry and low intensity recreational uses.

(Ord. 2004-04 § 3; Ord. 89-8 § 4.1(5))

(Ord. No. 2013-05, § III, 9-9-13)

17.08.070 - Use of Pinelands development credits.

- A. Pinelands Development Credits shall be used in the following manner:
 - 1. When a variance of density or minimum lot area requirements for a residential or principal nonresidential use in the VR or VC zones is granted, Pinelands Development Credits be used for all dwelling units or lots in excess of that permitted without the variance;
 - 2. When a variance for cultural housing is granted by the township in accordance with Section 17.20.110 of this chapter; and
 - 3. When a waiver of strict compliance is granted by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.61 et seq.
- B. In no case shall a building or construction permit be issued for any development involving the use of Pinelands Development Credits until the developer has provided the Pinelands Commission and the township with evidence of his or her ownership of the requisite Pinelands Development Credits and those Pinelands Development Credits have been redeemed with the township. Notification of any such approval shall be made to the Pinelands Commission pursuant to subsection 17.32.070D. and to the New Jersey Pinelands Development Credit Bank in accordance with N.J.A.C. 3:42-3. Redemption of Pinelands Development Credits shall thereafter be accomplished in accordance with N.J.A.C. 3:42-3.6.

(Ord. No. 1997-4, §§ 7, 8; Ord. 93-15 § 2(G); Ord. 89-8 § 4.1(5))

17.08.080 - Zones.

The township is divided into **ten** classes of zones designated and known as follows, and the uses for such zones shall be as set forth on the schedule of district regulations:

- A. (PP) Pinelands Preservation;
- B. (F) Forest Area;
- C. (RD) Rural Development;
- D. (VC) Village Commercial;
- E. (VR) Village Residential;
- F. (CW) Coastal Wetlands;
- G. (SAP) Special Agricultural Production.
- H. (HC) Highway Commercial (Non-Pinelands);
- I. (RD-1) Residential District 1 (Non-Pinelands)
- J. (ID) Infill District

(Ord. 2004-04 § 4; Ord. 89-8 § 4.2)

17.08.090 - Zone districts.

The zone districts are set forth in the metes and bounds descriptions in this section. The zone districts are also delineated on the zoning map dated April 20, 1989 incorporated by reference herein. Should there be any discrepancy between the zoning map and the metes and bounds description, the metes and bounds description shall be considered the accurate description of the zone districts. The zoning map is provided for convenience and immediate reference.

A. Pinelands Preservation Area District.

- 1. Permitted Principal Uses:
 - a. Single family dwellings in accordance with Section 8.11.L
 - b. Agricultural employee housing
 - c. Forestry
 - d. Beekeeping
 - e. Horticulture of native plants
 - f. Public service infrastructure in accordance with Section 9.8
 - g. Pinelands development credits
- h. Signs pursuant to the requirements of this ordinance
- i. Fish and wildlife management
 - j. Low-intensity recreational uses in accordance with Section 8.11.F.1
- 2. Bulk Requirements
 - a. Minimum Lot Area: 3.2 acres
 - b. Minimum Lot Width: 200 feet
 - c. Minimum Front Yard Setback: 175 feet
 - d. Minimum Side Yard Setback: 25 feet
 - e. Minimum Rear Yard Setback: 50 feet
 - f. Maximum Height: 35 feet
 - g. Maximum Building Coverage: 20%
 - h. Maximum Lot Coverage: 30%
- 3. Accessory Structures must conform to bulk requirements, except accessory buildings of less than 100 square feet or less which may be located no closer than 10 feet from side and rear property lines. Accessory structures may not be located in any front yard.
- 4. Special Requirements: Pinelands development credits are allocated and may be used in accordance with Section 4J, subsection 1-v.

5. Permitted Conditional Uses

- a. Kennels and/or Animal Hospitals subject to Section 17.24.030

B. Forest Area.

- 1. Permitted Principal Uses:
 - a. Single family dwellings
 - b. Agricultural employee housing
 - c. Forestry
 - d. Beekeeping
 - e. Horticulture of native plants
 - f. Public service infrastructure
 - g. Fish and wildlife management
 - h. Low-intensity recreational uses, including low intensity campground and gun club, in accordance with Section 8.11.F.1

- i. General Agriculture
- 2. Bulk Requirements
 - a. Minimum Lot Area: 3.2 acres
 - b. Minimum Lot Width: 200 feet
 - c. Minimum Front Yard Setback: 175 feet
 - d. Minimum Side Yard Setback: 25 feet
 - e. Minimum Rear Yard Setback: 50 feet
 - f. Maximum Height: 35 feet
 - g. Maximum Building Coverage: 20%
 - h. Maximum Lot Coverage: 30%
- 3. Accessory Structures must conform to bulk requirements, except accessory buildings of less than 100 square feet or less which may be located no closer than 10 feet from side and rear property lines. Accessory structures may not be located in any front yard.
- 4. Permitted Conditional Uses:
 - a. Fish and wildlife management subject to the following bulk requirements:
 - (1) Minimum Lot Area: None
 - (2) Minimum Lot Width: None
 - (3) Minimum Front Yard Setback: 175 feet
 - (4) Minimum Side Yard Setback: 25 feet
 - (5) Minimum Rear Yard Setback: 50 feet
 - (6) Maximum Height: 35 feet
 - (7) Maximum Building Coverage: 20%
 - (8) Maximum Lot Coverage: 30%
 - b. General Agriculture subject to conditions of Township Animal Control Officer and the following bulk requirements:
 - (1) Minimum Lot Area: 3.2 acres
 - (2) Minimum Lot Width: 200 feet
 - (3) Minimum Front Yard Setback: None
 - (4) Minimum Side Yard Setback: None
 - (5) Minimum Rear Yard Setback: None
 - (6) Maximum Height: None
 - (7) Maximum Building Coverage: None
 - (8) Maximum Lot Coverage: None
 - c. Low intensity recreation, including low intensity campground and gun club, in accordance with Section 8.11.F.1 and 8.11.F.2, and subject to the following bulk requirements:
 - (1) Minimum Lot Area: 50 acres
 - (2) Minimum Lot Width: 200 feet
 - (3) Minimum Front Yard Setback: 200 feet
 - (4) Minimum Side Yard Setback: 50 feet
 - (5) Minimum Rear Yard Setback: 50 feet
 - (6) Maximum Height: 35 feet
 - (7) Maximum Building Coverage: 1%
 - (8) Maximum Lot Clearing: 5%
 - (9) Maximum Density: 1 campsite/building per 2 acres
 - d. Earth extraction subject to the following bulk requirements:
 - (1) Minimum Lot Area: 20 acres

- (2) Minimum Lot Width: 200 feet
 - (3) Minimum Front Yard Setback: 200 feet
 - (4) Minimum Side Yard Setback: 200 feet
 - (5) Minimum Rear Yard Setback: 200 feet
 - (6) Maximum Height: 35 feet
 - (7) Maximum Building Coverage: 20%
 - (8) Maximum Lot Coverage: 30%
- e. Saw mills subject to the following bulk requirements:
- (1) Minimum Lot Area: 5 acres
 - (2) Minimum Lot Width: 200 feet
 - (3) Minimum Front Yard Setback: 200 feet
 - (4) Minimum Side Yard Setback: 75 feet
 - (5) Minimum Rear Yard Setback: 75 feet
 - (6) Maximum Height: 35 feet
 - (7) Maximum Building Coverage: 20%
 - (8) Maximum Lot Coverage: 30%
- f. Educational institution necessary to serve residents of the Township, subject to the following bulk requirements:
- (1) Minimum Lot Area: 5 acres
 - (2) Minimum Lot Width: 200 feet
 - (3) Minimum Front Yard Setback: 75 feet
 - (4) Minimum Side Yard Setback: 75 feet
 - (5) Minimum Rear Yard Setback: 75 feet
 - (6) Maximum Height: 35 feet
 - (7) Maximum Building Coverage: 20%
 - (8) Maximum Lot Coverage: 30%
- g. Airport for use in connection with or to serve agricultural or recreational uses, subject to the following bulk requirements:
- (1) Minimum Lot Area: 5 acres
 - (2) Minimum Lot Width: 200 feet
 - (3) Minimum Front Yard Setback: 75 feet
 - (4) Minimum Side Yard Setback: 50 feet
 - (5) Minimum Rear Yard Setback: 50 feet
 - (6) Maximum Height: 35 feet
 - (7) Maximum Building Coverage: 20%
 - (8) Maximum Lot Coverage: 30%
- h. Roadside agricultural market on land contiguous to actual agricultural operations, subject to the following bulk requirements:
- (1) Minimum Lot Area: 3.2 acres
 - (2) Minimum Lot Width: 200 feet
 - (3) Minimum Front Yard Setback: 75 feet
 - (4) Minimum Side Yard Setback: 50 feet
 - (5) Minimum Rear Yard Setback: 50 feet
 - (6) Maximum Height: 35 feet
 - (7) Maximum Building Coverage: 20%
 - (8) Maximum Lot Coverage: 30%

i. Kennels and/or Animal Hospitals subject to Section 17.24.030

C. Rural Development District.

1. Permitted Principal Uses:

- a. Single family dwellings
- b. Agricultural employee housing
- c. Forestry
- d. Beekeeping
- e. Horticulture of native plants
- f. Public service infrastructure
- g. Fish and wildlife management
- h. Low-intensity recreational uses, including low intensity campground and gun club, in accordance with **Section 8.11.F.1**

i. General Agriculture

2. Bulk Requirements

- a. Minimum Lot Area: 3.2 acres
- b. Minimum Lot Width: 200 feet
- c. Minimum Front Yard Setback: 175 feet
- d. Minimum Side Yard Setback: 25 feet
- e. Minimum Rear Yard Setback: 50 feet
- f. Maximum Height: 35 feet
- g. Maximum Building Coverage: 20%
- h. Maximum Lot Coverage: **30%**

3. Accessory Structures must conform to bulk requirements, except accessory buildings of less than 100 square feet or less which may be located no closer than 10 feet from side and rear property lines. Accessory structures may not be located in any front yard.

4. Permitted Conditional Uses:

a. Fish and wildlife management subject to the following bulk requirements:

- (1) Minimum Lot Area: None
- (2) Minimum Lot Width: None
- (3) Minimum Front Yard Setback: 175 feet
- (4) Minimum Side Yard Setback: 25 feet
- (5) Minimum Rear Yard Setback: 50 feet
- (6) Maximum Height: 35 feet
- (7) Maximum Building Coverage: 20%
- (8) Maximum Lot Coverage: **30%**

b. General Agriculture subject to conditions of Township Animal Control Officer and the following bulk requirements:

- (1) Minimum Lot Area: 3.2 acres
- (2) Minimum Lot Width: 200 feet
- (3) Minimum Front Yard Setback: None
- (4) Minimum Side Yard Setback: None
- (5) Minimum Rear Yard Setback: None
- (6) Maximum Height: None
- (7) Maximum Building Coverage: None
- (8) Maximum Lot Coverage: None

c. Low intensity recreation, including low intensity campground and gun club, in accordance with Section 8.11.F.1 and 8.11.F.2, and subject to the following bulk requirements:

- (1) Minimum Lot Area: 50 acres
- (2) Minimum Lot Width: 200 feet
- (3) Minimum Front Yard Setback: 200 feet
- (4) Minimum Side Yard Setback: 50 feet
- (5) Minimum Rear Yard Setback: 50 feet
- (6) Maximum Height: 35 feet
- (7) Maximum Building Coverage: 1%
- (8) Maximum Lot Clearing: 5%
- (9) Maximum Density: 1 campsite/building per 2 acres

d. Earth extraction subject to the following bulk requirements:

- (1) Minimum Lot Area: 20 acres
- (2) Minimum Lot Width: 200 feet
- (3) Minimum Front Yard Setback: 200 feet
- (4) Minimum Side Yard Setback: 200 feet
- (5) Minimum Rear Yard Setback: 200 feet
- (6) Maximum Height: 35 feet
- (7) Maximum Building Coverage: 20%
- (8) Maximum Lot Coverage: 30%

e. Saw mills subject to the following bulk requirements:

- (1) Minimum Lot Area: 5 acres
- (2) Minimum Lot Width: 200 feet
- (3) Minimum Front Yard Setback: 200 feet
- (4) Minimum Side Yard Setback: 75 feet
- (5) Minimum Rear Yard Setback: 75 feet
- (6) Maximum Height: 35 feet
- (7) Maximum Building Coverage: 20%
- (8) Maximum Lot Coverage: 30%

f. Educational institution necessary to serve residents of the Township, subject to the following bulk requirements:

- (1) Minimum Lot Area: 5 acres
- (2) Minimum Lot Width: 200 feet
- (3) Minimum Front Yard Setback: 75 feet
- (4) Minimum Side Yard Setback: 75 feet
- (5) Minimum Rear Yard Setback: 75 feet
- (6) Maximum Height: 35 feet
- (7) Maximum Building Coverage: 20%
- (8) Maximum Lot Coverage: 30%

g. Airport for use in connection with or to serve agricultural or recreational uses, subject to the following bulk requirements:

- (1) Minimum Lot Area: 5 acres
- (2) Minimum Lot Width: 200 feet
- (3) Minimum Front Yard Setback: 75 feet
- (4) Minimum Side Yard Setback: 50 feet
- (5) Minimum Rear Yard Setback: 50 feet

- (6) Maximum Height: 35 feet
- (7) Maximum Building Coverage: 20%
- (8) Maximum Lot Coverage: 30%
- h. Roadside agricultural market on land contiguous to actual agricultural operations, subject to the following bulk requirements:
 - (1) Minimum Lot Area: 3.2 acres
 - (2) Minimum Lot Width: 200 feet
 - (3) Minimum Front Yard Setback: 75 feet
 - (4) Minimum Side Yard Setback: 50 feet
 - (5) Minimum Rear Yard Setback: 50 feet
 - (6) Maximum Height: 35 feet
 - (7) Maximum Building Coverage: 20%
 - (8) Maximum Lot Coverage: 30%
- h. General recreation uses including fishing, hunting, target shooting, skeet and trap clubs, marinas, riding stables, outdoor tennis and other game fields, subject to Site Plan approval and the following bulk requirements:
 - (1) Minimum Lot Area: 5 acres
 - (2) Minimum Lot Width: 200 feet
 - (3) Minimum Front Yard Setback: 75 feet
 - (4) Minimum Side Yard Setback: 50 feet
 - (5) Minimum Rear Yard Setback: 50 feet
 - (6) Maximum Height: 35 feet
 - (7) Maximum Building Coverage: 20%
 - (8) Maximum Lot Coverage: 30%
- i. **Kennels and/or Animal Hospitals subject to Section 17.24.030**

D. Village Commercial District.

1. Permitted Principal Uses:

- a. Single family dwellings
- b. General agricultural
- c. Retail stores
- d. Personal service business
- e. Business or Professional Office
- f. Government Office
- g. Educational, cultural and religious institutions, including churches
- h. Animal kennel and hospitals
- i. Signs and accessory uses, including home occupations and home professional offices
- j. Municipal uses

2. Bulk Requirements

- a. Minimum Lot Area: 3.2 acres
- b. Minimum Lot Width: 100 feet
- c. Minimum Front Yard Setback: 40 feet
- d. Minimum Side Yard Setback: 20 feet
- e. Minimum Rear Yard Setback: 30 feet
- f. Maximum Height: 35 feet

- g. Maximum Building Coverage: 20%
 - h. Maximum Lot Coverage: 40%
 - 3. Accessory Structures, including residential swimming pools, must conform to bulk requirements, except accessory buildings of less than 100 square feet or less which may be located no closer than 10 feet from side and rear property lines. Accessory structures may not be located in any front yard.
 - 4. Special Requirements:
 - a. Home occupations and home professional offices are subject to Site Plan approval, and must conform to the parking requirements of this ordinance.
 - b. Maximum square footage of retail stores, personal service businesses and business and professional offices shall be 3,000 square feet. Such uses existing at the date of this ordinance may add up to 3,000 square feet of additional space.
- E. Village Residential District.
- 1. Permitted Principal Uses:
 - a. Single family dwellings
 - b. General agricultural
 - c. Municipal Uses
 - d. Signs and accessory uses, including home occupations and home professional offices
 - 2. Bulk Requirements
 - a. Minimum Lot Area: 3.2 acres
 - b. Minimum Lot Width: 100 feet
 - c. Minimum Front Yard Setback: 40 feet
 - d. Minimum Side Yard Setback: 20 feet
 - e. Minimum Rear Yard Setback: 30 feet
 - f. Maximum Height: 35 feet
 - g. Maximum Building Coverage: 20%
 - h. Maximum Lot Coverage: 30%
 - 3. Accessory Structures, including residential swimming pools, must conform to bulk requirements, except accessory buildings of less than 100 square feet or less which may be located no closer than 10 feet from side and rear property lines. Accessory structures may not be located in any front yard.
 - 4. Special Requirements:
 - a. Home occupations and home professional offices are subject to Site Plan approval, and must conform to the parking requirements of this ordinance.
- F. Coastal Wetlands District.
- 1. Permitted Principal Uses:
 - a. Single family dwellings in accordance with [Section 8.11.L](#)
 - b. Agricultural employee housing
 - c. Forestry
 - d. Beekeeping
 - e. Horticulture of native plants
 - f. Public service infrastructure in accordance with [Section 9.8](#)
 - g. Pinelands development credits
 - h. Signs pursuant to the requirements of this ordinance

- i. Fish and wildlife management
- j. Low-intensity recreational uses in accordance with **Section 8.11.F.1**
- k. Agriculture – Salt Hay production in non-wetland/buffer areas
- 2. Bulk Requirements
 - a. Minimum Lot Area: 3.2 acres
 - b. Minimum Lot Width: 100 feet
 - c. Minimum Front Yard Setback: 40 feet
 - d. Minimum Side Yard Setback: 20 feet
 - e. Minimum Rear Yard Setback: 30 feet
 - f. Maximum Height: 35 feet
 - g. Maximum Building Coverage: 20%
 - h. Maximum Lot Coverage: **30%**
- 3. Accessory Structures must conform to bulk requirements, except accessory buildings of less than 100 square feet or less which may be located no closer than 10 feet from side and rear property lines. Accessory structures may not be located in any front yard.
- 4. Special Requirements:
 - a. All development is subject to New Jersey Department of Environmental wetlands rules and regulations.
 - b. Single family dwellings in areas outside of the Pinelands, that are not within a wetlands /wetlands buffer, may be permitted utilizing an alternate and innovative on-site sewage disposal system.
 - c. Lot size may be reduced to one acre, provided that no structure used for permanent or temporary human occupancy or on-site disposal is involved.
- G. Special Agricultural Production
 - 1. PERMITTED PRINCIPAL USES.
 - a. Single family homes in accordance with the provisions of Section 17.20.220 of this Chapter.
 - b. Agricultural employee housing as an element of an active agricultural or horticultural operation.
 - c. Berry agriculture and horticulture of native plants and other agricultural activities compatible with the existing soil and water conditions that support traditional Pinelands berry agriculture.
 - (1) As a permitted accessory use to a commercial berry operation, residential dwelling units, provided that:
 - (a) The dwelling is accessory to an active agricultural operation;
 - (b) The dwelling is for an operator or employee of the farm who is actively engaged in and essential to the agricultural operation;
 - (c) The dwelling is to be located on a parcel of land of at least forty (40) acres in size which is under or qualified for agricultural assessment; and
 - (d) The dwelling is to be located on a property which has an active production history or where a farm management plan has been prepared which demonstrates that the property will be farmed as a unit unto itself or as part of another farm operation in the area.
 - d. Beekeeping.
 - e. Forestry.
 - f. Fish and wildlife management and wetlands management.
 - g. Public service infrastructure which is necessary to serve the needs of uses in the Special Agricultural Production District. Centralized waste water treatment and collection facilities shall be permitted to service the Special Agricultural Production District only in accordance with

N.J.A.C. 7:50-6.84(a)2.

h. Signs, subject to the limitations of this Chapter and N.J.A.C. 7:50-6.107 and 6.108.

i. Pinelands Development Credits.

2. Notwithstanding the minimum lot areas set forth above, no such minimum lot area for a nonresidential use within the Special Agricultural Production Area shall be less than that needed to meet the water quality standards of Section 17.20.190.

H. Highway Commercial District (Non-Pinelands).

1. Permitted Principal Uses:

a. Single family dwellings in accordance with Section 8.11.L

b. General agricultural

c. Retail stores

d. Personal service business

e. Business or professional office

f. Educational, cultural or religious institutions, including churches

g. Marinas

h. Boat building and repair

i. Environmental research activities

j. Contractor's yard

k. Manufacturing consisting of assembly of products from existing component parts

l. Warehouse and wholesale sales, other than petroleum products

m. Animal kennels and hospitals

n. Commercial recreation

o. equipment repair, excluding vehicles

p. Signs and accessory uses customarily incidental to any permitted Principal Use including Home occupations and Home Professional Offices

q. Home swimming pools

r. Municipal uses.

2. Bulk Requirements

a. Minimum Lot Area: 3.2 acres

b. Minimum Lot Width: 100 feet [along Route 9 only]

c. Minimum Front Yard Setback: 80 feet [75' building/20' parking]

d. Minimum Side Yard Setback: 20 feet

e. Minimum Rear Yard Setback: 30 feet

f. Maximum Height: 35 feet

g. Maximum Building Coverage: 20%

h. Maximum Lot Coverage: ____%

3. Accessory Structures must conform to bulk requirements, except accessory buildings of less than 100 square feet or less which may be located no closer than 10 feet from side and rear property lines. Accessory structures may not be located in any front yard.

4. Special Requirements:

a. Site Plan required for all uses except general Agriculture and Single Family Dwelling

b. General Agriculture subject to restrictions of the Township Animal Control Officer.

5. Conditional Uses

a. Gasoline stations and automobile repairs

b. New vehicle sales

- c. Lumber yards and building material supply
- d. Motel
- e. Restaurant
- f. Transportation terminal
- g. Single family dwellings on lots of at least 1 acre, served by other than standard subsurface sewage disposal systems.

I. Residential District 1

- 1. Permitted Principal Uses:
 - a. Single family dwellings on Community Sewer System
- 2. Bulk Requirements
 - a. Minimum Lot Area: 15,000 square feet
 - b. Minimum Lot Width: 85 feet
 - c. Minimum Front Yard Setback: 35 feet
 - d. Minimum Side Yard Setback: 15 feet
 - e. Minimum Rear Yard Setback: 50 feet
 - f. Maximum Height: 35 feet
 - g. Maximum Lot Coverage: 30%
- 3. Accessory Structures must conform to bulk requirements, except accessory buildings of less than 100 square feet or less which may be located no closer than 10 feet from side and rear property lines. Accessory structures may not be located in any front yard.

J. Infill District

- 1. Permitted Principal Uses:
 - a. Single family dwellings
 - b. Single Commercial Use, subject to Nitrate Dilution standards of the Pineland Commission
 - c. General agricultural
 - d. Municipal Uses
 - e. Signs and accessory uses, including home occupations and home professional offices
- 2. Bulk Requirements
 - a. Minimum Lot Area: 1 Acre with Alternative Septic System
 - b. Minimum Lot Width: 100 feet
 - c. Minimum Front Yard Setback: 40 feet
 - d. Minimum Side Yard Setback: 20 feet
 - e. Minimum Rear Yard Setback: 30 feet
 - f. Maximum Height: 35 feet
 - g. Maximum Building Coverage: 20%
 - h. Maximum Lot Coverage: 30%
- 3. Accessory Structures, including residential swimming pools, must conform to bulk requirements, except accessory buildings of less than 100 square feet or less which may be located no closer than 10 feet from side and rear property lines. Accessory structures may not be located in any front yard.
- 4. Special Requirements:
 - a. Commercial Uses, Home Occupations and Home Professional offices are subject to Site Plan approval, and must conform to the parking requirements of this ordinance.

5. Conditional Uses

a. Kennels and/or Animal Hospitals subject to Section 17.24.030

Chapter 17.12 - ZONING REQUIREMENTS GENERALLY

17.12.010 - Use regulations.

No use or occupancy of any building, structure or land shall hereafter be changed to a different use or occupancy and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless it conforms with all of the regulations herein specified for the district in which it is located except as hereinafter provided. Except as otherwise authorized in this title, the following uses are prohibited:

- A. The extraction or mining of mineral resources other than sand, gravel, clay, and ilmenite.
- B. Electricity generating stations.
- C. Open air commercial amusements.
- D. Piggeries.
- E. Top soil removal, except where approved as a conditional use, or as part of an approved Site Plan.
- F. Airport, except where approved as a conditional use.
- G. Mobile homes or trailers used or human habitation on sperate lots.
- H. Dumping or disposal of waste or scrap material of any kind, or the sufferance of such disposal, upon any property by the owner or occupant thereof.
- I. Junkyard, including automotive wrecking.
- J. Reduction or rendering of fish or animal products.
- K. Smelting of ore.
- L. Dissolution of bones, manufacturing of acid, gas, gypsum, asbestos or lime.
- M. Above ground bulk storage (more than 5,000 gallons) of petroleum products or any other flammable liquids, solids or gasses.
- N. Trash or garbage incinerators.
- O. Acetylene gas production, bauxite burners, petroleum or petrochemical refinery, alcoholic beverage producers, ammonia manufacture, bleaching powder manufacture, celluloid manufacture, fireworks or explosive manufacture, match production, commercial slaughterhouse, tallow refinery, grease refinery
- P. Leather tanning, storage or curing.
- Q. Chemical manufacturing
- R. Sodium compound manufacturing.
- S. Cement manufacturing.
- T. Activities which would be injurious, hazardous, noxious or offensive.
- U. Activities which involve danger of fire, explosion, emission of toxic or noxious matter, radiation, or other hazards, which create vibrations, smoke or other particulate matter, odorous matter, heat or humidity.
- V. Storage of nuclear waste or other radioactive material.
- W. Floating homes and/or floating home marinas.

(Ord. 89-8 § 5.1)

17.12.020 - Public street frontage.

Every principal building shall be built upon a lot having frontage on a public street which either has been approved to township standards or for which such improvements have been insured

by the posting of a performance guarantee pursuant to the provisions of the land subdivision ordinance of the township.

(Ord. 89-8 § 5.2)

17.12.030 - Space used once.

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this title shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

(Ord. 89-8 § 5.3)

17.12.040 - Yard reduction prohibited.

No yard or lot existing at the time of passage of this title shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this title shall meet at least the minimum requirements established by the title.

(Ord. 89-8 § 5.4)

17.12.050 - Uniformity.

Within each district, the regulations set by this title shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

(Ord. 89-8 § 5.5)

17.12.060 - Existing lots.

A lot failing to meet the district requirements for area or width and which is demonstrated to have been of public record and not contiguous to other land in the same ownership at the time of enactment of this title, may be used for a permitted use in the district in which it is located under the following conditions:

- A. In F and RD lots existing as of the effective date of the ordinance codified in this title having an area of at least one acre may be used as if conforming to the area requirements hereof and the yard requirement for such lots shall be front seventy-five (75) feet, side twenty-five (25) feet and rear fifty (50) feet. In the Pinelands area, the dwelling unit to be constructed must be the principal residence of the property owner or a member of the immediate family of the property owner and the parcel has been in the continuous ownership since February 7, 1979, of the person whose principal residence the dwelling unit will be, a member of that person's immediate family, or a partnership or corporation in which members of that person's immediate family collectively own more than a majority interest in such partnership or corporation.
- B. In F with respect to subdivisions after the date of this title, the minimum lot size shall be 3.2 acres, but the number of lots permissible to be divided from any parcel shall be calculated at a density of one lot per fifteen (15) acres, one residential unit will be permitted.

(Ord. No. 1997-4, § 9; Ord. 89-8 § 5.6)

17.12.070 - Contiguous lots.

If two or more lots or combinations of lots or portions of lots with contiguous frontage in single ownership are of record at the time of passage or amendment of this title, and if all or part of the lots do not meet the requirements for lot width and area as established by this title, the lands involved shall be considered to be an undivided parcel for the purpose of this title and no portion of such parcel shall be used or sold which does not meet lot width and area requirements established by this title, nor shall any division of the parcel be made which leaves any remaining lot with width or area below the requirements stated in this title.

(Ord. 89-8 § 5.7)

17.12.080 - Required open space and exceptions.

All required yard and other open areas shall be maintained with no portion of such area used as building area or covered by an impervious surface. The following shall constitute the only exceptions permitted in calculating open space: animal feeding areas, arbor and trellises, barbecues or outdoor fireplaces, building projections, cultivated fields or gardens, fences, flagpoles and clothesline poles, outdoor furniture, playground equipment or games, ponds and streams, private sewage disposal systems, swimming pools, temporary garden structures, tree wells, water systems, air conditioning units or private power generating units. No structure, projection or other improvement shall be erected within three feet of any street or road line.

(Ord. 89-8 § 5.8)

17.12.090 - Projections.

Building projections including bays, chimneys, cornices and gutters may extend into required yard areas for a distance not to exceed five feet and shall not be located within ten (10) feet of any property line.

(Ord. 89-8 § 5.9)

17.12.100 - Lot coverage.

The building area of all roofed structures and buildings shall be included in the determination.

(Ord. 89-8 § 5.10)

17.12.110 - Height exceptions.

All buildings and structures shall be subject to the height limitations specified in the schedule of district regulations except:

- A. Antennas which do not exceed a height of two hundred (200) feet and which are accessory to an otherwise permitted use, church spires, cupolas, domes, monuments, water towers, fire observation towers, electric transmission lines and supporting structures, windmills, smokestacks, derricks, conveyors, flag poles and masts, or aerials, solar energy facilities, chimneys and similar structures to be placed above the roof level and not intended for human occupancy. The height of any such structure above the base on which it is fixed or attached shall not exceed two times the district height restriction nor be greater than the shortest distance from such base to any property line;
- B. Silos, barns and other agricultural structures;
- C. The antenna and any supporting structure of a local communication facility of greater than thirty-five (35) feet, provided that the standards set forth in N.J.A.C. 7:50-5.4(c) are met.

(Ord. No. 1997-4, § 10; Ord. 89-8 § 5.11)

17.12.120 - Comprehensive plan or official map setbacks.

Where building lot has frontage on a road that is proposed for right-of-way widening on the master plan or official map of the township, the required front yard area shall be measured from such proposed right-of-way line.

(Ord. 89-8 § 5.12)

17.12.130 - Schedule of district regulations adopted.

District regulations, as set forth in the Bass River Township Zoning Ordinance, "Schedule of District Regulations," are adopted by reference and declared to be a part of this title. Supplementary general standards and requirements are contained in Article VIII and supplementary special standards and requirements relating to certain uses are contained in Article IX. Boarding horses and other large animals (excluding dogs) subject to site plan review by planning board—boarding and keeping of under twenty (20) horse and other large animals considered home occupation; over twenty (20) horses or other large animals considered

commercial use.

(Ord. 2004-4 § 5; Ord. 2001-8 § 3; Ord. 89-8 § 7.1)

17.12.140 - Use regulations.

No use shall be permitted in a zoning district other than uses listed as uses permitted by right; as shown in the schedule of district regulations. The board of adjustment shall decide questions concerning interpretation of the use lists. No more than one principal use shall be located on one lot, except for forestry, agriculture, horticulture, fish and wildlife management, and recreational development on agricultural lands.

(Ord. 89-8 § 7.2)

17.12.150 - Space regulation.

No lot shall be smaller in area or width than the minimum lot area and width requirements for the zoning district in which it is located, as shown on the township zoning map and specified in the township schedule of district regulations. Additionally, no lot shall be smaller in size required for the location of an on-site sewage disposal system at a sufficient distance from all of the lot lines of the lot to insure that the ground or surface water beyond the lot lines will not be reduced below state water quality standards taking into account the soil and hydrological conditions of the lot.

(Ord. 89-8 § 7.3)

17.12.160 - Yard dimensions.

No yard shall have a horizontal dimension, measured according to appropriate definitions contained in Section 17.04.030, less than the minimum yard dimensions specified for the zoning district in which the yard is located as shown on the township zoning map and specified in the township schedule of district regulations.

(Ord. 89-8 § 7.4)

Chapter 17.16 - NONCONFORMING USES AND STRUCTURES

Sections:

17.16.010 - Continuation conditions.

Any lawfully existing use of land or use of structure and premises or any structured by virtue of its size or position on the land that is not in conformity with the provisions of this title at the time of its enactment, may be continued under the following conditions:

- A. A nonconforming use shall terminate upon abandonment at any time. In the case of discontinuance of any nonconforming open land use for a period of six consecutive months, the nonconforming open land use shall be presumed to be abandoned and any subsequent use of land shall conform to the regulations for the district in which such land is located. In addition, when a nonconforming use of a structure, or structure and premises in combination, is discontinued for a period of twelve (12) consecutive months, the nonconforming use shall be presumed to be abandoned and the structure or structure and premises in combination, as the case may be, shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- B. Notwithstanding the use restrictions contained in the Schedule of District Regulations and Section 17.12.060, any use existing on January 14, 1981, that is currently non-conforming or any use which was constructed based upon an approval granted pursuant to the Pinelands comprehensive management plan that is currently non-conforming, other than intensive recreational facilities and those uses which are expressly limited in Section 17.20.110, may be expanded or altered provided that:

1. The use was not abandoned or terminated subsequent to January 14, 1981;
 2. The expansion or alteration of the use is in accordance with all of the minimum standards of Section 17.20.110; and
 3. The area of expansion does not exceed fifty (50) percent of the floor area, the area of the use or the capacity of the use, whichever is applicable, on January 14, 1981, or which was approved pursuant to N.J.A.C. 7:50-4, Part V.
- C. An existing structure devoted to a use not permitted by this title in the district in which it is located shall not be enlarged, extended, reconstructed or structurally altered in any way except as may be required for normal maintenance or to prevent damage or injury. A preexisting, nonconforming use in a structure may be changed to a use permitted in the district in which it is located.
 - D. If no structural alterations are made, any nonconforming use of the structure, or structure and premises, may be changed to another nonconforming use subject to conditions imposed by the board of adjustment, provided that the board, by making findings in a specific case, shall find that the proposed use, as conditioned, is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.
 - E. Any structure or structure and land in combination in or on which a nonconforming use is superceded by a permitted use shall thereafter conform to the regulations of the district in which such structure is located and the nonconforming structure or use shall not hereafter be reinstated.
 - F. A structure which, by reason of restrictions on area, lot coverage, height, yards or other characteristics that could not be built under the terms of this title:
 1. Shall not be enlarged or altered in a way which increases its nonconformity;
 2. Shall not be reconstructed except in conformance with this title should such structure be destroyed by any means to an extent of more than seventy-five (75) percent of its replacement costs at the time of destruction.

(Ord. No. 1997-4, § 11; Ord. 89-8 § 6.1)

Chapter 17.20 - USE AND DESIGN STANDARDS

Sections:

17.20.010 - Driveway regulations.

Any driveway providing access from a public street or way to any permitted use or structure shall comply with the following regulations:

- A. Driveways shall enter the street or road right-of-way at an angle between seventy-five (75) and one hundred five (105) degrees.
- B. The portion of the roadway lying between the right-of-way line of the street and the driveway shall be surfaced as a driveway extension by the developer to a standard equal to the quality of the travelled portion of the road to which it connects.
- C. Any curb opening shall be properly reconstructed by the developer to the satisfaction of the municipal engineer. Where curbing does not exist and conditions warrant, an adequate drain pipe shall be installed by the developer as determined by the municipal engineer.
- D. Driveway grades shall not exceed eight percent for a distance of forty (40) feet from any street or road right-of-way line.
- E. Driveway widths at the street right-of-way line shall be a minimum of twenty (20) feet and a maximum of thirty-five (35) feet in connection with commercial and industrial uses; and a minimum of ten (10) feet and a maximum of twenty (20) feet in connection with residential

uses.

(Ord. 89-8 § 8.1)

17.20.020 - Fences, walls and hedges.

In any zoning district, fences, walls and hedges may be located within required yard areas so long as they do not encroach on public rights-of-way or neighboring properties, or conflict with the provisions of Section 17.20.050.

(Ord. 89-8 § 8.2)

17.20.030 - Flood hazard requirements.

- A. The specific purpose and intent of this section is to prevent excessive and unsafe development in areas deemed unfit by reason of flood danger, unsanitary conditions and related hazards; to minimize danger to public health by protection of water supplies, recharge areas and nature drainage systems; and to promote the health, safety, and welfare of township residents and property owners in and near streams and areas subject to flooding.
- B. Floodplain Areas. There are designated within the township, floodplain areas comprised of those sections of the township which are defined as floodplains in The Army Corps of Engineers Maps of all drainage areas in the township. Within the floodplain areas described above, there are designated floodways as defined in this title.
 - 1. Map Filing and Amendment. For the purpose of defining the application of a floodplain area to any specific area, the maps, data, and other source material utilized to establish, define, and designate floodplain areas shall be kept on file in the municipal engineer's office and shall be proof of the intended limits of the floodplain areas. Any general changes in the floodplain areas as may, from time to time, be determined to be proper by a survey of the municipal engineer or as a result of acceptable engineering delineation accomplished by an outside agency, may be recommended by the municipal engineer as an amendment to the township floodplain area and may be considered for proper enactment as an amendment to this title and the zoning map.
 - 2. Interpretation. In case of any dispute concerning the boundaries of floodplain areas or floodways as delineated by this title, an initial determination shall be made by the municipal engineer. Any party aggrieved by a decision of the municipal engineer as to the proper location of such boundaries may appeal to the township zoning board of adjustment as provided in Section 17.32.190 of this title. For the purpose of this section, if the municipal engineer has determined the map boundary lines to be correct, any change in such boundaries applied for shall be considered by the board of adjustment as an application for a use variance. The burden of proof in any such appeal shall be on the appellant.

Any appeal to utilize land located within the floodplains for purposes not permitted by this section shall be considered by the board of adjustment as an application for a use variance as provided in this title.

C. Permitted Uses.

- 1. Within the floodway of any floodplain areas, the uses permitted under Article 6, Part 1 of the CMP shall be permitted.
- 2. Within the remaining portions of floodplain areas all uses listed in subsection (C)(1) of this section, together with those uses permitted and regulated by this title for the zone district in which the area is located, as such zoning districts are set forth and delineated on the zoning map of the township, shall be permitted provided that:
 - a. All requirements of Article 6, Part 1, are complied with respect to such areas which are wetlands under the CMP;

- b. The maximum lot coverage shall be five percent;
 - c. Any structure proposed to be erected, constructed or located shall not have a basement, or shall have its foundation designed to prevent flooding of the basement area;
 - d. No vegetation removal or regrading of the site shall be carried out unless expressly permitted by the township planning board after site plan review and a determination by the board that any land disturbance activity is the minimum required to accomplish the use to be permitted.
3. Where less than twenty (20) percent of an existing lot is located within a floodplain area, the uses, as permitted and regulated by the ordinance for the zone district in which the area is located, shall apply, provided that no structures are placed within the floodplain area. In the case of lots split by the floodplain area designation, all construction and accompanying land disturbance activities shall take place outside the floodplain area, unless construction within or land disturbance of the floodplain area is permitted in accordance with the provisions of this subsection.
 4. All nonconforming uses, created as a result of the enactment of these regulations, shall not be expanded or be rebuilt or reestablished in the event of their destruction or abandonment, (as per Chapter 17.16) except as provided by this subsection.
- D. Municipal Liability. The granting of a zoning permit in the floodplain area shall not constitute a representation, guarantee or warranty of any kind by the township or by any official or employee thereof of the practicability, and safety or flood proof status of the proposed use nor shall the granting of such a permit create any liability upon the township, its officials, or employees.

(Ord. 89-8 § 8.3)

17.20.040 - Industrial performance standards.

No use shall be permitted within the township which does not conform to the standards of use, occupancy, and operation contained in this subsection. The standards contained herein are established as the minimum requirements to be maintained within the township in all cases except where superceded by a state or federal agency requirement.

- A. Procedure. All applications for development or use permits in the C district as well as any application for industrial or manufacturing use in any other zoning district, shall be accompanied by written opinions by competent technical experts that the performance standards contained in this title will be met by the proposed use. In determining competency of experts, the planning board may utilize training and experience requirements used by applicable divisions and bureaus of the Department of Environmental Protection for qualifying their inspection personnel. All such applications shall be accompanied by a fee of five hundred (\$500.00) dollars to be used by the township to defray the cost of experts retained for the purpose of reviewing application proposals and making recommendations to the township planning board concerning conformance to performance standards contained herein.
1. If, during the process of reviewing any application, the initial fee is not sufficient to cover the cost of required professional services, an additional sum shall be provided by the applicant to cover the cost of such services. In the event the entire amount of the initial fee is not required to cover the cost of professional service required by the township in the review of the application, any portion of the fee remaining at the time a certificate of occupancy is issued shall be returned to the applicant.
 2. If, after a certificate of occupancy has been issued for any industrial use and there is reasonable evidence that such use has fallen below the standards of performance contained herein, the planning board may, upon the advice of a qualified technical consultant, direct the zoning

officer to issue a written notice to the industry in question, citing those specific standards being violated. The cost of such consultant shall be chargeable to the industry in question if, after hearing, a violation is found to exist or to the township if no violation is found to exist. If, after a public hearing upon such written notice, a violation is determined to exist and the owner or occupant fails to correct the violation within a reasonable period of time, the certificate of occupancy granted on the basis of the above established procedure shall become null and void and shall not be reinstated until the planning board has evidence that the violation has been corrected or that the industry is in compliance with the performance standards after re-application according to the procedures listed above for the employment of technical experts in the same manner as if the board was entertaining an initial application.

- B. Standards of Performance. No use shall be permitted within the township which does not conform to the following standards of use, occupancy, and operation. The following standards are established as the minimum requirements to be maintained with the township:
 - 1. Noise. For zoning districts other than Highway Commercial, there shall be no noise measured along the property line on which the use is located which shall exceed the values given in the following table:

Frequency Band in Cycles/Second		Average Sound Pressure Level: Decibels, Re 0.0002 Dyne/Em	
0	—	75	65
75	—	150	50
150	—	300	44
300	—	600	38
600	—	1200	35
1200	—	2400	32
2400	—	4800	29
4800	—	above	26

For Highway Commercial zoning district, there shall be no noise measured along the property line on which the use is located which shall exceed the value given the following table:

Frequency Band in Cycles/Second		Average Sound Pressure Level: Decibels, Re 0.0002 Dyne/Em	
0	—	75	90
75	—	150	82
150	—	300	74
300	—	600	68
600	—	1200	66
1200	—	2400	62
2400	—	4800	59
4800	—	above	56

The sound pressure level shall be measured with a sound level analyzer that conforms to specifications published by the American Standards Association, Inc., New York, New York, under the following: "American Standards Sound Level Meters for measurement of noise and other sounds, Z 24.3-1944" and "American Standards Specifications for an Octave-Bank Filter Set for the Analysis of Noise and Other Sounds, Z 24. 10-1543."

2. Odor. No emission of odorous gases or other odorous material in such quantity as to be offensive at the lot lines or beyond shall be permitted.
3. Glare or Heat. Any operation producing intense glare or heat shall be performed within a completely enclosed building so that no operation will produce heat or glare beyond the property line of the lot on which the operation is located.
4. Radiation. No activity involving ionizing radiation shall be permitted which will cause radiation at any point on or beyond any lot line in excess of limits contained in the U.S. Nuclear Regulatory Committee's Rules and Regulations Title 10, Part 20.
5. Vibration. Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible without instruments at any point on or beyond any lot line on which the use is located.
6. Smoke. There shall be no emission of smoke from any source whatever to a density greater than that prescribed by the laws of the state of New Jersey.
7. Toxic or Noxious Matter. No use shall, for any period of time, discharge any toxic or noxious matter.
8. Dust or Dirt. No emission which can cause any detrimental effects to human beings, animals, vegetation, property or which can cause any excessive soiling at any point, and in no event any emission from any chimney or otherwise of any solid or liquid particles shall be permitted in excess of that prescribed by the law of the state of New Jersey.
9. Fire and Explosion Hazards. All industrial activities shall be carried on in such a manner and with such precaution against fire and explosion hazards as to produce no explosion hazards as determined by the New Jersey Inspection Bureau, to a use on an adjacent property. Free or active burning of intense burning materials shall be enclosed with incombustible walls and shall be set back at least forty (40) feet from any lot line or shall be protected with automatic sprinklers. Materials or products which produce flammable or explosive vapors under ordinary weather temperatures shall be adequately safeguarded.
10. Liquid or Solid Waste. No discharge at any point into any private sewage disposal system or stream or into the ground of any material in any such way or of such nature or temperature as can contaminate water supply or otherwise cause the emission of dangerous or objectionable elements shall be permitted except in accordance with the standards approved by the board of health of the township and the State Department of Health of the township and the State Department of Health, where it has jurisdiction, or in the event that such standards as may be required for controls are not included in such departments, then standards of agencies equivalent to those shall apply. No accumulation of solid waste conducive to the breeding of rodents or insects shall be permitted and no material or wastes shall be deposited upon any lot in such form or manner as may be transferred off of that lot by natural causes or forces. Effluent from a treatment plant shall, at all times, comply with all applicable state and federal water quality standards whichever are stricter.
11. Electromagnetic Interference. No activities shall be permitted (except domestic household appliance use) which produce electromagnetic interference in excess of standards prescribed

by the Federal Communications Commission.

12. Buffer Zones. Any permitted commercial use located adjacent to a residential district boundary line shall observe a two hundred (200) foot building line setback from a residential district boundary line. This area shall constitute a buffer zone that may be utilized only for landscape or natural plantings; for agricultural purposes and for other planning board approved open space uses.
- C. Whenever any use requires a permit or permits from any regulatory agency other than the township for construction or operation, all such permits must be obtained prior to the granting of any permits or approvals under this title.

(Ord. 89-8 § 8.4)

17.20.050 - Intersection view space.

In any district, nothing shall be erected, placed, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half feet and eight feet above the center line grade of abutting street or streets within thirty (30) feet of an intersection of street lines involving a state or county road; within twenty (20) feet of an intersection of street lines involving two municipal streets; or within fifteen (15) feet of an intersection involving boundary lines of a driveway and a street.

(Ord. 89-8 § 8.5)

17.20.060 - Off-street loading.

Off-street loading space shall be provided in accordance with the following standards and requirements:

- A. An off-street loading space, as defined in this title, shall be required:
 1. For each ten thousand (10,000) square feet of gross floor area in a hospital;
 2. For each twenty-five (25) square feet of gross floor area in a funeral home (dimensions of loading space may be reduced to thirty-three (33) feet by twelve (12) feet);
 3. For each twelve thousand (12,000) square feet of gross floor area in a commercial use or manufacturing establishment.
- B. All off-street loading spaces shall be surfaced with asphaltic or portland cement concrete and required loading areas together with their access ways shall not be encroached upon or reduced in any manner or devoted to any other use.
- C. The arrangement of off-street loading space shall be such that no vehicle shall have occasion to back into any street or road.
- D. Off-street loading areas shall be so located or screened in a manner that they cannot be seen from within any residential district.
- E. When the computation to determine the number of required loading spaces results in a requirement of a fractional space, any fraction to and including one-half shall be disregarded and fractions exceeding one-half shall require one space.

(Ord. 89-8 § 8.6)

17.20.070 - Off-street parking.

Adequate off-street parking space, open air or indoor, shall be provided with all new construction or the creation of new uses as specified in this title, on the same lot with the use they are intended to serve, except as provided under subsections (B) and (C) of this section and shall be furnished with necessary passageways and driveways providing efficient access to the nearest public street:

- A. Access aisles and driveways to parking areas shall be not less than twelve (12) feet in width. Aisles and driveways within parking areas shall have a minimum width of:

1. For ninety (90) degree to sixty (60) degree angle parking, twenty-four (24) feet;
 2. For sixty (60) degree to forty-five (45) degree angle parking, nineteen (19) feet;
 3. For less than forty-five (45) degree angle parking, seventeen (17) feet; and
 4. For parallel parking, twelve (12) feet.
- B. The collective provisions of required off-street parking area by two or more buildings or uses located on adjacent lots is permitted, provided that the total of such facilities shall not be less than the sum required for involved buildings or uses computed separately, unless it can be demonstrated to the satisfaction of the board of adjustment that all or part of the separate parking requirements are mutually exclusive as regards periods of need.
 - C. For commercial and noncommercial uses in commercial districts, required parking area shall be required within one hundred fifty (150) feet of such use, such distance to be measured from the nearest point of the parking facility to the nearest point of the building that such facility is designated to serve.
 - D. All off-street parking areas shall be maintained with a graded, dust-free surface that is well-drained, such as gravel or stone for light residential and agricultural uses and black top or better for all other uses. Entrances and exits for all required parking facilities shall be located not less than thirty (30) feet from the intersection of any two (2) street lines and the arrangement of off-street parking areas providing space for more than two vehicles shall be such that no vehicle would have occasion to back into a street.
 - E. Certificates of occupancy for permitted uses requiring off-street parking areas shall remain valid only so long as required parking areas are not encroached upon, nor reduced for the purpose intended.
 - F. All off-street parking areas providing for more than ten (10) parking spaces shall be located, or screened, in such a manner that they cannot be seen from within a residential district.
 - G. Adequate shielding shall be provided in connection with parking lots providing space for more than ten (10) vehicles to protect adjacent residential zones from the glare of both parking lot illumination and automobile headlights.
 - H. Off-street parking space, together with adequate access and maneuvering areas shall be required as follows:
 1. Two spaces for each dwelling unit;
 2. One space for each two hundred (200) square feet of gross floor area in connection with any retail business, except that any business or part thereof serving patrons on the premises shall provide one space for each three seating spaces provided;
 3. One space for each one thousand (1,000) square feet of gross floor area or for each three employees (whichever requires a greater number of spaces) in connection with any wholesale business use or in connection with any manufacturing or other use permitted in the Commercial (C) district;
 4. One space for each one thousand (1,000) square feet of lot area or outdoor commercial amusements;
 5. One space for each room in any use providing transient guest accommodations;
 6. One space for each five beds in a hospital or institution for children or aged;
 7. One space for each five hundred (500) square feet of gross floor area for office buildings;
 8. One space for each seats in a church or auditorium;
 9. One space for each six persons of rated user capacity for clubs, golf course clubhouses, and noncommercial or commercial recreation uses;
 10. One space for each one thousand (1,000) square feet of gross floor area of libraries and

museums;

11. One space for each four beds of an educational institution dormitory;
12. One space for each one thousand (1,000) square feet of gross floor area for college classrooms, laboratories, student centers or offices;
13. One space for each four persons of rated capacity for theatres, gymnasiums, or stadiums;
14. One space for each one-half classroom in elementary schools, one-quarter classroom for junior high schools and one-sixth classroom or senior high schools.
15. For any other building types which do not fit into one of the above categories, a determination of the required number of spaces shall be made by the planning board.

(Ord. 89-8 § 8.7)

17.20.080 - Outdoor storage.

Outdoor storage of any type shall not be permitted unless such storage is normally incidental to the permitted use of a building and a part of the normal operations conducted on the premises. All outdoor storage shall be subject to the requirements of the prevailing zoning district and shall be screened according to the provisions of Section 17.20.090 from any property used or zoned for residential purposes.

(Ord. 89-8 § 8.8)

17.20.090 - Screening.

Whenever screening is called for in this title, or as a condition imposed by the planning board or board of adjustment, it shall be installed according to the following standards and requirements:

- A. Natural screening shall consist of a strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting, of suitable type and species that may be expected to form a year-round, dense screen at least six feet high within a period of three years.
- B. Constructed screening shall consist of a masonry wall or barrier or a uniformly painted fence at least six feet in height, no more than eight feet above finished grade at the point of construction. Such wall, barrier or fence may be opaque or perforated, provided that no more than fifty (50) percent of its area is open.
- C. All such screening shall be maintained in good condition at all times; may be interrupted only by normally required entrances and exits; and shall have no signs attached, other than those permitted in Section 17.20.100.

(Ord. 89-8 § 8.9)

17.20.100 - Signs.

Signs shall be permitted in accordance with the following standards and requirements:

- A. In all zoning districts, the following signs not exceeding two square feet in area shall be permitted without obtaining a zoning permit:
 1. All signs and signals owned or operated by the township, the county of Burlington, the state of New Jersey or the United States of America;
 2. Identification signs for public and quasi-public facilities such as schools, churches, hospitals, libraries and campgrounds;
 3. Memorial or historical markers or tablets;
 4. Traffic directional signs when approved by the engineer.
- B. No sign, other than warning or safety signs, which is designed or intended to attract attention by sudden, intermittent or rhythmic movement, or physical or lighting change, shall be permitted in any area.
- C. No sign, other than warning or safety signs, which changes physical position by any

movement or rotation or which gives the visual impression of such movement or rotation shall be permitted in any area.

- D. No outdoor off-site commercial advertising sign, other than signs advertising agricultural roadside stands, shall be permitted in the Pinelands area of the township.
- E. No existing sign which does not conform to subsections B through D of this section shall be permitted to continue beyond January 14, 1991.
- F. To the maximum extent practical, the character and composition of construction materials for all signs shall be harmonious with the scenic values of the Pinelands.
- G. Sign Requirements. No sign shall be constructed, repaired or maintained except in accordance with the provisions of this section.
- H. The following signs are permitted in all zones:
 - 1. Official public safety and information signs displaying road names, numbers and safety directions;
 - 2. On-site signs advertising the sale or rental of the premises, provided that:
 - a. The area on one side of any such sign shall not exceed twelve (12) square feet,
 - b. No more than one sign is located on any parcel of land held in common ownership;
 - 3. On-site identification signs for schools, churches, hospitals, or similar public service institutions, provided that:
 - a. The size of any such sign shall not exceed twelve (12) square feet,
 - b. No more than one sign is placed on any single property;
 - 4. Trespassing signs or signs indicating the private nature of a road, driveway, or premises, and signs prohibiting or otherwise controlling fishing or hunting, provided that the size of such signs does not exceed twelve (12) square feet;
 - 5. On-site professional, home occupation, or name signs indicating the profession and/or activity and/or name of the occupant of the dwelling, provided that:
 - a. The size of any such sign shall not exceed twelve (12) square feet,
 - b. No more than one sign is permitted for any individual parcel of land;
 - 6. In any commercial district on-site business or advertising signs, provided that:
 - a. No more than two signs are located on any one premises or on the premises leased or utilized by any one business establishment,
 - b. The total area of such signs shall not exceed twenty (20) square feet per side, with the maximum height to the top of the sign not to exceed fifteen (15) feet from ground level;
 - 7. Temporary signs advertising political parties or candidates for election, provided that the size of any such sign does not exceed four square feet;
 - 8. Temporary on- and off-site signs advertising civil, social or political gatherings and activities, provided that the size of such signs does not exceed four square feet.

(Ord. 2001-2(12); Ord. 89-8 § 8.10)

17.20.110 - Performance standards applicable in all districts—Air quality.

- A. All development shall adhere to the relevant air quality standards of N.J.A.C. 7:27 et seq. Adherence to the standards of this section shall be determined by means of an air quality simulation model approved by the New Jersey Department of Environmental Protection pursuant to N.J.A.C. 7:27-18.3.
- B. Applications for residential development of one hundred (100) or more units and any other development involving more than three hundred (300) parking spaces located in any district shall ensure that all state ambient air quality standards in N.J.A.C. 7:27 et seq. for carbon monoxide shall not be exceeded at places of maximum concentration and at sensitive

receptors.

(Ord. No. 1997-4, § 13; Ord. 89-8 § 8.11(A))

17.20.120 - Buffers, screening and setbacks.

- A. Except for those roads which provide for internal circulation within residentially developed areas, all public, paved roads in the Preservation Area District, the Rural Development and Forest Areas shall be considered scenic corridors.
- B. Except as otherwise provided in subsection C below, no permit shall be issued for development other than for agricultural commercial establishments unless the applicant demonstrates that all buildings are set back at least two hundred (200) feet from the center line of the scenic corridor. This requirement shall not apply to residential cluster developments in the rural development and forest area districts which comply with the standards of Section 17.20.260.
- C. Exceptions may be granted by the planning board if compliance with the two hundred (200) foot setback is constrained by environmental or other physical considerations, such as wetland, or active agricultural operation. The building shall be set back as close to two hundred (200) feet as practical and the site shall be landscaped in accordance with the provisions of Section 17.20.180 so as to provide screening from the corridor. In addition, if an applicant for development approval demonstrates that existing development patterns of the corridor are such that buildings are set back less than two hundred (200) feet within one thousand (1,000) feet of the site proposed for development, then a setback shall be set for the proposed development which is consistent with the established development pattern, provided that the site is landscaped in accordance with the provisions of Section 17.20.180 so as to provide screening between the building and the corridor.
- D. The following rivers are designated to be wild and scenic rivers and scenic corridors of special significance to the Pinelands. All structures within one thousand (1,000) feet of the center line of these rivers shall be designed to avoid visual impacts as viewed from the river:
 - Mullica River—Garden State Parkway to the Wading River;
 - Wading River—Confluence with the Mullica River to the Oswego River;
 - Oswego River—Confluence with the Wading River to Sim Place reservoir dam;
 - Bass River—Confluence with the Mullica River to Stage Road crossing in Bass River State Forest.
- E. Vehicle Screening. No more than ten (10) automobiles, trucks or other motor vehicles, whether or not they are in operating condition, shall be stored on any lot unless such motor vehicles are adequately screened from adjacent residential uses and scenic corridors. All vehicles not in operating condition shall be stored only if the gasoline tanks of such vehicles are drained. This shall not apply to vehicles in operating condition which are maintained for agricultural purposes.
- F. Screening of Utility Structures. Above ground generating facilities, switching complexes, pumping stations, and substations shall be screened with vegetation from adjacent uses in accordance with Section 17.20.180.

(Ord. 89-8 § 8.11(B))

(Ord. No. 2013-05, § V, 9-9-13)

17.20.130 - Fish and wildlife.

- A. No development shall be carried out in the Pinelands area unless it is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of those threatened or endangered animal species designated by the Department of

Environmental Protection pursuant to N.J.S.A. 23:2A-1 et seq.

- B. All development or other authorized activity shall be carried out in a manner which avoids disturbance of fish and wildlife habitats that are essential to the continued nesting, resting, breeding and feeding of significant populations of fish and wildlife in the Pinelands.

(Ord. 89-8 § 8.11(C))

17.20.140 - Fire protection.

- A. All dead-end roads will terminate in a manner which provides safe and efficient entry and exit for fire equipment.
- B. The rights-of-way of all roads will be maintained so that they provide an effective fire break.
- C. A fire hazard fuel break shall be provided around structures proposed for human use by the selective removal or thinning of trees, bushes, shrubs and groundcover including the use of prescribed burning as follows:
 - 1. In moderate fire hazard areas a fuel break of thirty (30) feet measured outward from the structure in which:
 - a. Shrubs, understory trees and bushes and groundcover are to be selectively removed, mowed, or pruned on an annual basis; and
 - b. All dead plant material is removed.
 - 2. In high fire hazard areas a fuel break of seventy-five (75) feet measured outward from the structure in which:
 - a. Shrubs, understory trees and bushes and groundcover are to be selectively removed, mowed or pruned and maintained on an annual basis;
 - b. All dead plant material is removed.
 - 3. In extreme high hazard areas a fuel break of one hundred (100) feet measured outward from the structure in which:
 - a. Shrubs, understory trees and bushes and ground cover are to be selectively removed, mowed or pruned and maintained on an annual basis;
 - b. No pine tree (*Pinus* spp.) is closer than twenty-five (25) feet to another pine tree; and
 - c. All dead plant material is removed.
- D. All structures shall meet the following specifications:
 - 1. Roofs and exteriors will be constructed of fire resistant materials such as asphalt rag felt roofing, tile, slate, asbestos cement shingles, sheet iron, aluminum or brick. Fire retardant-treated wood shingles or shake type roofs are prohibited in high or extreme fire hazard areas.
 - 2. All projections such as balconies, decks, and roof gables shall be constructed of fire resistant materials or materials treated with fire retardant chemicals.
 - 3. Any openings in the roof, attic, and the floor shall be screened.
 - 4. Chimneys and stovepipes which are designed to burn solid or liquid fuels shall be equipped with screens over the outlets.
 - 5. Flat roof are prohibited in areas where vegetation is higher than the roof.
- E. All residential development of one hundred (100) dwelling units or more in high or extremely high hazard areas will have a two hundred (200) foot perimeter fuel break between all structures and the forest in which:
 - 1. Shrubs, understory trees, bushes, and ground cover are selectively removed, mowed, or pruned and maintained on an annual basis;
 - 2. All dead plant material is removed;
 - 3. Roads, rights-of-way, wetlands, and waste disposal sites shall be used as fire breaks to the maximum extent practical; and

4. There is a specific program for maintenance.
(Ord. 89-8 § 8.10(D))

17.20.150 - Historic resource preservation.

- A. The planning board shall exercise all the powers and perform all the duties set forth in N.J.A.C. 7:50-6.153(a), including recommendations to the township committee for designation of historic resources, in accordance with N.J.S.A. 40:55D-1 et seq., which are determined to be significant pursuant to subsection E of this section.
- B. Authority to issue certificates of appropriateness;
 - 1. The planning board shall issue all certificates of appropriateness except as specified in subsection (B)(2) of this section.
 - 2. The board of adjustment shall issue certificates of appropriateness for those applications for development which it is otherwise empowered to review.
- C. Certificates of appropriateness shall be required for the following:
 - 1. Construction, encroachment upon, alteration, remodeling, removal, disturbance or demolition of any resource designated by the township committee or the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154 or any action which renders such a site inaccessible; and
 - 2. Development not otherwise exempted from review pursuant to Section 17.32.070 where a significant resource has been identified pursuant to subsection E of this section.
- D. Applications for certificates of appropriateness shall include the information specified in N.J.A.C. 7:50-6.156(b).
- E. A cultural resource survey shall accompany all applications for development in the village commercial or village residential districts and all applications for major development in order to determine whether any significant historic resources exist on the parcel. Guidelines for this survey are contained in Appendix B of the "Cultural Resource Management Plan," dated April, 1991, as amended. In general, the survey shall include: a statement as to the presence of any properties listed on the National and State Registers of Historic Places on the site or within the area of the projects' potential environmental impacts; a thorough search of state, local and any other pertinent inventories to identify sites of potential significance; a review of the literature and consultation with professional and a vocational archaeologists knowledgeable about the area; thorough pedestrian and natural resources surveys; archaeological testing as necessary to provide reasonable evidence of the presence or absence of historic resources of significance; adequate recording of the information gained and methodologies and sources used; and a list of personnel involved and qualifications of the person(s) performing the survey.
 - 1. This requirement for a survey may be waived by the local approval agency if:
 - a. There is insufficient evidence of significant cultural activity on the project site or, in the case of archaeological resources, within the vicinity;
 - b. The evidence of cultural activity on the site lacks the potential for importance because further recording of the available data will not contribute to a more comprehensive understanding of Pinelands culture; or
 - c. The evidence of cultural activity lacks any potential for significance pursuant to the standards of subsection (E)(2) of this section.
 - 2. A resource shall be deemed to be significant if it possesses integrity of location, design, setting, materials, workmanship, feeling, and association which reflects its significance in American history, architecture, archaeology or culture under one or more of the following criteria:

- a. The presence of structures, sites or areas associated with events of significance to the cultural, political, economic or social history of the nation, state, local community or the Pinelands; or
- b. The presence of structures, sites or areas associated with the lives of persons or institutions of significance to the cultural, political, economic or social history of the nation, state, local community or the Pinelands; or
- c. The presence of structures that represent the work of a master, or that possess high artistic values, or that embody the distinctive characteristics of a type, period or method of construction, or that represent a distinguishable entity of significance to the architectural, cultural, political, economic or social history of the nation, state, local community or the Pinelands, although its components may lack individual distinction; or
- d. The presence of a site or area which has yielded or is likely to yield significant information regarding the history or archaeological history of the Pinelands.
- F. The standards governing the issuance of certificates of appropriateness in N.J.A.C. 7:50-6.156(c) shall be followed by the planning board and board of adjustment.
- G. The effect of the issuance of a certificate of appropriateness is as follows:
 - 1. All subsequent development approvals shall be issued or denied in a manner consistent with the certificate of appropriateness except as provided in subsection (G)(2) of this section.
 - 2. A certificate of appropriateness issued as a result of the cultural resource survey requirement set forth in subsection E. above shall be effective for two years. If the resource is not designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154 or by the governing body pursuant to N.J.S.A. 40:55D-1 et seq. within that two-year period, the historic resource standards of this section shall no longer apply to the resource in question until such time as the Pinelands Commission designates the resource pursuant to N.J.A.C. 7:50-6.154.
- H. The following information will be required to document resources which are not found to be significant but which are otherwise found to present graphic evidence of a cultural activity:
 - 1. A narrative description of the resource and its cultural environment;
 - 2. Photographic documentation to record the exterior appearance of buildings, structures, and engineering resources;
 - 3. A site plan depicting in correct scale the location of all buildings, structures, and engineering resources; and
 - 4. A New Jersey state inventory form as published by the New Jersey Department of Environmental Protection for buildings and a narrative description of any process or technology if necessary to elaborate upon the photographic record.
- I. If archaeological data is discovered on a site at any time after construction has been commenced, the developer shall immediately cease construction, notify the planning board and the Pinelands Commission and take all reasonable steps to protect the archaeological data in accordance with the Guidelines for the Recovery of Scientific, Prehistoric, Historic and Archaeological Data: Procedures for Notification, Reporting, and Data Recovery (36 C.F.R. 66).

(Ord. No. 1997-4, §§ 14, 15; Ord. 89-8 § 8.11(E))

17.20.160 - Recreation facilities.

All recreation areas and facilities shall be designed in accordance with N.J.A.C. 7:50-6.143(a)2 and 6.144(a)1-3, and with the New Jersey Department of Environmental Protection publication entitled Administrative Guidelines: Barrier Free Design Standards for Parks and Recreational Facilities.

- A. Low-intensity recreational uses shall be permitted in the PP and F districts, provided that:

1. The parcel proposed for low-intensity recreational use has an area of at least fifty (50) acres;
 2. The recreational use does not involve the use of motorized vehicles except for necessary transportation;
 3. Access to bodies of water is limited to no more than fifteen (15) linear feet of frontage per one thousand (1,000) feet of water body frontage;
 4. Clearing of vegetation, including groundcover and soil disturbance, does not exceed five percent of the parcel; and
 5. No more than one percent of the parcel will be covered with impervious surfaces.
- B. Expansion of intensive recreational uses shall be permitted in the F district, provided that:
1. The intensive recreational use was in existence on February 7, 1979, and the capacity of the use will not exceed two times the capacity of the use on February 7, 1979;
 2. The use is necessary to achieve recreational use of a particular element of the existing Pinelands environment; and
 3. The use is environmentally and aesthetically compatible with the character of the Pinelands forest area and the characteristics of the particular basin in which the use is to be located, taking into consideration the proportion of cleared and developed land, ambient water quality, ecologically sensitive areas and unique resources, and will not unduly burden public services.

(Ord. No. 1997-4, § 16; Ord. 89-8 § 8.11(F))

17.20.170 - Storage and waste disposal.

- A. No materials or wastes shall be deposited upon a lot in such form or manner that they can be transferred off the lot, directly or indirectly, by natural forces such as precipitation evaporation or wind.
- B. No flammable or explosive substance shall be stored on a property except under conditions approved by the fire department and the New Jersey Department of Labor and Industry.
- C. No hazardous or toxic substances, including hazardous wastes, shall be stored, transferred, processed, discharged, disposed or otherwise used in the Pinelands area. The land application of waste or waste derived materials is prohibited in the Pinelands area, except as expressly authorized in N.J.A.C. 7:50-6.79. Waste management facilities shall only be permitted in the Pinelands area in accordance with the standards set forth in N.J.A.C. 7:50-6.
- D. All storage facilities for deicing chemicals shall be lined to prevent leaking into the soil and shall be covered with an impermeable surface which shields the facility from precipitation.
- E. The owners of commercial petroleum storage tanks shall comply with the requirements of Chapter 102 of the Laws of 1986.

(Ord. 1997-4, §§ 17, 18; Ord. 89-8 § 8.11(G))

17.20.180 - Vegetation and landscaping.

- A. No development shall be carried out unless it is designed to avoid irreversible adverse impacts on the survival of any local populations of Pinelands threatened and endangered plants listed in N.J.A.C. 7:50-6.27.
- B. All clearing and soil disturbance activities shall be limited to that which is necessary to accommodate an activity, use or structure which is permitted by this chapter.
- C. Where practical, all clearing and soil disturbance activities associated with an activity, use or structure, other than agriculture, forestry and resource extraction, shall:
 1. Avoid wooded areas, including New Jersey's Record Trees as published by the New Jersey Department of Environmental Protection in 1991 and periodically updated; and
 2. Revegetate or landscape areas temporarily cleared or disturbed during development activities.
- D. All applications for major development shall contain a landscaping or revegetation plan which

incorporates the elements set forth in subsection E. below.

- E. In order to conserve water, conserve natural features and reduce pollution from the use of fertilizers, pesticides and other soil supplements, all landscaping or revegetation plans prepared pursuant to subsection D. above shall incorporate the following elements:
1. The limits of clearing shall be identified;
 2. Existing vegetation, including New Jersey's Record Trees as published by the New Jersey Department of Environmental Protection in 1991 and periodically updated, shall be incorporated into the landscape design where practical;
 3. Permanent lawn or turf areas shall be limited to those specifically intended for active human use such as playfields, golf courses and lawns associated with a residence or other principal non-residential use. Existing wooded areas shall not be cleared and converted to lawns except when directly associated with and adjacent to a proposed structure; and
 4. Shrubs and trees authorized by N.J.A.C. 7:50-6.25 shall be used for revegetation or landscaping purposes. Other shrubs and trees may be used in the following circumstances:
 - a. When the parcel to be developed or its environs contain a predominance of shrubs and tree species not authorized by N.J.A.C. 7:50-6.25;
 - b. For limited ornamental purposes around buildings and other structures; or
 - c. When limited use of other shrubs or tree species is required for proper screening or buffering.
- (Ord. 1997-4, § 19; Ord. 89-8 § 8.11(H))

17.20.190 - Water quality.

- A. All development permitted under this title shall be designed and carried out so that the quality of surface and groundwater shall be protected. Except as specifically authorized in this section, no development which degrades surface or groundwater quality for which establishes new point sources of pollution shall be permitted.
- B. The following point and nonpoint sources may be developed and operated in the Pinelands:
1. Development of new or the expansion of existing commercial, industrial and waste water treatment facilities, or the development of new or the expansion of existing non-point sources, except those specifically regulated in subsections b. through f. below, provided that:
 - a. There will be no direct discharge into any surface water body;
 - b. All discharges from the facility or use are of a quality and quantity such that groundwater exiting from the parcel of land or entering a surface body of water will not exceed two parts per million nitrate/nitrogen;
 - c. All public wastewater treatment facilities are designed to accept and treat septage; and
 - d. All storage facilities, including ponds or lagoons, are lined to prevent leakage into groundwater.
 2. Development of new wastewater treatment or collection facilities which are designed to improve the level of nitrate/nitrogen attenuation of more than one existing on-site wastewater treatment or collection system where a public health problem has been identified, may be exempted from the standards of subsection (B)(1)(b) of this section provided that:
 - a. There will be no direct discharge into any surface water body;
 - b. The facility is designed only to accommodate wastewater from existing residential, commercial, and industrial development;
 - c. Adherence to subsection (B)(1)(b) of this section cannot be achieved due to limiting site conditions or that the costs to comply with the standard will result in excessive user fees; and
 - d. The design level of nitrate/nitrogen attenuation is the maximum possible within the cost limitations imposed by such user fee guidelines but in no case shall groundwater exiting from

- the parcel or entering a surface body of water exceed five parts per million nitrate/nitrogen.
3. Improvements to existing commercial, industrial, and wastewater treatment facilities which discharge directly into surface waters provided that:
 - a. There is no practical alternative available that would adhere to the standards of subsection (B)(1)(a) of this section;
 - b. There is no increase in the existing approved capacity of the facility; and
 - c. All discharges from the facility into surface water are such that the nitrate/nitrogen levels of the surface waters at the discharge point do not exceed two parts per million. In the event that nitrate/nitrogen levels in the surface waters immediately upstream of the discharge point exceed two parts per million, the discharge shall not exceed two parts per million nitrate/nitrogen.
 4. Individual on-site septic wastewater treatment systems which are not intended to reduce the level of nitrate/nitrogen in the wastewater, provided that:
 - a. The proposed development to be served by the system is otherwise permitted pursuant to the provisions of this title;
 - b. The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems is located will ensure that ground water existing from the entire contiguous parcel or entering a surface body of water will not exceed two parts per million nitrate/nitrogen, calculated pursuant to the Pinelands dilution model dated December 1993, as amended, subject to the provisions of subsection (4)(c) below. The entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development but may not include previously dedicated road rights-of-way or any contiguous land that have been deed restricted pursuant to Sections 17.20.240 or 17.08.060;
 - c. Only contiguous lands within the same zoning district and Pinelands management area as the proposed system or systems may be utilized for septic dilution purposes, except for the development of an individual single family dwelling on a lot existing as of January 14, 1981, nonresidential development on a lot of five acres or less existing as of January 14, 1981, or cluster development in accordance with N.J.A.C. 7:50-5.19;
 - d. The depth to seasonal high water table is at least five feet;
 - e. Any potable water well will be drilled and cased to a depth of at least one hundred (100) feet, unless the well penetrates an impermeable clay aquiclude, in which case the well shall be cased to at least fifty (50) feet;
 - f. The system will be maintained and inspected in accordance with the requirements of subsection C of this section;
 - g. The technology to be used has been approved by the New Jersey Department of Environmental Protection; and
 - h. Flow values for nonresidential development shall be determined based on the values contained in N.J.A.C. 7:9A-7.4, as amended, except that the number of employees may not be utilized in calculating flow values for office uses. In the event that N.J.A.C. 7:9A-7.4 does not provide flow values for a specific use, but a flow value is assigned for that use in 7:14A-23.3(a), the flow value specified in N.J.A.C. 7:14A-23.3(a) shall be used in calculating the flow.
 5. Individual on-site septic wastewater treatment systems which are intended to reduce the level of nitrate/nitrogen in the wastewater, provided that:
 - a. The standards set forth in sections (4)(a) and (c) through (h) above are met;
 - b. If the proposed development is nonresidential, it is located in the VR or VC Zones;
 - c. The design of the system and its discharge point, and the size of the entire contiguous parcel

on which the system or systems is located, will ensure that groundwater exiting from the entire contiguous parcel or entering a surface body of water will not exceed two parts per million nitrate/nitrogen, calculated pursuant to the Pinelands dilution model, dated December 1993, as amended, subject to the provisions of section 4.c above and the assumptions and requirements set forth in N.J.A.C. 7:50-6.84(a)5iv. The entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development but may not include previously dedicated road rights-of-way or any contiguous land that have been deed restricted pursuant to Sections 17.20.240 or 17.08.060.

6. Surface water runoff, provided that:
 - a. The total runoff generated from any net increase in impervious surfaces by a ten-year storm of a twenty-four-hour duration shall be retained and infiltrated on site. Runoff volumes shall be calculated in accordance with the United States Soil Conservation Service Technical Release No. 55 or the S.C.S. National Engineering Handbook, section 4;
 - b. The rates of runoff generated from the parcel by a two-year, ten-year and 100-year storm, each of a twenty-four-hour duration, shall not increase as a result of the proposed development. Runoff rates shall be calculated in accordance with the United States Soil Conservation Service Technical Release No. 55 or the S.C.S. National Engineering Handbook, section 4;
 - c. Surface water runoff shall not be directed in such a way as to increase the volume and rate of discharge into any surface water body from that which existed prior to development of the parcel;
 - d. Excessively and somewhat excessively drained soils, as defined by the soil conservation service, should be avoided for recharge of runoff wherever practical;
 - e. A minimum separation of two feet between the elevation of the lowest point of the bottom of the infiltration or detention facility and the seasonal high water table is met, or a lesser separation when it is demonstrated that the separation, either due to soil conditions or when considered in combination with other stormwater management techniques, is adequate to protect groundwater quality; and
 - f. A four-year maintenance guarantee is provided for the entire stormwater management system by the applicant. In addition, the applicant shall fund or otherwise guarantee an inspection and maintenance program for a period of no less than ten (10) years. The program shall identify the entity charged with responsibility for annual inspections and the completion of any necessary maintenance, and the method to finance said program.
7. Alternate design pilot program treatment systems, provided that:
 - a. The proposed development to be served by the system is residential and is otherwise permitted pursuant to the provisions of this title;
 - b. The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems is located will ensure that ground water exiting from the entire contiguous parcel or entering a surface body of water will not exceed two parts per million nitrate/nitrogen, calculated pursuant to the Pinelands dilution model dated December, 1993, as amended, subject to the provisions of subsection (2)(c) below. The entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development but may not include previously dedicated road rights-of-way or any contiguous lands that have been deed restricted;
 - c. Only contiguous lands located within the same zoning district and Pinelands management area as the proposed system or systems may be utilized for septic dilution proposes, except for the development of an individual single family dwelling on a lot existing as of January 14, 1981,

- non-residential development on a lot of five acres or less existing as of January 14, 1981, or cluster development as permitted by N.J.A.C. 7:50-5.19;
- d. The depth to seasonal high water table is at least five feet;
 - e. Any potable water well will be drilled and cased to a depth of at least one hundred (100) feet, unless the well penetrates an impermeable clay aquiclude in which case the well shall be cased to at least fifty (50) feet;
 - f. No more than ten (10) alternate design pilot program treatment systems utilizing the same technology shall be installed in the development of any parcel if those systems are each serving one single-family dwelling;
 - g. Each system shall be equipped with automatic dialing capability to the manufacturer, or its agent, in the event of a mechanical malfunction;
 - h. Each system shall be designed and constructed so that samples of effluent leaving the alternate design pilot program septic system can be readily taken to confirm the performance of the technology;
 - i. The manufacturer or its agent shall provide to each owner an operation and maintenance manual approved pursuant to N.J.A.C. 7:50-10.22(a)2iv;
 - j. Each system shall be covered by a five-year warranty and a minimum five-year maintenance contract consistent with those approved pursuant to N.J.A.C. 7:50-10.22(a)2vi that cannot be cancelled and is renewable and which includes a provision requiring that the manufacturer or its agent inspect the system at least once a year and undertake any maintenance or repairs determined to be necessary during any such inspection or as a result of observations made at any other time;
 - k. The property owner shall record with the deed to the property a notice consistent with that approved pursuant to N.J.A.C. 7:50-10.22(a)2vi that identifies the technology, acknowledges the owner's responsibility to operate and maintain it in accordance with the manual required in this subsection, and grants access, with reasonable notice, to the local board of health, the commission and its agents for inspection and monitoring purposes. The recorded deed shall run with the property and shall ensure that the maintenance requirements are binding on any owner of the property during the life of the system and that the monitoring requirements are binding on any owner of the property during the time period the monitoring requirements apply pursuant to the pilot program or any subsequent regulations adopted by the commission that apply to said system; and
 - l. No system shall be installed after August 5, 2013.
- C. The owner of every on-site septic waste treatment facility shall, as soon as suitable septage disposal facility capacity is available, in accordance with the provisions of Chapter 326 of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. and Section 201 of the Clean Water Act:
1. Have the facility inspected by a technician at least once every three years;
 2. Have the facility cleaned at least once every three years; and
 3. Once every three years submit to the board of health serving the township a sworn statement that the facility has been inspected and cleaned and is functional, setting forth the name of the person who performed the inspection and cleaning and the date of such inspection.
- D. Use of the following substances is prohibited in the township to the extent that such use will result in direct or indirect introduction of such substances to any surface, or ground or surface water or any land:
1. Septic tank cleaners; and

2. Waste oil.

E. No person shall apply any herbicide to any road or public utility right-of-way within the township unless necessary to protect an adjacent agricultural activity.

(Ord. 2002-9 § 2; Ord. 1997-4, §§ 20—26; Ord. 90-15 § 1 (part); Ord. 89-8 § 8.11(I))

(Ord. No. 2013-07, § II, 9-9-13)

17.20.200 - Water management.

A. Interbasin transfer of water between watersheds shall be avoided to the maximum extent practicable and, in no event, shall water be exported beyond Pinelands counties except as otherwise provided in N.J.S.A. 58:1A-7.1.

B. Buildings serviced by a central sewage system shall be designed to include water saving devices.

(Ord. 1997-4, § 27; Ord. 89-8 § 8.11(J))

17.20.210 - Wetlands.

A. Development shall be prohibited in all wetlands and wetlands transition areas in the township except as specifically authorized in this section.

B. Horticulture of native Pinelands species and berry agriculture shall be permitted in all wetlands subject to the requirements of this title.

C. Beekeeping shall be permitted in all wetlands.

D. Forestry shall be permitted in all wetlands subject to the requirements of the township forestry ordinance.

E. Fish and wildlife activities and wetlands management, in accordance with N.J.A.C. 7:50-6.10.

F. Low intensity recreational uses which do not involve use of a structure, including hunting, fishing, trapping, hiking, boating, and swimming, and other low intensity recreational uses shall be permitted in all wetlands provided that any development associated with those other uses does not result in a significant adverse impact on the wetlands as set forth in subsection K of this section.

G. Docks, piers, moorings, and boat launches for the use of a landowner shall be permitted in all wetlands, provided that the use will not result in a significant adverse impact, as set forth in subsection K of this section, and conforms to all state and federal regulations.

H. Commercial or public docks, piers, moorings, and boat launches shall be permitted provided that:

1. There is a demonstrated need for the facility that cannot be met by existing facilities;

2. The development conforms with all state and federal regulations; and

3. The development will not result in a significant adverse impact, as set forth in subsection K of this section.

I. Bridges, roads, trails, and utility transmission and distribution facilities and other similar linear facilities provided that:

1. There is no feasible alternative route for the facility that does not involve development in a wetland, or, if none, that another feasible route which results in less significant adverse impacts on wetlands does not exist;

2. The need for the proposed linear improvement cannot be met by existing facilities or modification thereof;

3. The use represents a need which overrides the importance of protecting the wetland;

4. Development of the facility will include all practical measures to mitigate the adverse impact on the wetland; and

5. The resources of the Pinelands will not be substantially impaired as a result of the facility and

its development as determined exclusively based on the existence of special and unusual circumstances.

- J. No development, except for those uses which are specifically authorized in this section, shall be carried out within three hundred (300) feet of any wetland, unless it has been demonstrated that the proposed development will not result in a significant adverse impact on the wetland, as set forth in subsection K.
- K. A significant adverse impact shall be deemed to exist where it is determined that one or more of the following modifications of a wetland will have an irreversible effect on the ecological integrity of the wetland and its biologic components, including, but not limited to, threatened or endangered species of plants or animals.
- L. Determination under subsection K shall consider the cumulative modifications of the wetland due to the development being proposed and any other existing or potential development which may effect the wetland.

(Ord. 93-5 § 2(2)(J) and (K); Ord. 90-15 § 1 (part); Ord. 89-8 § 8.11(K))

(Ord. No. 2013-05, § VI, 9-9-13)

17.20.220 - Cultural housing.

Residential dwelling units on 3.2 acre lots are permitted in the CW, PP, SAP and F districts, provided that:

- A. The dwelling unit will be the applicant's principal residence of the property owner or a member of the immediate family of the property owner;
- B. The individual whose principal residence the dwelling unit will be has not developed a dwelling unit under this section within the previous five years;
- C. The parcel of land on which the dwelling is to be located has been in the continuous ownership since February 7, 1979, of the person whose principal residence the dwelling unit will be, a member of that person's immediate family, or a partnership or corporation in which members of that person's immediate family collectively own more than a majority interest in such partnership or corporation; and
- D. The person whose principal residence the dwelling unit will be has resided in the Pinelands for at least five years and that person or one or more members of that person's immediate family has resided in the Pinelands for a total of at least twenty (20) different years.

(Ord. 2004-04 § 6; Ord. 1997-4, § 28; Ord. 89-8 § 8.11(L))

17.20.230 - Additional provisions for cultural housing.

Residential dwelling units on one acre lots are permitted in CW, PP, and F districts west of the parkway, provided that:

- A. The applicant satisfies all of the requirements set forth in Section 17.20.220;
- B. The lot to be developed existed as of February 8th, 1979 or was created as a result of an approval granted by the Pinelands Development Review Board or by the Pinelands Commission pursuant to the interim rules and regulations prior to January 14th, 1981;
- C. The applicant qualifies for and receives from the township a variance from the 3.2 acre lot size requirement set forth in Section 17.20.220;
- D. The applicant purchases and redeems 0.25 Pinelands Development Credits; and
- E. Any Pinelands Development Credits allocated to the lot to be developed are reduced pursuant to Section 17.08.010.

(Ord. 93-5 § 2(A) (part))

17.20.240 - Density transfer program.

Residential dwelling units on one acre lots existing as of January 14th, 1981 are permitted in

the F and RD zones of the parkway, provided that:

- A. The owner of the lot proposed for development acquires sufficient vacant contiguous or noncontiguous land which, when combined with the acreage of the lot proposed for development, equals at least fifteen (15) acres if development is proposed in the F zone and at least 3.2 acres if development is proposed in the RD zone;
- B. If development is proposed in the F zone, all noncontiguous lands acquired pursuant to subsection A, which may or may not be developable, are located within the F zone, within that portion of the CW zone consisting of Blocks 10, 11, 12, 16 and 19, or within that portion of the CW zone located east of the Garden State Parkway;
- C. If development is proposed in that portion of the RD zone located west of the Garden State Parkway, all noncontiguous lands acquired pursuant to subsection A, which may or may not be developable, are also located within that portion of the RD zone located west of the Garden State Parkway;
- D. If development is proposed in that portion of the RD zone located east of the Garden State Parkway, all noncontiguous lands acquired pursuant to subsection A, which may or may not be developable, are located in any portion of the RD zone;
- E. All noncontiguous lands acquired pursuant to subsections A through D above are permanently protected through recordation of a deed of restriction in accordance with the following requirements:
 1. The deed of restriction shall permit the parcel to be managed for:
 - a. Low intensity recreation, ecological management and forestry, provided that no more than five percent of the land may be cleared, no more than one percent of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of this chapter;
 - b. Where agricultural use exists on a parcel proposed to be protected, the following standards shall apply:
 - i. For those agricultural uses in existence as of April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses and the expansion of the area of agricultural use by up to fifty (50) percent;
 - ii. For those agricultural uses established after April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses, provided the agricultural use has been in existence for a period of at least five years prior to submission of an application for density transfer;
 - iii. For those agricultural uses established after April 6, 2009 which do not meet the standards of subsection (b)(ii) above, the deed of restriction shall permit the land to be managed only in accordance with subsection (a) above and shall not provide for continuation of any agricultural use on the parcel; and
 - iv. The deed of restriction to be recorded pursuant to subsection (b)(i) or (ii) above shall authorize agricultural uses and provide that impervious surface may not exceed that which currently exists or three percent, whichever is greater, unless a resource management system plan has been prepared. Before these impervious surface limits may be exceeded, evidence of Pinelands Commission approval of the resource management system plan shall be provided. If the deed of restriction is in favor of Burlington County or the State Agricultural Development Committee, evidence of their approval shall also be provided;
 2. The deed of restriction shall be in favor of the parcel to be developed and the township or another public agency or non-profit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission. The deed restriction shall be in

- a form to be approved by the township solicitor and the Pinelands Commission;
- F. Tax assessments for the acquired non-contiguous lands are combined and assigned to the land to be developed; and
- G. The lot proposed for development otherwise meets the minimum standards of this chapter.
(Ord. 93-5 § 2(A) (part))
(Ord. No. 2013-05, § VII, 9-9-13)

17.20.250 - Single family dwellings.

Single family dwellings are permitted in the SAP district, provided that any such dwelling is:

- A. Accessory to an active agricultural operation;
- B. For an operator or employee of the farm who is actively engaged in and essential to the agricultural operation;
- C. To be located on a parcel of land of at least forty (40) acres in size which is under or qualified for agricultural assessment; and
- D. Located on a property which has an active production history or where a farm management plan has been prepared which demonstrates that the property will be farmed as a unit until itself or as part of another farm operation in the area.

(Ord. 2004-4 § 7)

17.20.260 - Residential cluster development in the forest and rural development districts.

In the RD rural development and F forest districts, clustering of single-family detached dwellings shall be required whenever two or more units are proposed as part of a residential development. The following standards shall apply:

- A. Permitted density:
 1. In the RD rural development district: one unit per three and two-tenths (3.2) acres.
 2. In the F forest district: one unit per fifteen (15) acres.
- B. The number of residential lots permitted within the cluster shall be calculated on the basis of the size of the parcel of land and the density permitted in subsection A above, with a bonus applied as follows:

Parcel Size	RD Rural Development District	F Forest District
<50 acres	0	0
50—99.99 acres	10%	20%
100—149.99 acres	15%	25%
≥150 acres	20%	30%

- C. The residential cluster shall be located on the parcel such that the development area:
 1. Is located proximate to existing roads;
 2. Is located proximate to existing developed sites on adjacent or nearby parcels;
 3. Is or will be appropriately buffered from adjoining or nearby non-residential land uses; and
 4. Conforms with the minimum environmental standards of N.J.A.C. 7:50-6.
- D. Development within the residential cluster shall be designed as follows:
 1. Residential lots shall be one acre in size but may be larger if dictated by unusual site conditions. In no case shall the average size of residential lots within a cluster exceed 1.1 acres;
 2. The following minimum yard and building requirements shall apply:

- a. Lot width: One hundred twenty-five (125) feet.
 - b. Front yard: Fifty (50) feet.
 - c. Side Yard: Thirty (30) feet.
 - d. Rear Yard: Fifty (50) feet.
 - e. Maximum height: Thirty-five (35) feet.
3. Individual on-site septic waste water treatment systems which are not intended to reduce the level of nitrate/nitrogen in the waste that comply with the standards of Section 17.20.190(B)(4) may serve the lots within the cluster development area. However, in the event that existing agricultural uses will continue on the parcel in accordance with subsection (E)(2)(b)(ii) below, individual on-site septic waste water treatment systems shall comply with the standards of Sections 17.20.190(B)(5) or (7). Community on-site waste water treatment systems serving two or more residential dwelling units which meet the standards of Sections 17.20.190(B)(5) or (7) shall also be permitted;
 4. The residential cluster development area shall include such land and facilities as are necessary to support the development, including wastewater facilities, stormwater management facilities and recreation amenities; and
 5. Permitted recreation amenities may include playgrounds, tot lots, swimming pools, tennis courts and other such recreational facilities, which are solely for use by the residents of the cluster development. Recreational amenities shall not be limited to the foregoing so that the applicant may propose additional facilities. All such facilities shall be accessory to the residential cluster development. No advertising or commercial enterprise shall be permitted. In no case may such amenities occupy more than one-half acre of land or the equivalent of one acre of land for every twenty-five (25) residential lots, whichever is greater.
- E. The balance of the parcel located outside of the residential cluster development shall be owned and managed by a duly constituted homeowners' association, a non-profit conservation organization, Bass River Township or incorporated as part of one of the lots within the cluster development area.
1. All such land shall be permanently protected through recordation of a deed of conservation restriction. Such restriction shall be in favor of Bass River Township or another public agency or non-profit organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission; and
 2. The deed of restriction shall permit the parcel to be managed for:
 - a. Low intensity recreation, ecological management and forestry, provided that no more than five percent of the land may be cleared, no more than one percent of the land may be covered with impervious surfaces and any such uses or activities are approved and conducted in accordance with the requirements of this chapter; and
 - b. Where agricultural use exists on a parcel proposed for cluster development, the following standards shall apply:
 - i. For those agricultural uses in existence as of April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses and the expansion of the area of agricultural use by up to fifty (50) percent;
 - ii. For those agricultural uses established after April 6, 2009, the deed of restriction may provide for the continuation of agricultural uses, provided the agricultural use has been in existence for a period of at least five years prior to submission of an application for cluster development;
 - iii. For those agricultural uses established after April 6, 2009 which do not meet the standards of subsection (b)(ii) above, the deed of restriction shall permit the land to be managed only in

accordance with a. above and shall not provide for continuation of any agricultural use on the parcel;

- iv. The deed of restriction to be recorded pursuant to subsections (b)(i) or (ii) above shall authorize agricultural uses and provide that impervious surface may not exceed that which currently exists or three percent, whichever is greater, unless a Resource Management System Plan has been prepared. Before these impervious surface limits may be exceeded, evidence of Pinelands Commission approval of the resource management system plan shall be provided. If the deed of restriction is in favor of Burlington County or the State Agricultural Development Committee, evidence of their approval shall also be provided; and
- v. For parcels which meet the standards of subsections (b)(i) or (ii) above, a provision shall be recorded in the deed for each residential lot within the cluster development area which acknowledges agricultural use of the protected land outside the cluster development area and recognizes the legal protections afforded to that use through the deed of restriction and any applicable statutes.

(Ord. No. 2013-05, § VIII, 9-9-13)

17.20.270 - Non-clustered residential development in the forest and rural development area districts.

Single-family detached dwellings in which are not clustered in accordance with Section 17.20.260 may be permitted as a conditional use in the RD rural development and F forest districts, provided that:

A The planning board finds that:

- 1. Clustering of the proposed dwellings would be inconsistent with the minimum environmental standards set forth at N.J.A.C. 7:50-6; or
- 2. Clustering of the proposed dwellings would disrupt the contiguity of the forest ecosystem to a greater degree than non-clustered development.

B. Minimum lot area requirements:

- 1. In the RD rural development district: Three and two-tenths (3.2) acres.
- 2. In the F forest district: Fifteen (15) acres.

(Ord. No. 2013-05, § VIII, 9-9-13)

Chapter 17.24 - SPECIAL USE STANDARDS AND REQUIREMENTS

Sections:

17.24.010 - Earth extraction regulations.

Earth extraction operations may be established in permitted districts as a conditional use requiring site plan review and approval in accordance with the township earth extraction ordinance.

(Ord. 89-8 § 9.1)

17.24.015 - Sexually-oriented businesses.

The following uses subject to the specifications and standards set forth below are permitted as a conditional use in the Highway Commercial (HC) District in the Township of Bass River subject to approval by the Bass River township land development board as provided by law:

A. Sexually-Oriented Businesses.

- 1. Definitions. As used in this subsection, the terms "specified sexual activities" and specified anatomical "areas" shall have the same definitions as are found in the New Jersey Statutes N.J.S.A. 2C:34-3 et seq. And the same are incorporated herein and made a part hereof as if fully set forth. The terms "sexually-oriented businesses" shall have the same meaning as set

forth in the Bass River Township Licensing Ordinance No. 2006-4*¹ and the same is incorporated herein and made a part hereof as if fully set forth.

2. No sexually-oriented business shall be located within one thousand (1,000) feet of:
 - a. A church or place of worship;
 - b. A public or private elementary or secondary school;
 - c. A child care facility;
 - d. A boundary of a residential district;
 - e. A public park or recreation area;
 - f. The property line of a lot devoted to a residential use;
 - g. Another sexually-oriented business.
3. Sexually-oriented business must be located in a freestanding building which shall include a minimum of a one hundred (100) feet buffer if such business abuts a residential district or the property line of a lot devoted to a residential use. This is in addition to the one thousand (1,000) foot buffer set forth in subsection (A)(2)(d) of this section for a total buffer of one thousand one hundred (1,100) feet.
4. Off-street parking shall be provided in accordance with the zoning regulations of the township of Bass River.
5. The interior of the sexually-oriented business shall be designed so that no interior contents of the building are visible at any time from the outside through windows, door openings, or in any other manner.
6. All applicable requirements of the Highway Commercial District and of the zoning and land use regulations of the township of Bass River shall be met.
7. The interior of any building in which a sexually-oriented business use is located shall be adequately lighted, and shall be constructed so that every portion thereof is readily visible without obstruction to the clerk or other employee in charge of the business from the counter, booth, stage, cash register, work station or other place where the person is normally stationed.
8. Sexually-oriented businesses shall not display or permit to be displayed at the licensed premises any obscene material as defined in N.J.S.A. 2C:34-3 at a height of less than five feet or without a blinder or other covering placed or printed on the front of the material displayed. Violation of this provision constitutes a petty disorderly persons offense. Public display of the obscene material shall constitute presumptive evidence that the retailer knowingly made or permitted the display. All signs for sexually-oriented businesses shall meet all requirements as set forth for businesses in commercial districts.
9. All sexually-oriented businesses are expressly prohibited unless and until such businesses are issued a license from the board of commissioners of the township of Bass River in accordance with the licensing and regulating ordinance of Bass River Township. All sexually-oriented businesses must comply with all other provisions of the sexually-oriented businesses licensing and regulating ordinance, together with compliance with all rules and regulations of federal, state or municipal entities having jurisdiction over the sexually-oriented business premises.

(Ord. 2006-03 § 1)

*1 Editor's Note: Ordinance 2006-4 is codified as Section 9.20.000 et seq. of these revised general ordinances.

17.24.020 - Gasoline stations and repair garages.

In commercial districts, gasoline stations and repair garages may be established as conditional uses when, in addition to site plan review and approval; and meeting other ordinance requirements, they comply with the following provisions:

- A. In addition to site plan information required by Section 17.32.060, the site plan submitted in connection with an application for a gasoline station or service garage shall also include the number and location of fuel tanks to be installed, the dimensions and capacity of each storage tank; depth of tanks will be placed below ground level; the number and location of pumps to be installed; the type and location of all principal and accessory structures to be constructed; and the number of automobiles which are to be garaged or parked on the premises.
- B. Driveways shall be not more than twenty-four (24) feet wide at property and curb lines; they shall be located at least ten (10) feet from any side lot line and thirty-five (35) feet from the intersection of street right-of-way lines.
- C. Any parts of the site subject to access by motor vehicles shall be surfaced with portland cement or asphaltic concrete.
- D. Any repair of motor vehicles shall be performed in a fully enclosed building and no motor vehicle shall be offered for sale on the site. No motor vehicle parts or partially dismantled vehicles shall be stored outside an enclosed building.
- E. Accessory goods for sale may be displayed in the building and on the pump island only.
- F. All fuel pumps shall be located at least thirty-five (35) feet from any property line. All fuel tanks shall be installed underground and shall be located at least thirty (30) feet from any property line. As a minimum, screening, as specified in Section 17.20.090, shall be installed along any property line adjoining residentially zoned or used property. The planning board may require additional buffering or other protective devices as necessary to protect surrounding properties from the effect of light or noise generated on the property.
- G. No motor vehicle, service station or public garage shall be located within five hundred (500) feet of any public entrance to a school, recreation area, library, hospital, or charitable institution. Such distance shall be measured in a straight line from the public entrance to the service station lot line nearest the entrance along the street line.

(Ord. 89-8 § 9.2)

17.24.030 - Kennel and/or animal hospital.

A kennel and/or animal hospital, in addition to complying with other applicable regulations including the submission of a site plan as provided in Section 17.32.060, shall be located on a land parcel having a minimum of five acres and shall be located at least two hundred (200) feet from all lot lines, unless the use is carried on within a completely enclosed and sound-proof building, in which case, it must observe the residential lot size and setback requirements of the PP district.

(Ord. 89-8 § 9.3)

17.24.040 - Mobilehomes, motor homes, and travel trailers.

In addition to complying to other applicable regulations contained in this or any other township ordinance, mobilehomes may be placed or used only as follows:

- A. Temporary use of one mobilehome structure for office, tool storage or quarters for a watchman as an accessory use to permitted construction projects on the same lot therewith, for a period provided by the permit not to exceed six months.
- B. Permanent storage of one unoccupied mobilehome on a lot only when entirely enclosed within a permitted principal or accessory building.
- C. No mobilehome shall be permitted as a principal use in any district. This requirements is subject to the provisions of NJS 40:55D-104.

(Ord. 2001-2(11); Ord. 89-8 § 9.4)

17.24.050 - Agricultural uses.

- A. Poultry or Turkey Farms. All applications for a turkey or poultry farm shall be accompanied

by a written opinion of the county agricultural agent concerning possible nuisance characteristics and measures for adequately dealing with them. In addition to site plan information normally required by Section 17.32.060, the application shall set for the purpose of the operation, the manner in which birds will be housed, methods for recycling or disposing of manure, the number of birds to be kept in relation to the size of the parcel, all building or range area, property line setbacks and if birds are to be kept outdoors, proposals for regular rotation and cropping of range areas. The report of the county agricultural agent should also contain observations regarding the above listed matter. Any certificate of occupancy shall remain valid only so long as the use is operated in a nuisance-free manner in accordance with any conditions included in approval of the planning board and board of adjustment.

- B. General Standards for Agricultural Lands. All agricultural activities and fish and wildlife management activities, including the preparation of land and the planting, nurturing and harvesting of crops, shall be carried out in accordance with recommended management practices established for the particular agricultural activity by the New Jersey Department of Agriculture, the Soil Conservation Service, and the New Jersey Agricultural Experimental Station at Rutgers University.
- C. The right to farm all land is recognized to exist as a natural right and is also ordained to exist as a permitted use everywhere in the township, regardless of zoning designation and regardless of specified uses and prohibited uses set forth elsewhere in this title, subject only to the restrictions and regulations for intensive fowl or livestock farms and subject to township health and sanitary codes. The right to farm as it is used in this section includes the rise of large irrigation pumps and equipment, aerial and ground seeding and spraying, large tractors, numerous farm laborers and the application of chemical fertilizers, insecticides and herbicides; all for the purpose of producing from the land agricultural products such as vegetables, grains, hay, fruits, fibers, wood, trees, plants, shrubs, flowers and seeds. This right to farm shall also include the right to use land for grazing by animals, subject to the restrictions for intensive fowl or livestock farms. The foregoing uses and activities included in the right to farm, when reasonable and necessary for the particular farming, livestock or fowl production, and when conducted in accordance with generally accepted agricultural practices, may occur on holidays, Sundays and weekdays, at night and in the day, and the noise, odors, dust and fumes that are caused by them are also specifically permitted as part of the exercise of this right. It is expressly found that whatever nuisance may be caused to others by such uses and activities so conducted, is more than offset by the benefits from farming to the neighborhood and community, and to society in general, by the preservation of open space, the beauty of the countryside and clean air and by the preservation and continuance of farming operations in the township and in New Jersey as a source of agricultural products for this and future generations.

(Ord. 89-8 § 9.5)

17.24.060 - Public utility installations.

Public utility installations, other than essential services as defined in this title, shall be permitted in various zoning districts as specified on the schedule of district regulations provided that, in addition to the submission of a site plan in accordance with Section 17.32.060 and compliance with other applicable requirements, the following standards and procedures will be adhered to:

- A. Any application for such use shall include a statement setting forth the need and purpose of the installation.

- B. Proof shall be furnished to the board of adjustment that the proposed installation, in the location specified, is necessary for the convenient and efficient operation of the public utility involved and for the satisfactory and convenient provision of service by the utility to the neighborhood in which the particular use is to be located.
- C. The design of any building in connection with such facility shall conform to the general character of the area in which it is proposed to be located. The applicant shall demonstrate that the proposed use will, in no way, adversely affect the safe and comfortable enjoyment of neighboring properties. Adequate and attractive fences and other screening devices shall be described and shown on the plan for the proposed use. Appropriate landscaping, including trees, shrubs, and lawn areas shall also be provided.
- D. As a prerequisite for filing application for public utility installation, such utility shall have filed with the municipal clerk a map currently indicating the location of all existing and proposed structures within the municipality. All public utility installations shall be in conformity with the National Electrical Safety Code as well as performance standards contained in this title.
- E. New utility distribution lines and telephone lines to locations not presently served by utilities shall be placed underground, except for those lines which are located on or adjacent to active agricultural operations.
- F. All electric utility transmission lines shall be located within existing rights-of-way on existing towers or underground to the maximum extent practical.
- G. Public service infrastructure shall be permitted in the PP district only if the use is necessary to serve only the needs of uses in the PP district. Centralized wastewater treatment and collection facilities shall be permitted to service the PP district only in accordance with subsection (B)(2) of Section 17.20.190.
- H. Public service infrastructure shall be permitted in the F district only if the uses is intended to primarily serve the needs of the Pinelands. Centralized wastewater treatment and collection facilities shall be permitted to service the F district only in accordance with subsection (B)(2) of Section 17.20.190.
- I. Public service infrastructure shall be permitted in the SAP district only as necessary to serve the needs of the SAP district uses. Centralized wastewater treatment and collection facilities shall be permitted to service the SAP district only in accordance with subsection (B)(2) of Section 17.20.190.

(Ord. 2004-04 § 8; Ord. 1997-4, §§ 29, 30; Ord. 89-8 § 9.6)

17.24.070 - Roadside agricultural markets.

Roadside markets for the sale of farm, truck gardening, nursery gardening and greenhouse produce may be established as provided in the schedule of district regulations and provided further that the major portion of such produce offered for sale is raised by the seller on land contiguous to the market. Applications for roadside markets shall be subject to the provisions of Section 17.32.060. Roadside markets shall be maintained in good repair on a well-kept site. They shall have only one entrance and one exit from the highway; shall maintain no display of goods closer than forty (40) feet to a road right-of-way line; and shall provide one parking space for every one hundred (100) square feet of display area. A maximum of two temporary off-site signs shall be permitted during periods of operation only, each not more than six square feet in area. No signs shall be located within the right-of-way of the adjoining highway, nor shall any sign obstruct the vision of vehicle operators entering or leaving the off-street parking area. Additionally, twenty (20) square feet of identification sign area shall be permitted either on the stand or within thirty

(30) feet thereof. Interior or exterior lighting in connection with a roadside stand shall not produce a noticeable glare off the premises.

(Ord. 89-8 § 9.7)

17.24.080 - Swimming pools and swimming clubs.

In addition to complying with other applicable regulations contained in this and all other township ordinances, swimming pools (other than private pools used as an accessory use to a single family residence) may be established only after site plan review and approval by the planning board, in accordance with the following standards and requirements:

A. Private swimming pools shall be permitted only as an accessory use to a residential unit or units and when the principal residential structure exists or is under construction.

1. Any portion of the perimeter of a private swimming pool that does not abut the principal dwelling or accessory building on the lot which it is located shall be protected from access by small children or pets. Fencing or other protective structures to be used for this purpose shall be included on the plans in order that the building official may determine their adequacy.

The issuance of a building permit shall be conditioned upon the proper installation of approved, protective fencing or other structures and no certificate of occupancy may be issued until their installation is complete.

2. Any private accessory pool must be located in the rear yard or side yard behind the building line at least twenty (20) feet from any side or rear property line.

3. Any lighting used in connection with a private swimming pool shall be so directed or shielded as to not shine directly onto other properties.

B. Public swimming clubs operated on a nonprofit, annual membership basis shall be permitted as indicated on the schedule of district regulations, provided that:

1. Proof is furnished to the zoning officer that the proposed use is a bona fide, non-profit activity organized solely for the use and enjoyment of the membership;

2. The parcel involved in the use shall contain at least three acres and shall have two hundred (200) feet of highway frontage;

3. No more than a total of fifteen (15) percent of the lot shall be covered by structures, parking areas and the pool, together with its adjoining hard surfaced areas;

4. No part of the pool, its accompanying hard surfaced area or other supporting structures or activity areas shall be located within seventy-five (75) feet of a property line;

5. The maximum membership of the club shall be fixed at the time of application and shall be commensurate with the size of the parcel and the scale and facilities contemplated. No expansion of the membership shall take place subsequently without supplemental application to and approval by the board of adjustment;

6. Any pool established in connection with public swimming clubs shall be constructed and operated according to the requirements of the New Jersey Sanitary Code Chapter IX Public Recreational Bathing NJAC 8:26-1 et seq.

(Ord. 2001-2(10); Ord. 89-8 § 9.8)

17.24.090 - Yard sales.

An owner or person in possession of real estate may hold a yard sale or tag sale (deemed to include porch, patio, driveway, garage, barn or curb-side sale) no more than three times in any calendar year, upon obtaining a permit from the zoning officer. The reselling of merchandise bought for resale is prohibited. The tag or yard sale shall not exceed two consecutive days. The yard sale permit shall be prominently displayed at all time during the sale.

(Ord. 94-2 § 1: Ord. 89-8 § 9.9)

17.24.100 - Off-premises directional signs.

A maximum of four temporary off-premises directional signs measuring not over six inches by eighteen (18) inches each for yard sales, bazaars, fairs and church food sales, are permitted under the permit fee listed above. Signs must be removed by the permittee within three days after the event.

(Ord. 89-8 § 9.10)

17.24.110 - Taxi stands, bus terminals and other transportation centers.

Taxi stands, bus terminals and similar commercial transportation centers may be permitted as a conditional use when it shall be found by the planning board: (1) That the location of same shall not have an adverse effect on traffic flow and traffic patterns or that sufficient off-street parking and deceleration lanes have been provided for to eliminate any adverse impact on traffic conditions; (2) That any such facility will not, by noise, vehicle air pollution or physical appearance adversely affect any school, church or other place of public gathering or public or private recreation area; (3) That the site of any such facility shall be in keeping with the master plan in locating the center of transportation and services in the New Gretna area of the township.

(Ord. 89-8 § 9.11)

17.24.120 - Vehicle sales, lumber and building supply businesses.

Vehicle sales, lumber and building supply businesses may be permitted as a conditional use when it shall be found by the planning board that: (1) The site of such business contains at least five acres or sufficient space for storage of all items to be held for sale and additional space for off-street parking of all vehicles reasonably anticipated to be present at the site during peak business hours; (2) That the applicant has presented a plan for fencing and screening of the site from adjacent uses which obscure from view any storage area, when viewed from ground level by a person of average height, with the exception that the portion of a vehicle sale business which fronts on a public street need not be so screened, provided that any vehicles on display to the public be set back at least twenty-five (25) feet from the closest boundary of any street or roadway and that curbing or some other permanent design feature be located to establish setback areas; (3) That any such facility will not, by noise, vehicle air pollution or physical appearance adversely effect any school, church or other place of public gathering or public or private recreation area; (4) That the site of any such facility shall be in keeping with the master plan in locating the center of transportation and services in the New Gretna area of the township.

(Ord. 89-8 § 9.12)

17.24.130 - Commercial uses of less than one acre.

A. Commercial uses of less than one acre may be permitted in zones in which such use is permitted on lots which were in existence on the township tax map prior to the effective date of the ordinance codified in this title when it shall be found by the planning board: (1) That there is adequate off-street parking to accommodate all vehicles which might reasonably be expected to be on the business premises during peak business hours; (2) That the type of business involved will not generate more sewage effluent for on-site disposal than can be properly accommodated by the size of the lot without deteriorating water quality on adjacent property; that the development of the site for commercial use will not contribute stormwater drainage to adjacent properties; and that proper drainage of stormwater into some public drainage way has been provided for; that the location of the site is such that vehicles entering or exiting the premises shall not create a traffic hazard or enter or exit at such a location as to be blocked from view at a distance of two hundred (200) feet in either direction along the roadway on which such access exists; (3) That any such facility will not, by noise, vehicle air

pollution or physical appearance adversely affect any school, church, or other place of public gathering or public or private recreation area; (4) That the site of any such facility shall be in keeping with the master plan in locating the center of transportation and services in the New Gretna area of the township; and (5) Provided that a waiver of strict compliance is obtained from the Pinelands Commission for development within the Pinelands.

- B. In the Pinelands area, no nonresidential use shall be located on a parcel of less than one acre unless a variance is obtained from the planning board and a waiver of strict compliance is granted by the Pinelands Commission or unless the use is served by a centralized wastewater treatment plant.

(Ord. 93-5 (part); Ord. 89-8 § 9.13)

17.24.140 - Floating homes or floating home marinas.

- A. No floating home shall be occupied and no floating home marina shall be permitted in any zone within the township.
- B. No marina shall permit the in water or out of water storage of any floating home.
- C. No person, firm or corporation shall operate or cause to be operated a floating home marina or rent, hold out for rent or sell any site or space for the location of a floating home.
- D. No marina shall use or permit to be used more than five percent of the total number of its approved boat slips or moorage sites for houseboats.

(Ord. 89-8 § 9.14)

Chapter 17.28 - PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT

Sections:

17.28.010 - Planning board staff and consultant experts.

- A. The planning board may hire staff members and contract for experts within its budget and allowance.

(Ord. 89-8 § 11.2)

17.28.020 - Power and responsibility of the planning board.

- A. The planning board shall adopt rules governing the body's procedural operation.
- B. The planning board shall have the following powers and responsibilities:
 - 1. Adopt and amend the master plan;
 - 2. Review and participate in the state and federal programs;
 - 3. Administer site plan and subdivision ordinances;
 - 4. Assemble data on a continued basis;
 - 5. Prepare the six-year capital improvements program;
 - 6. Report to the municipal governing body on proposed development regulations submitted to the board by the governing body within thirty-five (35) days after submission to the board; and
 - 7. To exercise authority regarding the preservation of historic resources and issue certificates of appropriateness, as set forth in Section 17.20.150.

(Ord. 89-8 § 11.3)

17.28.030 - Filing procedures.

Development applications shall be filed with the secretary of the planning board at least twenty-one (21) days prior to the regularly scheduled monthly meeting. Applications shall be filed in accordance with the requirements of the subdivision or site plan ordinance. All applications for variance shall include a site plan drawing as required for site plan submission under the subdivision and site plan ordinance. The secretary of the planning board shall transmit a copy of all

development applications to the township environmental commission for review and comment.
(Ord. 89-8 § 11.4)

17.28.040 - Zoning board of adjustment—Staff and consulting experts.

The zoning board of adjustment may hire staff members and contract for experts within its budgetary allowance.

(Ord. 89-8 § 12.2)

17.28.050 - Rules and regulations.

The board may adopt rules and regulations necessary to carry out the purpose and provisions of this title.

(Ord. 89-8 § 12.3)

17.28.060 - Powers of the zoning board of adjustment.

- A. The board has power to interpret provisions of this title in proceedings before the board and to interpret any terms, clause, or word in the title. Such interpretative powers also applies to the zoning map.
- B. The zoning board of adjustment may grant variances from undue hardship when by reason of exceptional narrowness, shallowness, or shape of a specific piece of property or due to exceptional topographic conditions, or by reason or other extraordinary and exceptional situation or conditions, or by reason or other extraordinary and exceptional situation or condition of such property, the strict application of any regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the developer of such property. The board may grant upon application or appeal a variance from strict application of such regulation to relieve such difficulties or hardship. However, no variance shall be granted allowing a structure or use in a district restricted against such structure or use except as provided in subsection C of this section. A proposed development shall not require approval by the planning board of a subdivision, site plan, or conditional use where the board of adjustment has under review a request for a variance pursuant to Subsection 47(a) of the Municipal Land Use Law (C.40:53D-70(c)); but rather such a matter shall be considered by the board of adjustment in accordance with the subdivision and site plan ordinance, and in conjunction with the variance application.
- C.
 1. The zoning board of adjustment may grant a variance to allow a structure or use in a district restricted against such structure or use in particular cases and for special reasons, but only by affirmative vote of at least two-thirds of the full authorized membership of the board.
 2. No variance or other relief may be granted under the terms of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
- D.
 1. The board may hear appeals of any person aggrieved or an office, department, bureau, or municipal board affected by a decision of the administrative officer as defined in C.40:55D-3.
 2. The appeal shall be taken within sixty-five (63) days by filing three copies with the secretary of the board of adjustment. Appeals stay all proceedings upon which the appeal is based unless the officer from whom the appeal is taken certifies in writing to the board that in his or her opinion such a stay would be detrimental to the health and welfare of the municipality, when such a certification is made, a restraining order may be issued by the Superior Court of New Jersey.
- E. The board may reverse, affirm, or modify any order, decision or requirement from which an

appeal is taken and have all powers of the administrative officer from whom the appeal was taken.

- F. Any use variance granted by the board of adjustment for erection or alteration of any structure or permitting a specific use of any premises shall expire by limitation unless work has begun on all structures or unless the permitted use has begun, within nine months from judgment or determination of the board. However, an appeal tolls the running of the time period from the dates the appeal is filed from the board to the governing body or a court of competent jurisdiction.
- G. Any municipal variance approval which grants relief from the density or lot area requirements set forth in the schedule of district regulations for a residential or principal nonresidential use in the VR or VC zones shall require that Pinelands Development Credits be used for all dwelling units or lots in excess of that permitted without the variance.

(Ord. 1997-4, § 33; Ord. 93-5 § 2(M); Ord. 89-8 § 12.4)

17.28.070 - Legal powers of the zoning board of adjustment.

- A. The following powers are granted by law to the board:
 - 1. To hear appeals on zoning ordinance from decisions of administrative officials or agencies; (2) Interpret zoning ordinances and the official map; (3) Grant hardship variances when the owner would suffer unequitable economic harm due to unusual topographical conditions; (4) Grant a use variance for a structure in a district normally restricted for such structures by an affirmative vote of two-thirds of the full membership; (5) No variance may be issued which will impair the public good, or substantially impair the purpose or intent of the zoning plan or ordinance; (6) Issue permits under C.40:55D-34; (7) Issue permits for structures not related to streets; and (8) The zoning board of adjustment shall have the power to grant (with the same limitations as the planning board) subdivision, site plan or conditional use approval pursuant to Article II, Section 10(d) of the Municipal Land Use Law.

(Ord. 89-8 § 12.5)

17.28.080 - Time period for decisions.

The board shall reach a decision no later than one hundred twenty (120) days after an appeal is taken from an administrative officer or a completed development application is presented to the board. Failure of the board to act within one hundred twenty (120) days is deemed a decision in favor of the applicant. In the Pinelands area, notwithstanding the provisions of this section, local approvals granted as a result of the approving authority's failure to act within the prescribed time period shall not become effective until the requirements of Sections 17.32.070(C) and 17.32.080 are met.

(Ord. 89-8 § 12.6)

17.28.090 - Procedural provisions which apply to both the planning board and zoning board of adjustment.

A meeting shall be held at least once a month unless there are no development applications to process. Special meetings may be convened by the chairman or two members on notice to the boards and the public. A quorum must be present and all action must be taken by a majority vote unless otherwise specified in the Municipal Land Use Law. All meetings shall be open to the public, unless it is an executive session to discuss litigation, personnel, land acquisition, or other matters exempted by N.J.S.A. 10:4-6 et seq. Minutes of any regular meeting shall be kept and made available to the public. Any party may request production of the minutes of regular and special public meetings, the cost of copying to be paid by the applicant.

(Ord. 89-8 § 13.1)

17.28.100 - Hearing requirements.

- A. Each board shall make its own rules governing hearings consistent with the provisions of C. 40:55D-1 et seq.
- B. Oaths shall be administered and subpoenas issued to compel witnesses to attend or to produce evidence. Testimony of witnesses relating to development applications shall be taken under oath by the presiding officer and the attorneys of interested parties shall have the right to cross examine. The technical rules of evidence shall not apply and verbatim record of each proceeding shall be kept by stenographic record or electronic means.

(Ord. 89-8 § 13.2)

17.28.110 - Notice requirement for hearings.

- A. Public notice shall be given in the official municipal newspaper ten (10) days prior to a hearing. Property owners within two hundred (200) feet in all directions of the property in question shall be given notice whether in or outside of the municipality by certified mail or personal service. Notice shall be given to the county planning board when the property in question is adjacent to a county road or other county land or land within two hundred (200) feet of the municipal boundary. Notice shall be given to the commission of transportation on a hearing or application for property development adjacent to a state highway. Notice shall be given to the Division of State and Regional Planning when the proposed development exceeds one hundred fifty (150) acres or five hundred (500) dwelling units. Notice shall also be given to an adjoining municipality on an application when the land in question is within two hundred (200) feet of the boundary line of the adjacent municipality. Notice shall also be given to the Pinelands Commission for all development in the Pinelands area, except for those types listed in Section 17.32.070(A). All parties listed above may be served personally or by certified mail. (The giving of all notice shall be the responsibility of the applicant).
- B. All notice shall be given at least ten (10) days prior to the hearing date and the applicant shall file an affidavit of proof of service with the board. All notices shall state the day, time and place of the hearing, the matters to be considered and identification of the property by street and building lot number and tax map identification.
- C. The administrative officer shall within seven days after a request and upon payment of ten dollars (\$10.00) fee make and certify a list from the current tax duplicate of all property owners to whom the applicant must provide notice.

(Ord. 89-8 § 13.3)

17.28.120 - Decisions.

- A. All decisions on any application for development shall be in writing as a resolution of the board and include finding of facts and conclusion of law.
- B. The board shall mail to the applicant a copy of the decision within ten (10) days after the decision has been reached. Copies shall be mailed to all interested persons who request such decisions and a copy shall be filed with the office of the municipal clerk. Notice of every final decision shall be published in the official newspaper and sent to the newspaper within ten (10) days after the decision has been reached.
- C. The applicant shall notify the Pinelands Commission of any final decision of the board in accord with Section 17.32.100(A) including those granted because of failure of the board to act in the prescribed time period.

(Ord. 89-8 § 13.4)

17.28.130 - Tax payments.

All applications submitted to either board shall include proof that no taxes or assessments for

local improvements or licensing fees of any kind are due or delinquent on such property. If moneys are due on the property, the applicant must pay such amounts or provide for payment in a manner suitable to the municipality before either board can take action upon the application.

(Ord. 89-8 § 13.5)

Chapter 17.32 - ADMINISTRATION AND ENFORCEMENT

Sections:

17.32.010 - Enforcement officer.

The board of commissioners shall appoint a zoning enforcement officer in accordance with the terms and provisions of Title 2, Chapter 2.20 of the Municipal Code of Bass River Township to administer and enforce the provisions of this title except as otherwise provided by law or by this title.

(Ord. 2008-13 § 3: Ord. 89-8 § 10.1)

17.32.020 - Duties of the zoning officer.

The zoning officer duties shall be in accordance with the terms and provisions of Title 2, Chapter 2.20, Section 2.20.020.

(Ord. 2008-13 § 4: Ord. 89-8 § 10.2)

17.32.022 - Deputy zoning enforcement officer.

The board of commissioners may appoint a deputy zoning officer to assist the zoning enforcement officer to administer and enforce the provisions of this title except as otherwise provided by law or by this title. He or she shall be appointed for the term of one year, beginning the first day of January and shall receive such compensation for his or her services as shall be fixed by resolution of the governing body.

(Ord. 2008-12 § 1 (part))

17.32.023 - Duties of the deputy zoning enforcement officer.

The deputy zoning enforcement officer shall:

- A. Assist the zoning enforcement officer to administer and enforce the zoning ordinances of the township of Bass River.
- B. Perform all of the duties of the zoning enforcement officer at his or her direction or in his or her absence.

(Ord. 2008-12 § 1 (part))

17.32.030 - Zoning permits required.

No person shall, hereafter erect, locate or alter any building or portion thereof, or begin or change the use of any land, without first obtaining a zoning permit therefor from the zoning officer. Any change in occupancy in the VC or HC zone shall require a new occupancy permit. No zoning permit shall be issued except in conformance with the provisions of this title or, where authorized, upon written order of the board of adjustment, planning board, or governing body.

(Ord. 89-8 § 3)

17.32.040 - Application for zoning permits.

- A. All requests for zoning permits shall be made in writing to the zoning officer on forms supplied by the zoning officer and shall be signed by the owner or his or her authorized agent.
- B. The application shall include a description of the use or intended use or uses of the building and/or land. Each application shall be accompanied by a site plan drawn to scale, showing any existing or proposed buildings, or open land uses and their exact relation to all lot and street lines, wetlands soil borings and percolation test. Accompanying the application also must be

a written statement giving satisfactory evidence to the effect that the line of the street boundaries have been accurately located and staked on the ground and that the application is intended to comply with all the provisions of the zoning ordinance or any lawful order of the planning board or board of adjustment.

- C. Except as provided otherwise in Section 17.32.050, conditional uses, and 17.32.060, site plan approval, a zoning permit shall be granted or refused by the zoning officer within ten (10) days after he or she shall have received an application complete in all respects, together with any required fee.

(Ord. 89-8 § 4)

17.32.050 - Conditional uses.

- A. Recognizing that certain uses, activities and structures are necessary to serve the needs and convenience of the township and, at the same time, recognizing that such uses may be or may become harmful to the public health, safety, and general welfare if located and operated without proper consideration of existing conditions and character of surrounding property, such uses are designated conditional uses and listed as such under the appropriate zone district contained in the schedule of district regulations. In addition to other powers conferred by this title, the planning board shall have power to authorize the granting of a permit for a conditional use together with site plan approval; under the terms and conditions established by this title, and in accordance with the following general stipulations and guidelines:
1. The use for which application is being made is specifically authorized as a conditional use in the schedule of district regulations for the district in which it is proposed;
 2. The design, arrangement and nature of the particular use is protected;
 3. That reasonable consideration is afforded the character of the neighborhood and the district; the conservation of property values; the avoidance of congestion of vehicular traffic; and the avoidance of any unnecessary hazards.
- B. All applications for conditional use permits shall be made to the zoning officer. The zoning officer, after determining that the application is in proper form, shall transmit one copy of the application and all supporting documents to the secretary of the planning board for referral to the planning board for site plan approval including evaluation of the proposed use as to conformity with the goals, objectives and policies established by the township master plan, as well as conditional use approval.
1. The planning board shall conduct a public hearing on conditional use applications referred to it by the zoning officer in accordance with procedures and requirements established elsewhere in this title, and shall by resolution, either approve or disapprove the application so heard.
 2. In approving an application, the planning board may impose any modifications or conditions it deems necessary to carry out the intent of this title or to protect the health, safety or general welfare of the public.
 3. The planning board shall notify the zoning officer in writing as to its decision and any special conditions imposed by connection with approval actions.

(Ord. 89-8 § 10.5)

17.32.060 - Site plan approval.

All submissions requiring site plan approval under this title shall be submitted in accordance with the site plan submission requirements of the subdivision and site plan ordinance of the township.

(Ord. 89-8 § 10.6)

17.32.070 - Requirements in the Pinelands area—Applicability of procedure.

- A. No person shall carry out any development within the Pinelands area without obtaining approval from an approval agency and without obtaining development approval in accordance with the procedures set forth in this section.
- B. Except as provided in subsection C, the following shall not be subject to the procedures set forth in this section:
 1. The improvement, expansion, or reconstruction within five years of destruction or demolition, of any single-family dwelling unit or appurtenance thereto;
 2. The improvement, expansion, construction, or reconstruction of any structure accessory to single-family dwelling;
 3. The improvement, expansion, construction, or reconstruction of any structure used exclusively for agricultural or horticultural purposes;
 4. The construction, repair, or removal of any sign, except for the construction or replacement of any off-site commercial advertising sign;
 5. The repair of existing utility distribution lines.
 6. The clearing of less than one thousand five hundred square feet of land;
 7. The construction of any addition or accessory structure for any nonresidential use or any multi-family residential structure, provided the addition or structure will be located on or below an existing impermeable surface, that the existing use is served by public sewers, and that the addition or structure will cover an area of no more than one thousand square feet; or
 8. The demolition of any structure that is less than fifty years old.
 9. The installation of utility distribution lines, except for sewage lines, to serve areas which are effectively developed or development which has received all necessary approvals and permits;
 10. The repair or replacement of any existing on-site wastewater disposal system;
 11. The repaving of existing paved roads, provided no increase in the paved width of said roads will occur;
 12. The clearing of land solely for agricultural purposes;
 13. Fences, provided no more than one thousand five hundred (1,500) square feet of land is to be cleared;
 14. Above-ground telephone equipment cabinets;
 15. Tree pruning;
 16. The following forestry activities:
 - a. Normal and customary forestry practices on residentially improved parcels of land that are five acres or less in size;
 - b. Tree harvesting, provided that no more than one cord of wood per five acres of land is harvested in any one year and that no more than five cords of wood are harvested from the entire parcel in any one year;
 - c. Tree planting, provided that the area to be planted does not exceed five acres in any one year, no soil disturbance occurs other than that caused by the planting activity and no trees other than those authorized by N.J.A.C. 7:50-6.25 are to be planted; and
 - d. Forest stand improvement designed to selectively thin trees and brush, provided that no clearing or soil disturbance occurs and that the total land area on the parcel in which the activity occurs does not exceed five acres in any one year;
 17. Prescribed burning and the clearing and maintaining of fire breaks; or
 18. Normal and customary landscape plantings, unless a landscaping plan is required pursuant to subsection 17.20.180D.
- C. The exceptions contained in subsection B shall not apply to any historic resources designated

by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154.

- D. Nothing herein shall preclude any local or state agency from reviewing, in accordance with the provisions of any applicable ordinance or regulations, any proposed development which does not require an application to the Pinelands Commission pursuant to this section.

(Ord. 1997-4, §§ 31, 32; Ord. 90-15 § 1 (part); Ord. 89-8 § 10.7(A))

17.32.080 - Application requirements for minor development.

Any application for approval of minor development shall include at least the following information:

- A. The applicant's name and address and his or her interest in the subject property;
- B. The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application;
- C. The legal description, including block and lot designation and street address, if any, of the subject property;
- D. A description of all existing uses of the subject property;
- E. A brief written statement generally describing the proposed development;
- F. A USGS Quadrangle map, or copy thereof, and a copy of the municipal tax map sheet on which the boundaries of the subject property and the Pinelands management area designation and the zoning designation are shown;
- G. A plat or plan showing the location of all boundaries of the subject property, the location of all proposed development, and existing or proposed facilities to provide water for the use and consumption of occupants of all buildings and sanitary facilities which will serve the proposed development. The following information shall be included with respect to existing or proposed sanitary facilities:
 - 1. On-Site Treatment Facilities. Location, size, type and capacity of any proposed on-site wastewater treatment facilities; and
 - 2. Soil Borings and Percolation Tests. If on-site sewage disposal is proposed, results of soil borings and percolation tests in accordance with N.J.S.A. 58:11-23 et seq., and the regulations adopted pursuant thereto, shall be submitted at suitable location with a tract map showing location, logs, elevations of all test holes, indicating where ground water was encountered, estimating the seasonal high water table and demonstrating that such facility is adequate to meet the water quality standards contained in Section 17.20.190;
 - 3. The township engineer shall be given ten (10) days written notice prior to any soil testing.
- H. A location map, including the area extending at least three hundred (300) feet beyond each boundary of the subject property, showing ownership boundary lines, the boundary of the proposed development, owners of holdings adjoining and adjacent to the subject property, existing facilities, buildings and structures on the site, all proposed development, wetlands, streams (including intermittent streams), rivers, lakes and other water bodies and existing roads;
- I. A soils map including a county soils survey which conforms to the guidelines of the United States Department of Agriculture Soil Conservation Service, showing the location of all proposed development;
- J. A map showing existing vegetation, identifying predominant vegetation types in the area, and showing proposed landscaping of the subject property, including the location of the tree line before and after development and all areas to be disturbed as a result of the proposed development;
- K. A certificate of filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34

or, until January 14, 1991, evidence of prior approval from the Pinelands Development Review Board or the Pinelands Commission pursuant to the Interim Rules and Regulations; and

- L. When prior approval for the development has been granted by an approval agency, evidence of Pinelands Commission review pursuant to Section 17.32.110.

(Ord. 89-8 § 10.7(B))

17.32.090 - Application requirements for other development.

- A. All applications for major development, other than forestry and resource extraction operations, shall be accompanied by the information required in N.J.A.C. 4.2(b)5, as well as the following;

- 1. A certificate of filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34 or, until January 14, 1991, evidence of prior approval from the Pinelands Development Review Board or the Pinelands Commission pursuant to the interim rules and regulations; and
- 2. When prior approval for the development has been granted by an approval agency, evidence of Pinelands Commission review pursuant to Section 17.32.110.

- B. An application for approval of forestry operations shall be subject to the application requirements set forth in Ordinance 82-6, as amended.*

- C. An application for approval of resource extraction operations shall be subject to the application requirements set forth in Chapter 15.16.

(Ord. 89-8 § 10.7(C))

* Editor's note: Ordinance 82-6 was repealed by Ordinance 2000-3.

17.32.100 - Notices to the Pinelands Commission.

- A. Application Submission and Modifications. Written notification will be given by the approval agency to the Pinelands Commission within seven days after a determination is made by the approval agency that an application for development is complete or if a determination is made by the approval agency that the application has been modified. Such notice shall contain:

- 1. The name and address of the applicant;
- 2. The application number of the certificate of filing issued by the Pinelands Commission and the date on which it was issued;
- 3. The date on which the application, or any change thereto, was filed and any application number or other identifying number assigned to the application by the approval agency;
- 4. Any written reports or comments received by the approval agency on the application for development which have not been previously submitted to the commission;
- 5. The content of any change made to the application since it was filed with the commission, including a copy of any revised plan or reports; and
- 6. The nature of the municipal approval being sought.

- B. Meetings and Hearings. Where a meeting, hearing, or other formal proceeding on an application for development approval in the Pinelands area is required, the applicant shall provide notice to the Pinelands Commission by regular mail or delivery of the same to the principal office of the commission at least five days prior to such meeting or hearing. Such notice shall contain at least the following information:

- 1. The name and address of the applicant;
- 2. The application number of the certificate of filing issued by the Pinelands Commission and the date on which it was issued;
- 3. The date, time and location of the meeting, hearing or other formal proceeding;
- 4. The name of the approval agency or representative thereof which will be conducting the

- meeting, hearing or other formal proceeding;
5. Any written reports or comments received by the approval agency on the application for development which have not been previously submitted to the commission; and
 6. The purpose for which the meeting, hearing or other formal proceeding is to be held.
- C. Notice of Approvals and Denials. The Pinelands Commission shall be notified of all approvals or denials of development in the Pinelands area, whether the approval occurs by action or inaction of any approval agency or an appeal of any agency's decision. The applicant shall within five days of the approval give notice by certified mail to the Pinelands Commission. Such notice shall contain the following information:
1. The name and address of the applicant;
 2. The legal description and street address, if any, of the property which the applicant proposes to develop;
 3. The application number of the certificate of filing issued by the Pinelands Commission and the date on which it was issued, if any;
 4. The date on which the approval agency's approval or denial was issued;
 5. Any written reports or comments received concerning the application for development approval not previously submitted to the commission;
 6. Any revisions to the applications not previously submitted to the commission;
 7. A copy of the resolution, permit, or other documentation of the approval or denial which was granted; and
 8. The names and addresses of all persons who actively participated in the proceedings.

(Ord. 89-8 § 10.7(D))

17.32.110 - Review by the Pinelands Commission.

- A. Upon receipt by the Pineland Commission of a notice of approval pursuant to subsection C of Section 17.32.100, the application for development approval shall be reviewed in accordance with the provisions in N.J.A.C. 7:50-4.37 through N.J.A.C. 7:30-4.42. The approval of the township shall not be effective and no development shall be carried out prior to a determination of whether the development approval will be reviewed by the commission. If the applicant is notified that the commission will review the application for development, no development shall be carried out until such review has been completed.
- B. Until January 14, 1991, approvals issued by the Pinelands Development Review Board or the Pinelands Commission under the interim rules and regulations shall serve as the basis for Pinelands Commission review of the local approval under this section.
- C. Although the Pinelands Commission shall be notified of all denials, no such denial actions are subject to further review and action by the Pinelands Commission.

(Ord. 89-8 § 10.7(E))

17.32.120 - Condition on prior approvals.

Where a prior approval has been granted by an approval agency, no subsequent approval of an application for development approval shall be obtained until one of the following is satisfied:

- A. Notification is received from the Pinelands Commission that review of the development approval is not required; or
- B. Review of the development approval has been completed pursuant to N.J.A.C. 7:50-4.37 through 4.42 and a final order regarding the approval is received by the township from the Pinelands Commission.

(Ord. 89-8 § 10.7(F))

17.32.130 - Effect of Pinelands Commission decision on development approval.

If the Pinelands Commission disapproves an application for development previously approved by an approval agency, such approval shall be revoked by the approval agency within thirty (30) days and the agency shall thereafter deny approval of the application. If the commission approves the decision of an approval agency subject to conditions, the approval agency which had previously approved the application shall, within thirty (30) days, modify its approval to include all conditions imposed by the commission and, if final approval of the application is required, shall grant final approval only if the application for approval demonstrates that the conditions specified by the commission have been met by the applicant.

(Ord. 89-8 § 10-7(G))

17.32.140 - Participation of Pinelands Commission in public hearings.

The Pinelands Commission may participate in a hearing held in the township involving the development of land in the Pinelands area pursuant to N.J.A.C. 7:50-4.36.

(Ord. 89-8 § 10.7(H))

17.32.150 - Environmental commission review.

All applications for major development, forestry, and resource extraction shall be referred to the environmental commission for review and comment.

(Ord. 89-8 § 10.7(I))

17.32.160 - Public development and amendments.

A. All development proposed by the township or any agency thereof will comply with all the requirements for public development set forth in N.J.A.C. 7:50-4.51 et seq. and all the standards set forth in this title.

B. Amendments. In amending the township's master plan or this title, the township shall comply with all of the requirements of N.J.A.C. 7:50-3.45.

(Ord. 89-8 § 10.7(J) and (K))

~~17.32.170 Appeals to the governing body from the planning board.~~

~~Upon a final decision of the planning board, an appeal may be made to the governing body if made within ten (10) days of publication of the final decision of the board.~~

~~(Ord. 89-8 14.1)~~

~~17.32.180 Appeals to the governing body from the zoning board of adjustments.~~

~~Upon a final decision of the zoning board of adjustment, an appeal may be made to the governing body if made within ten (10) days of publication of the final decision of the board.~~

~~(Ord. 89-8 § 14.2)~~

17.32.190 - Appeals to the zoning board of adjustment.

Any interested party affected by a decision of the administrative officer of the municipality based upon or made in the enforcement of a zoning ordinance or the official map may appeal such a decision to the zoning board of adjustment. The appeal shall be made within sixty-five (65) days by filing a notice of appeal with the officer from whom the appeal was taken, with three copies of the notice with the secretary of the board of adjustment. The notice of appeal shall specify the grounds for appeal and the administrative office from whom the appeal was taken, shall forward to the board all material constituting the record upon which the action appealed from was taken. The notice of appeal shall also conform to the requirements of C.40:55D-72 of the Municipal Land Use Law.

(Ord. 89-8 § 14.3)

17.32.200 - Appeals in the Pinelands area.

A. In the Pinelands area, notice of the meeting to review the record shall be given by the applicant

to the Pinelands Commission.

B. In the Pinelands area no person shall carry out any development pursuant to an approval of a development application until the requirements of Section 17.32.080 have been met.

(Ord. 89-8 § 14.4)

17.32.210 - Interpretation—General procedure.

It is the intent of this title that all questions of interpretation and enforcement shall be first presented to the zoning officer, and that such questions shall be presented to the board of adjustment or planning board only as required by Section 17.32.050 or on appeal from a decision of the zoning officer, and that recourse from decisions of the planning board or board of adjustment shall be first to the governing body, and then to the courts as provided by law. In case of a conflict between a provision of this title and any other township, county or state requirement, the most stringent regulation shall apply.

(Ord. 89-8 § 15.1)

17.32.220 - Ordinance application.

This title shall amend and supersede the township zoning ordinance and all prior amendments thereto previously adopted. The adoption of this amending ordinance shall not affect the status of zoning permits heretofore issued or any of the terms and conditions thereof, and shall in no way, affect any prior act, ruling, or decision of the zoning officer, the board of adjustment, or the governing body; or any pending appeal or any procedure which may, hereafter, be properly instituted to appeal any prior act, ruling, or decision of such zoning officer, board of adjustment, or the governing body. The standards set forth in this title are minimum standards for each district or class of use, building or structure covered thereby.

(Ord. 89-8 § 15.2)

17.32.230 - General provisions—Amendments.

The regulations, restrictions, and boundaries set forth in this chapter may, from time to time, be amended, supplemented, changed, or repealed in accordance with procedures established by applicable New Jersey statutes, and in accordance with N.J.A.C. 7:50-3.45 with respect to review by the Pinelands Commission.

(Ord. 89-8 § 16.1)

17.32.240 - Penalties.

Any person who shall violate this chapter or do any act or thing therein prohibited, or refuse or fail to do any act or thing therein required to be done, or refuse or fail to comply with an order of the zoning officer or any order of the board of adjustment or planning board within five days after written notice has been served on him or her by registered mail (such notice to be complete upon mailing) shall, for each and every violation, be subject to a fine of not more than two thousand dollars (\$2,000.00) or imprisonment for a term of not more than ninety (90) days or both, at the discretion of the court or judicial officer before whom a conviction may be had. Each and every day that such violation continues after such notice shall be considered a separate violation of this chapter.

(Ord. 2006-06 § 1 (part); Ord. 2001-2 § 13; Ord. 89-8 § 16.2)

17.32.250 - Development for public purposes.

Development undertaken by any governmental entity within the Pinelands area shall conform to the provisions of this chapter and N.J.A.C. 7:50-4.51 et seq.

(Ord. 89-8 § 16.5)

BE IT FURTHER ORDAINED that all other provisions of the Township Code currently

in effect, are hereby saved from repeal, and shall remain in full force and effect.

BE IT FURTHER ORDAINED that if any provision of section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

BE IT FURTHER ORDAINED that this ordinance shall take effect upon proper passage, publication according to law, and approval by the Pinelands Commission.

ALL OF WHICH IS ADOPTED this 9th day of January, 2023, by the Bass River Township Board of Commissioners.

Jenny Gleghorn, RMC/CMR

Deborah Buzby-Cope, Mayor

PUBLIC NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Commissioners of the Township of Bass River at a meeting held on the 9th day of January, 2023. The Ordinance will be considered for final adoption after a public hearing to be held at the Township of Bass River Town Hall located at North Maple Avenue, New Gretna, New Jersey, on February 6, 2023 at 7:00 p.m.