

CHAPTER 185 ZONING

ARTICLE I General Provisions

§ 185-1. Title.

- A. The title of this chapter is as follows: "A Comprehensive Ordinance Regulating and Limiting the Uses of Land and the Uses and Locations of Buildings and Structures; Regulating and Restricting the Height and Bulk of Buildings and Structures and Determining the Area of Yards, Courts and Other Open Spaces; Regulating and Restricting the Density of Population; Dividing the Township of Dennis into Districts for such Purposes; Adopting a Map of said Township Showing Boundaries and the Classification of such Districts; Establishing a Board of Adjustment; and Prescribing Penalties for the Violation of its Provisions."
- B. Short title. The short form by which this chapter may be known shall be the "Zoning Ordinance of the Township of Dennis."

§ 185-2. Purpose.

The purpose of this chapter is to establish a pattern for the use of land and buildings in the Township of Dennis, based on the latest updated Master Plan for the Township of Dennis and enacted in order to promote and to protect the public health, safety, comfort, convenience, and general welfare of the people. This chapter is intended to:

- A. Regulate the use and development of land within zoning districts.
- B. Secure safety from fire and other dangers.
- C. Provide adequate light, air and open space.
- D. Promote orderly development.
- E. Avoid undue concentration of population.
- F. Prevent the overcrowding of land or buildings by regulating the intensity of uses and the location of buildings.
- G. Establish standards of development.
- H. Limit congestion in the street.
- I. Prohibit incompatible uses.
- J. Regulate the alteration of existing buildings.
- K. Protect against hazards.
- L. Conserve the taxable value of land and preserve open space and natural features.
- M. Promote orderly development of the Pinelands Area so as to preserve and protect the significant and unique natural, ecological, agricultural, archaeological, historic, scenic, cultural and recreational resources of the Pinelands.
- N. Implement the goals and objectives of the Pinelands Comprehensive Management Plan.
- O. Preserve the historical resources of the township and preserve the environmental resources of the township.
- P. Preserve and protect the potable water supply of the community.

§ 185-3. Interpretation.

The provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction that is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of this chapter shall control. Where other laws, rules, regulations or resolutions require greater restrictions than are imposed or required by this chapter, the provisions of such other laws, rules, regulations or restrictions shall control.

§ 185-4. Prohibited uses.

- A. All uses not expressly permitted in this chapter are prohibited.
- B. In addition, the following uses are specifically prohibited in all districts:
 - (1) Trailer parks.
 - (2) Incinerators.
 - (3) Landfills.
 - (4) Junkyards.
 - (5) The use of land for the dumping or disposal of toxic or hazardous wastes or sludge materials.
 - (6) Commercial resource extraction, specifically including sand mining and commercial water removal.
 - (7) **[Added 6-4-07 by Ord. No. 2007-09]** The manufacture of explosives, volatile chemicals, or any use which significantly presents a similar risk, hazard, or nuisance as the manufacture of explosives or volatile chemicals. Uses believed to significantly present a similar risk, hazard or nuisance include, but are not limited to, the following:
 - (a) Acetylene gas manufacture and/or storage of more than one (1) cylinder of ten (10) cubic feet.
 - (b) Acid manufacture (hydrochloric, nitric, acrid, sulfuric, sulfonic, carbolic).
 - (c) Ammonia, bleaching powder or chlorine manufacture.
 - (d) Arsenal.
 - (e) Asphalt manufacture.
 - (f) Oil refining.

§ 185-5. Time of compliance.

All requirements shall be met at the time of erection, enlargement, alteration, moving or change in use of the principal use and shall apply to the entire structure or structures whether or not the entire structure or structures were involved in the erection, enlargement, alteration, moving or change in use.

ARTICLE II Definitions

§ 185-6. Word usage; statutory definitions.

- A. Words used in the present tense include the future; words used in the singular number include the plural number, and vice versa; the word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased or intended-to be used"; the word "lot" includes the words "plots," "premises" and "tract"; the word "building" includes the words "structure," "dwelling" and "residence"; the word "shall" is mandatory and not discretionary.
- B. Any word or term not defined herein shall be used with a meaning of standard usage. Moreover, whenever a term used in this chapter which is defined in N.J.S.A.40:55D-1 et seq., such term is intended to have the meaning as defined in N.J.S.A. 40:55D-1 et seq., as currently amended, unless specifically defined to the contrary in this chapter.

§ 185-7. Definitions.

For the purposes of this chapter, certain phrases and words are defined as follows: (P) shall indicate applicability to Pinelands Districts only.

ACCESSORY BUILDING, STRUCTURE OR USE — A building, structure or use which is customarily associated with and is subordinate in area, extent and purpose and incidental to the principal building, structure or use and which is located on the same lot therewith. An "accessory building" attached to the principal building shall comply in all respects with the requirements applicable to the principal building.

ADMINISTRATIVE OFFICER — Shall be the Clerk Typist assigned to work in the Construction Office.

(P) AGRICULTURAL COMMERCIAL ESTABLISHMENT — A **retail** sales establishment primarily intended to sell agricultural products produced in the Pinelands. An "agricultural commercial establishment" may not be associated directly with a farm; however, it does not include supermarkets, convenience stores, restaurants and other establishments which coincidentally sell agricultural products, nor does it include agricultural production facilities such as a farm itself, nor facilities which are solely processing facilities.

(P) AGRICULTURAL EMPLOYEE HOUSING — 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.

(P) AGRICULTURAL OR HORTICULTURAL PURPOSE OR USE — Any production of plants or animals useful to man, including but not limited to forage or sod crops; grains and feed 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.

(P) AGRICULTURAL SERVICE ESTABLISHMENT — An establishment, the purpose of which is the sale of goods, commodities or services that support active farm operations.

ALTERATIONS OR ADDITIONS, STRUCTURAL — Any changes in or additions to the supporting members of a building, such as walls, columns, beams, girders, posts or piers, or in the dimensions or configurations of the roof of exterior walls.

(P) ALTERNATE DESIGN PILOT PROGRAM TREATMENT SYSTEM **[Added 12-9-2002 by Ord. No. 2002-07]** — 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:

- A. Ashco RFS III;
- B. FAST;
- C. Cromaglass;
- D. Bioclere; and
- E. Amphidrome

(P) ANIMALS, THREATENED OR ENDANGERED — Those animals specified in N.J.A.C. 7:50-6.32.

ANTIQUÉ SHOPS — Retail sales of antique furniture, household collectable items, paintings, and items normally associated with residential living. No stripping or refinishing of antique furniture is permitted onsite except in designated commercial use districts.

APPLICATION FOR DEVELOPMENT — The application form and all accompanying documents required by this chapter for approval of subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to N.J.S.A. 40:55D-1 et seq., or N.J.S.A. 13:18A-1 et seq.

(P) APPROVAL AGENCY — Any board, body or other authority within the township with the authority to approve subdivisions, site plans, building permits or other applications for approval of development.

(P) ARTIFICIAL REGENERATION - The establishment of tree cover through direct or supplemental seeding or planting.

ARTIST STUDIO — A place where there is the practice of fine arts including painting, sculpting, or music.

BASEMENT — A story having more than twenty-five percent (25%) of its clear height below the average finished contract grade along the outside walls of the building.

BASE PANEL — The area of a building between the windows and the ground.

(P) BEDDING — A silvicultural practice involving the preparation of land before planting in the form of small mounds so as to concentrate topsoil and elevate the root zone of seedlings above temporary standing water.

BILLBOARD — Any structure or portion thereof on which lettered or pictorial matter is displayed for advertising purposes other than that on a building or its grounds, giving the name and occupation of the user of the premises the nature of the business conducted therein; except that in the Pinelands Area any sign advertising agricultural commercial establishments shall not be considered a "billboard."

BOATEL — A marina-based motel offering temporary overnight accommodations exclusively to the boating public.

BOOK SHOP — A place where there is the presentation of books, magazines, periodicals, etc., for sale or viewing by the general public. A book shop may include paper or hard bound documents.

(P) BROADCAST SCARIFICATION - A silvicultural practice involving the dragging of cut trees or other objects across a parcel to remove or reduce above-ground shrub cover, debris, leaf litter and humus without disturbance to mineral soil horizons and associated roots.

BUFFER AREA — An area of the property to be developed which is set aside for the sole purpose of the establishment of planting material or the combination of planting material with land contouring to provide an impenetrable barrier to light and sound.

BUILD-TO-LINE — A setback dimension, the location along which a building façade must be placed.

BUILDING — A structure or extension or addition thereto having a roof supported by such things as columns, posts, piers or walls and intended for the shelter, business, housing or enclosing of persons, animals or property.

(P) BUILDING — Any structure or extension thereof or addition thereto, either temporary or permanent, having a roof supported by such things as columns, posts, piers or walls and intended for the shelter, business, housing or enclosing of persons, animals or property.

BUILDING COVERAGE — The square footage or other area measurement by which all buildings occupy a lot as measured on a horizontal plane around the periphery of the foundations, and including the area under the roof of any structure supported by columns but not having walls, as measured around the outside of the outermost extremities as the roof above the columns.

BUILDING HEIGHT — The height of a building shall be measured from the point from the mean elevation of the finished grade five (5) feet away from the foundation along the side(s) of the building facing a street or to the street line, whichever is closer to the foundation. On a corner lot, the height shall be measured on the street having the greatest slope. In all cases where this chapter provides for height limitations by reference to a specified height and a specified number of stories, the intent is to limit height to the specified maximum footage and the specified number of stories within said footage.

CAMPER — A camper shall be as defined in N.J.A.C. 8:22 as amended.

CAMPGROUND, IMPROVED — A tract of land at least forty (40) acres in area used for camping, including the renting of tents and camping vehicles, temporarily located onsite, established, maintained and operated as an area for the temporary seasonal living quarters for children or adults for recreation, education or vacation purposes. The density of campgrounds shall not exceed five (5) units per acre in the Non-Pinelands Area or six (6) units per acre in the Pinelands Area.

CAMPGROUND, PRIMITIVE — The same meaning as CAMPGROUNDS, IMPROVED except that there are no utility hookups on site. Each individual area designated as a sleeping facility shall be a minimum of ten thousand (10,000) square feet in area and a minimum of one hundred (100) feet in width and depth.

(P) CAMPSITE — A place used or suitable for camping, on which temporary shelter such as a tent or camper may be placed and occupied on a temporary and seasonal basis.

(P) CERTIFICATE OF APPROPRIATENESS — An approval of the Planning Board pursuant to N.J.A.C. 7:50-6.156.

(P) CERTIFICATE OF FILING — a certificate issued by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.34 that a complete application for development has been filed.

(P) CLEARCUTTING - A silvicultural practice involving removal of an entire forest stand in one cutting for purposes of regeneration either obtained artificially, by natural seed or from advanced regeneration.

Clearcutting typically results in the removal of all woody vegetation from a parcel in preparation for the establishment of new trees; however, some trees may be left on the parcel.

CLUSTER SINGLE FAMILY RESIDENTIAL DEVELOPMENT — A development technique based on a gross dwelling unit density for the entire tract in the zoning district in which it is located and allowing the lot sizes for detached dwellings to be reduced or individual segments to have higher densities so long as the gross density is not exceeded.

(P) COMMISSION — The Pinelands Commission, created pursuant to Section 5 of the Pinelands Protection Act.

COMMON PROPERTY — A parcel or parcels of land or an area of water or a combination of land and water, together with the improvements thereon, designed and intended for the ownership, use and enjoyment shared by the residents and owners of the development. "Common property" may contain such complementary structures and improvements as are necessary and appropriate for the benefit of the residents and owners of the development.

(P) COMPREHENSIVE MANAGEMENT PLAN — The plan adopted by the Pinelands Commission pursuant to the Pinelands Protection Act as amended, and contained in N.J.A.C. 7:50.

CONDITIONAL USE — A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this chapter and upon the issuance of an authorization therefor by the Planning Board.

(P) CONTIGUOUS LAND — 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 lines, streams, roads, 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. **[Amended 2-24-97 by Ord. No. 97-01]**

(P) COPPICING - A silvicultural practice involving the production of forest stands from vegetative sprouting by the trees that are harvested (stump sprouts, root suckers, and naturally rooted layers). Coppicing typically involves short rotations with dense stands of short trees.

COUNTY — The County of Cape May.

CRAFT SHOP — An area primarily utilized for the sale and display of homemade, nonmanufactured objects or material utilized in the making of said objects.

(P) DAY — For purposes of computing time limits, a calendar day.

(P) DENSITY — The average number of housing units per unit of land, except that in the Pinelands Area, "density" shall be calculated on the basis of gross average, including platted rights of way, within the deeded premises.

(P) DEVELOPMENT — 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 (2) or more parcels and the creation or termination of rights of access or riparian rights, including but not limited to:

- A. A change in type of use of a structure or land.
- B. A reconstruction, alteration of the size or material change in the external appearance of a structure or land.
- C. 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.
- D. The commencement of resource extraction, drilling or excavation on a parcel of land.
- E. The commencement of forestry activities.
- F. The demolition of a structure or removal of trees.
- G. The deposit of refuse, solid or liquid waste or fill on a parcel of land.
- H. In connection with the use of land, the making of any material change in noise levels, thermal conditions or emissions of waste material.

I. The alteration, either physically or chemically, of a shore, bank or floodplain, seacoast, river, stream, lake, pond, wetlands or artificial body of water.

(P) DEVELOPMENT APPROVAL — Any approval to develop which is granted by an approval agency, including appeal to the governing body, except for certificates of occupancy and variances which do not otherwise include issuance of a construction permit, subdivision or site plan approval.

(P) DEVELOPMENT, MAJOR — Any division of land into five (5) or more lots; any construction or expansion of any housing development of five (5) or more dwelling units; any construction or expansion of any commercial or industrial use or structure on a site of more than three (3) acres; or any grading, clearing or disturbance or an area in excess of five thousand (5,000) square feet for other than agricultural or horticultural purposes.

(P) DEVELOPMENT, MINOR — All development other than major development.

(P) DISKING - A silvicultural practice involving the drawing of one or more heavy, round, concave, sharpened, freely rotating steel disks across a site for the purposes of cutting through soil and roots or cutting and turning a furrow over an area.

(P) DRAINAGE — The removal of surface water or groundwater from land by drains, grading or other means, including control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

(P) DRUM CHOPPING - A silvicultural practice involving the drawing of a large cylindrical drum with cutting blades mounted parallel to its axis across a site to break up slash, crush scrubby vegetation prior to burning or planting or to chop up and disturb the organic turf and roots in the upper foot of soil.

(P) DWELLING — Any structure or portion thereof which is designed or used for residential purposes.

DWELLING, SINGLE FAMILY — A building physically detached from other buildings or portions of buildings which is occupied or intended to be occupied for residence purposes by one (1) sanitary and general living facilities.

DWELLING UNIT — A room or series of connected rooms containing living, cooking, sleeping and sanitary facilities for one (1) housekeeping unit. The "dwelling unit" shall be self-contained and shall not require the use of outside stairs, common hallways, passing through another dwelling unit or other indirect route(s) to get to any portion of the "dwelling unit," nor shall there be shared facilities with another housekeeping unit.

(P) ELECTRIC DISTRIBUTION LINES — All electric lines other than electric transmission lines.

(P) ELECTRIC TRANSMISSION LINES — 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 another substation of the utility company, substation of or interconnection point with another interconnecting utility company or a substation of a highload customer of the utility.

ENCROACHMENT — Any structural element (canopy, awning, sign, deck, porch, etc.) that extends horizontally from the building into a right-of-way or setback; measured from the building façade outward.

(P) ENLARGEMENT — 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.

(P) EROSION — The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

FAÇADE — The vertical surface of a building that faces a street.

(P) FAMILY — One (1) or more persons related by blood, marriage, adoption or guardianship, or any number of persons not so related, occupying a dwelling unit and living as a single housekeeping unit.

FARM:

- A. Principal uses: a lot of at least five (5) acres with three hundred (300) feet of lot frontage used for the growing and harvesting of crops and the raising and breeding of certain animals, including truck farms, fruit farms, nurseries and greenhouses, dairies and livestock produce. One (1) owner occupied single family dwelling may be permitted on any farm in addition to the permitted accessory uses as defined under paragraph B. following.
- B. Accessory uses: buildings incidental to the farm operation, such as tenant houses (outside the Pinelands Area), greenhouses, or buildings for housing seasonal workers for the farm's own use; barns, packing, grading and storage buildings for produce raised on the premises; buildings for keeping of poultry and permitted livestock; and garages for the keeping of equipment and trucks used in farm operations.

(P) FIRE HAZARD — The classification of a parcel of land in accord with the following:

Hazard	Vegetation Type
Low	Atlantic white cedar Hardwood swamp
Moderate	Non-pine 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-shrub oak and pine-lowland

FIRST FLOOR AREA — The residential portion of a dwelling unit, excluding basements, garages, carports and breezeways, measured by using the outside dimensions of the residential portion of the building. For a split-level, bi-level or tri-level dwelling, the area shall be considered to be the sum of the areas of two (2) adjoining levels, excluding basements and garages, provided that both levels are connected by permanent built-in stairs in the interior of the building.

(P) FISH AND WILDLIFE MANAGEMENT — 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.

FLAG LOT — A lot which meets the area and dimensional requirement of this chapter, except lot frontage, which may be reduced to permit utilization of lands with limited road frontage.

FLOOD PLAIN — See Section 105-4 of Chapter 105, Flood Damage Prevention.

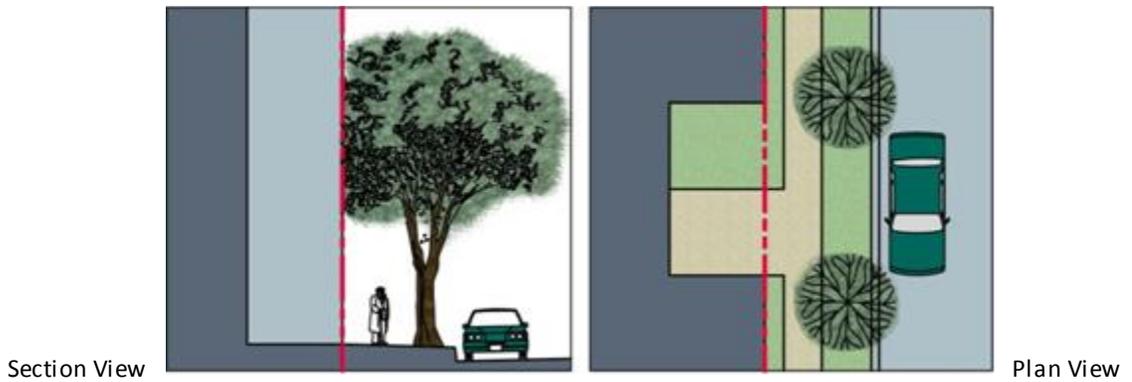
(P) FORESTRY - The planting, cultivating and harvesting of trees for the production of wood products, including firewood or for forest health. It includes such practices as reforestation, site preparation and other silvicultural practices, including but not limited to artificial regeneration, bedding, 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:

- A. Removal of trees located on a parcel of land one acre or less on which a dwelling has been constructed;
- B. Horticultural activities involving the planting, cultivating or harvesting of nursery stock or Christmas trees;

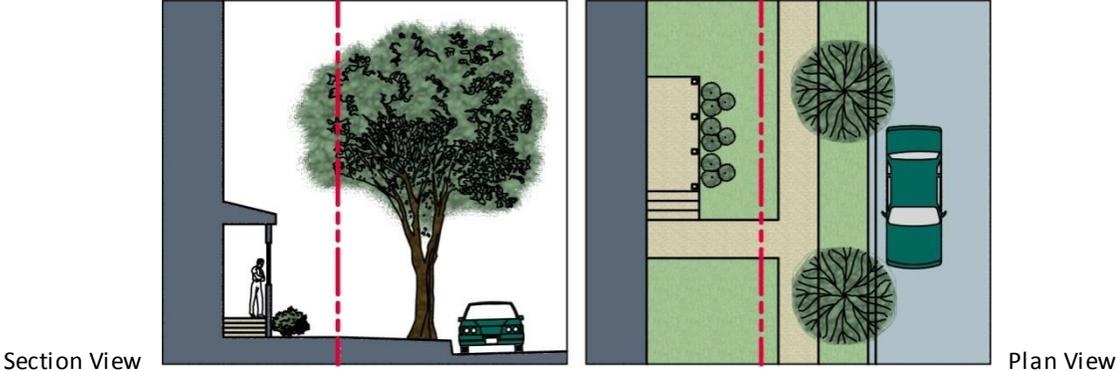
- C. Removal of trees necessitated by the development of the parcel as otherwise authorized by this Chapter;
- D. Removal of trees necessary for the maintenance of utility or public rights-of-way;
- E. Removal or planting of trees for the personal use of the parcel owner; and
- F. Removal of trees for public safety.

(P) FOREST STAND - A uniform group of trees of similar species, composition, size, age and similar forest structure.

FRONTAGE: FORECOURT – Where the majority of the building façade is located at the build-to-line, while a small portion is setback, creating a small open space. This space could be used as an entry, shared garden space, passive lawn or as a plaza. For residential uses, a low wall or hedge can be placed along the build-to-line to define public versus private space. See the drawings below for a visual description.



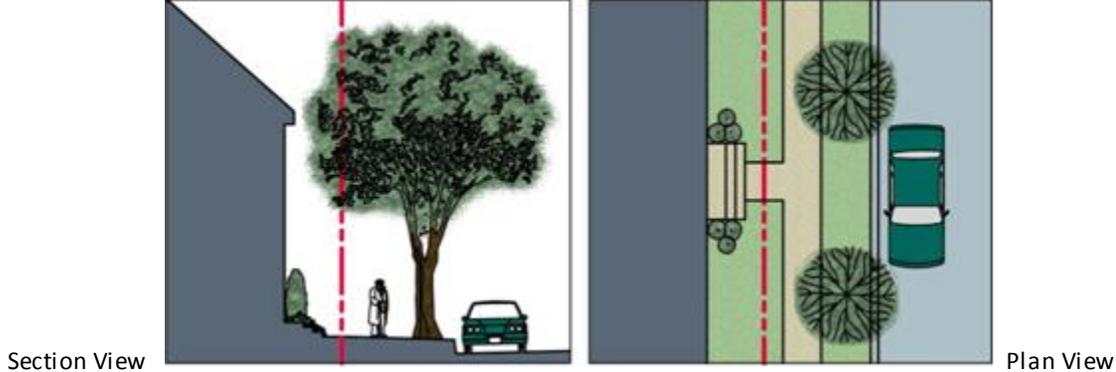
FRONTAGE: RESIDENTIAL PORCH – Where the primary street façade of the building is setback from the build-to-line. An elevated porch is located between the building façade and the build-to-line. Stairs from the porch can lead directly to the sidewalk or can be side-loaded. See the drawings and photograph below for a visual description.



Photographic Example:



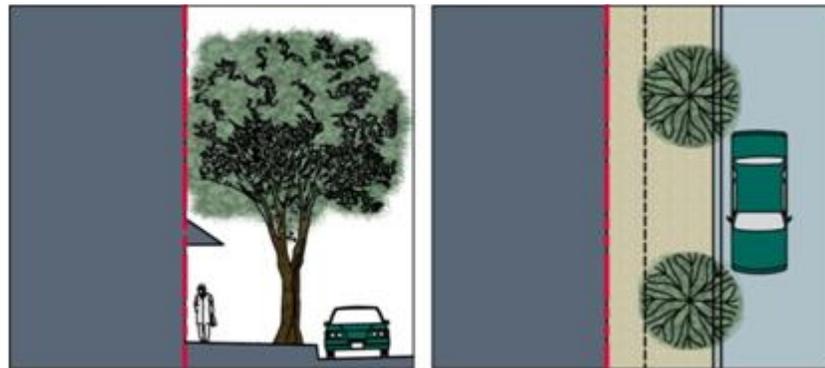
FRONTAGE: RESIDENTIAL STOOP – Where the primary street façade is setback from the build-to-line. An elevated stoop is located between the building façade and the build-to-line. Stairs from the stoop can lead directly to the sidewalk or can be side-loaded. See the drawings and photograph below for a visual description.



Photographic Example:



FRONTAGE: SHOPFRONT – Where the primary street façade is at or near the build-to-line. Awnings, canopies and/or signs may extend out above the sidewalk. This frontage type is only appropriate for areas that have retail and services on the first floor. See the drawings and photograph below for a visual description.



Section View

Plan View

Photographic Example:



FRONTAGE TYPE – The type of façade that is permitted on a primary street (front yard).

GOLF COURSE, MAJOR — An area of fifty (50) or more contiguous acres containing a full size, professional golf course at least nine (9) holes in length, not less than par three (3) each, together with the necessary

accessory uses and structures such as clubhouses, golf club lodges and dining and refreshment facilities, provided that the operation of such is incidental and subordinate to the operation of the golf course.

GOLF COURSE, MINIATURE — A golf course primarily for family entertainment containing a minimum of eighteen (18) but not more than thirty-six (36) holes. An associated office for the golf course operation and custard/ice cream and beverage stand for the patrons of the golf course are permitted accessory uses in a single onsite building. No onsite cooking of foods is permitted.

GROSS FLOOR AREA — The area measured by using the outside dimension of the building, excluding the area of a garage, attic, open porch or patio. Only those floor areas which have a ceiling height of eight (8) feet or more and those areas used for storage space in nonresidential uses shall be included in the "gross floor area."

(P) **GROUP SELECTION** - A silvicultural practice whereby a group of trees is periodically selected to be removed from a large area so that age and size classes of the reproduction are mixed.

(P) **HABITAT** — The natural environment of an individual animal or plant, population or community.

HALF-STORY — A space under a sloping roof that has the line of intersection of the roof and the wall face not more than three feet above the floor level and in which space the possible floor are with head room of five feet or less occupies at least forty (40) percent of the total floor area of the story directly beneath.

(P) **HISTORIC RESOURCE** — Any site, building, area, district, structure or object important in American history or prehistory, architecture, archaeology and culture at the national, state, county, regional or local level. **[Amended 2-24-97 by Ord. No. 97-01]**

HOME BUSINESS — a business conducted entirely within a single family owner occupied dwelling or an associated accessory building, where the business is clearly incidental and secondary to the use of the lot for residential purposes.

HOME OCCUPATION — An occupation conducted entirely within a single family owner occupied dwelling unit, which occupation is clearly incidental and secondary to the use of the lot for residential purposes. Such occupations shall be conducted solely by the residents of the detached dwelling, and provided also that:

- A. No more than four hundred fifty (450) square feet of the single family dwelling shall be used for such purpose.
- B. The gross floor area for the residence shall remain at least as large as that required in Article IV for a detached dwelling.
- C. No display of products shall be visible from the street.
- D. The residential character of the lot and building shall not be changed.
- E. No occupational sounds shall be audible outside the building.
- F. No equipment shall be used which will cause interference with radio and television reception in neighboring residences.
- G. The home occupation does not reduce the parking or yard requirements of the detached dwelling. Not more than one commercially registered vehicle attributable to the home occupation may be parked on the premises. No vehicles utilized by the home occupation shall be parked on the street.
- H. Signage shall be in accordance with Section 185-43 of this chapter.
- I. In businesses conducted in accessory buildings, the building must be architecturally compatible with the main structure.

HOMEOWNERS' ASSOCIATION — An incorporated non-profit organization operating in age-restricted residential development under recorded land agreements through which:

- A. Each owner is automatically a member.
- B. Each occupied dwelling unit is automatically subject to a charge for a proportionate share of the expenses for the organization's activities and maintenance, including any maintenance costs levied against the association by the township.
- C. Each owner and tenant has the right to use the common property.

HOTEL— An establishment providing transient sleeping accommodations with all rooms having access to an interior hallway; the facility provides additional services, such as restaurants, meeting rooms and/or recreational facilities.

HOUSEKEEPING UNIT — One (1) or more persons living together in one (1) dwelling unit on a nonseasonal basis and sharing living, sleeping, cooking and sanitary facilities on a non-profit basis.

(P) HYDROPHYTE — Any plant growing in water or in substrate that is at least periodically deficient in oxygen as a result of excessive water content.

(P) IMMEDIATE FAMILY — Those persons related by blood or legal relationship in the following manner: grandparents, parents, sons, daughters, brothers and sisters, aunts and uncles, nieces, nephews and first cousins, husbands and wives, great-grandparents and great-grandchildren. **[Amended 2-24-97 by Ord. No. 97-01]**

(P) IMPERMEABLE SURFACE — 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.

(P) IMPERVIOUS SURFACE — 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.

(P) INDIVIDUAL SELECTION - A silvicultural practice whereby single trees are periodically selected to be removed from a large area so that age and size classes of the reproduction are mixed.

INN – An establishment providing transient sleeping accommodations, which is smaller in overall size and number of rooms than a hotel or motel.

(P) INSTITUTIONAL USE — 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; churches; cemeteries; public office buildings; and other similar facilities.

INTERESTED PARTY — In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey; in the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire or enjoy property is or may be affected by any action taken under this chapter or whose right to use, acquire or enjoy property under this chapter or under any other law of this state or of the United States has been denied, violated or infringed by any action or a failure to act under N.J.S.A. 40:55D-1 et seq.

(P) INTERIM RULES AND REGULATIONS — The regulation 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.

(P) LAND — 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.

(P) LANDFILL — 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 purposes of this chapter, solid waste transfer stations shall not be considered "landfills."

(P) LANDSCAPING — The installation of plant material or seed as a part of development.

LOADING SPACE — An off-street space or berth on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading.

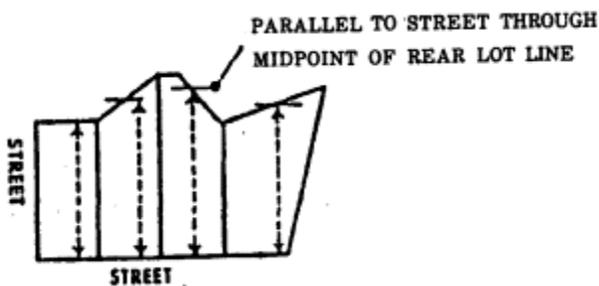
(P) LOCAL COMMUNICATIONS FACILITY — An antenna and any support structure, together with any accessory facilities, which complies with the standards in N.J.A.C. 7:50-5.4 and which is intended to serve a limited, localized audience through point to point communication, including cellular telephone cells, paging systems and dispatch communications. It does not include radio or television broadcasting facilities or microwave transmitters. **[Added 2-24-97 by Ord. No. 97-01]**

LOT — Any parcel of land separated from other parcels or portions as by a subdivision plat or deed of record, survey map or by metes and bounds, except that no portion of a street right of way shall be included in calculating the "lot" boundaries or areas.

LOT AREA — The area contained within the legally described property lines of a lot, not including any portion of a street right of way, existing or to be dedicated.

LOT CORNER — A lot having two (2) or more of its property lines abutting two (2) or more existing or proposed streets.

LOT DEPTH — The shortest horizontal distance between the front lot line and a line drawn parallel to the front lot line through the midpoint of the rear lot line. In the case of corner lots, the rear lot line shall be the property line parallel to designated front lot line.



LOT, INTERIOR — A lot other than a corner lot.

LOT LINE — Any line forming a portion of the exterior boundary of a lot and the same line as the street line for that portion of a lot abutting a street.

LOT WIDTH — The straight and horizontal distance between side lot lines at setback points on each side line measured and equal distance back from the street line. The minimum "lot width" shall be measured at the minimum required building setback line. Where side lot lines are not parallel, the minimum "lot width" at the street line shall not be less than seventy-five percent (75%) of the minimum "lot width" for the zoning district in which the lot is located. "Lot frontage" shall be the same as the lot width, except that in curved alignments with an outside radius of five hundred (500) feet or less, the minimum distance

between the side lot lines measured along the street shall not be less than seventy-five percent (75%) of the required minimum lot width.

MANUFACTURED HOME — A unit of housing which:

1. Consists of one (1) or more transportable sections which are substantially constructed off site and, if more than one (1) section, are joined together onsite; and
2. Is built on a permanent foundation; and
3. Is designed to be used, when connected to all required utilities, as a dwelling unit on a permanent foundation; and
4. Is manufactured in accordance with the standards promulgated for a manufactured home by the Secretary of the United States Department of Housing and Urban Development pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974" Pub.L. 93-383 (42 U.S.C. 5401 et seq.) and the standards promulgated for a manufactured home by the Commissioner of the New Jersey Department of Community Affairs pursuant to the "State Uniform Construction Code Act," P.L. 1975, c.217 (C. 52:27D-119 et seq.) For purposes of this chapter, travel trailers, campers and camper trailers are not considered "manufactured homes."

MATURE TREE — Any woody perennial having a diameter greater than twenty-four (24) inches at any point or a height in excess of thirty (30) feet.

MIXED-USE — A building containing more than one use.

MOTEL — An establishment providing transient sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

MULTI-FAMILY HOUSING — A building containing two or more dwelling units.

(P) NATURAL REGENERATION - The establishment of a plant or plant age class from natural seeding, sprouting, suckering or layering.

(P) NATURAL RESOURCE COMMITTEE— A municipal advisory body created by the Dennis Township Committee in 2012.

NATURAL REVEGETATION LIST — Plantings recommended by the Township of Dennis Natural Resource Committee that have best adapted to the climate, soil and topography of the Township of Dennis. A list of such plantings shall be on file for use and guidance of persons presenting plans for revegetation.

(P) NAVIGABLE WATERS — Water capable of being transversed by pleasure craft.

NONCONFORMING LOT — A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of this chapter but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING STRUCTURE — A structure, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of this chapter but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING USE — A use or activity which was lawful prior to the adoption, revision or amendment of this chapter but which fails to conform to the requirements of the zoning district in which it located by reason of such adoption, revision or amendment.

OFFICE — A room or groups of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files and communication equipment.

OUTDOOR STORAGE — The keeping, in an unenclosed area, of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four hours.

(P) PARCEL — 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. **[Amended 2-24-97 by Ord. No. 97-01]**

PARKING SPACE — An area of not less than nine (9) feet wide by eighteen (18) feet in length, either within a structure or in the open, for the parking of motor vehicles, exclusive of driveways, access drives, fire lanes and public rights-of-way, except that nothing shall prohibit private driveways for detached dwelling units from being considered off-street parking areas, provided that no portion of such private driveway within the right-of-way line of the street intersected by such driveway shall be considered off-street parking space. The area is intended to be sufficient to accommodate the exterior extremities of the vehicles, whether in addition thereto wheel blocks are installed within this area to prevent the bumper from overhanging at one (1) end of the "parking space." The width and length of each space shall be measured perpendicular to each other regardless of the angle of the "parking space" to the access aisle or driveway.

PARKING STRUCTURE — A multi-story structure (also called a parking garage or parking deck) that is designed specifically for automobile parking and where there are a number of floors or levels.

PEDESTRIAN-SCALED LIGHTING — Lighting that is no greater than fifteen (15) feet in height.

(P) PERMEABILITY — The rate at which water moves through a unit area of soil, rock, or other material at hydraulic gradient of one.

PERMITTED USE — Any use of land or building as permitted by this chapter.

(P) PERSON — An individual, corporation, public agency, business trust, partnership, association, two (2) or more persons having a joint or common interest or any other legal entity.

PERSONAL SERVICES — Establishment primarily engaged in providing services involving care of a person or his or her personal goods or apparel (examples include health club, laundry, beauty shop).

(P) PINELANDS AREA — The area designated as such in the Pineland Protection Act, N.J.S.A. 13:18A-1 et seq., as amended.

(P) PINELANDS DEVELOPMENT REVIEW BOARD — The agency responsible from February 8, 1979, until June 28, 1979, for 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.

(P) PINELANDS NATIVE FOREST TYPE — See N.J.A.C. 7:50-6.43.

(P) PINELANDS PROTECTION ACT — N.J.S.A. 13:18A-1 et seq.

(P) PINELANDS RESOURCE-RELATED USE — 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 limonite.

(P) PLANTS, THREATENED OR ENDANGERED — A Pinelands plant species whose survival worldwide, nationwide or in the state is in jeopardy.

PREFERRED TREES — Trees recommended by the New Jersey Bureau of Forest Management as best adapted to the climate, soil and topography of the Township of Dennis. A list of such trees shall be kept on file with the Township Clerk.

PRIMARY STREET — Refers to the street directly abutting the front yard of a parcel. The primary street is the lot's street address.

PRINCIPAL USE — The main purpose for which a lot or building is used. Only one principal use may be permitted per property unless otherwise permitted in the district.

PROFESSIONAL OFFICE — An office primarily utilized for the enactment of administrative duties in a practice duly licensed by the State of New Jersey; such as medicine, architecture, engineering, surveying, law, accounting, or real estate.

PUBLIC PURPOSE USES — The use of land or buildings by the governing body of the Township of Dennis or any officially created authority or agency thereof.

(P) PUBLIC PURPOSE USE — The use of land or buildings by the governing body of the township or any officially created authority or agency thereof.

(P) PUBLIC SERVICE INFRASTRUCTURE — 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.

(P) RECOMMENDED MANAGEMENT PRACTICE — The management program which employs the most efficient use of available technology, natural, human and economic resources.

(P) RECORD TREE — The largest tree of a particular species in New Jersey based on its circumference at four and one-half (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. **[Added 2-24-97 by Ord. No. 97-01]**

(P) RECREATIONAL FACILITY, INTENSIVE — Any recreational facility which does not satisfy the definition of "low-intensive recreational facility," including but not limited to golf courses, marinas, amusement parks, hotels and motels.

(P) RECREATIONAL FACILITY, LOW INTENSIVE — A facility or area which complies with the standards in 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. **[Amended 2-24-97 by Ord. No. 97-01]**

RESIDENTIAL AGRICULTURE — The production, principally for home use or consumption, of plants, animals or their products, and for sale to others where such sales are incidental, including but not limited to, gardening, fruit production, and poultry and livestock products for household use only, and livestock boarding and breeding.

RESIDENTIAL HEALTH CARE FACILITY — a facility licensed and/or regulated by the New Jersey Department of Health and Senior Service of the Department of Community Affairs, that provides food, shelter, supervised health care and related services to four (4) or more persons eighteen (18) years of age or older who are unrelated to the owner or administrator.

(P) RESOURCE EXTRACTION — The dredging, digging, extraction, mining, and quarrying of sand, gravel, clay or limonite for commercial purposes, not including, however, the private or agricultural extraction and use of extracted material by a landowner.

(P) RESOURCE MANAGEMENT SYSTEM PLAN- 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.

RESTAURANT — Any establishment, however designated, at which food is sold for consumption on the premises. However, a snack bar or refreshment stand at a public or community swimming pool,

playground, golf course (major or miniature), playfield or park, operated solely by the agency or group operating the recreation facility and for the convenience of, and restricted solely to, patrons of the recreational facility, shall not be deemed a "restaurant".

RETAIL – Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

(P) ROOT RAKING - A silvicultural practice involving the drawing of a set of tines, mounted on the front or trailed behind a tractor, over an area to thoroughly disturb tree and vegetation roots and/or to collect stumps and slash.

(P) SEASONAL HIGH WATER TABLE — The level below the natural ground surface to which water seasonally rises in the soil in most years.

SECONDARY STREET – Occurs on corner lots, being the street that is considered subordinate to the primary street.

SECRETARY TO THE PLANNING AND ZONING BOARDS — A part-time employee who shall be responsible to maintain minutes of all meetings held in accordance with the Open Public Meetings Act.

(P) SEED TREE CUT - A silvicultural practice involving the removal of old forest stand in one cutting, except for a small number of trees left singly, in small groups or narrow strips, as a source of seed for natural regeneration.

SERVICE STATION — Lands and buildings providing for the sale of truck and automotive fuel, lubricants and automotive accessories. Maintenance and minor repairs for motor vehicles may be provided, but no body repairs or painting or the extended storage of inoperable or wrecked vehicles shall be permitted.

SERVICES – Establishments primarily engaged in providing assistance, as opposed to products, to individuals, businesses, industry, government and other enterprises (examples include legal, engineering, educational services).

SETBACK LINE — A line drawn parallel with a street line or lot line and drawn through the point of a building nearest to the street line or lot line. The term "required setback" means a line that is established a minimum horizontal distance from the street line of the lot line and beyond which a building or part of a building is not permitted to extend toward the street line or lot line.

SHARED PARKING – Parking spaces that are assigned to more than one use.

(P) SHELTERWOOD CUT - A silvicultural practice involving the establishment of a new, essentially even-aged forest stand from release, typically in a series of cuttings, of new trees started under the old forest stand. A shelterwood cut involves the establishment of the new forest stand before the old forest stand is removed.

SIGN — Any building, structure or portion thereof on which any announcement, declaration, demonstration, display, illustration or insignia is used to advertise or promote the interest of any person or product when the same is placed in view of the general public. "Signs" do not include the flag or emblem of any nation, organization of nations, state, city or any fraternal, religious or civic organization; merchandise, pictures or models of products or services incorporated in a window display; works of art which in no way identify a product; or scoreboards located on athletic fields. "Sign" shall also include "portable sign."

SITE PLAN REVIEW — The examination of the specific development plans for a lot. Wherever the term "site plan approval" is used in this chapter, it shall be understood to mean a requirement that the site plan be reviewed and approved by the Dennis Township Planning or Zoning Board.

SMALL WIND ENERGY SYSTEM — A wind energy system, as defined herein that which is used to generate electricity; and has a nameplate capacity of one hundred (100) kilowatts or less. **[Added 5-5-09 by Ord. No. 2009-01]**

SOLAR ENERGY SYSTEM — A solar energy system and all associated equipment which converts solar energy into a usable electrical energy, heats water or produces hot air or other similar function through the use of solar panels. **[Added 5-5-09 by Ord. No. 2009-01]**

SOLAR PANELS — A structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a solar energy system. **[Added 5-5-09 by Ord. No. 2009-01]**

STORY — That portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling next above it. For the purpose of this chapter, the interior of the roof shall not be considered a ceiling. A "half story" is the area under a pitched roof at the top of a building, the floor of which is at least four (4) feet but no more than six (6) feet below the plate.

STREET — Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway or which is shown upon a plat theretofore approved pursuant to law or which is approved by official action as provided by N.J.S.A. 40:55D-1 et seq. or which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of the Planning Board and the grant to such Board of the power to review plats, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

STREET LINE — The edge of the existing or future street right-of-way, whichever would result in the widest right-of-way, as shown on the adopted Master Plan or Official Map, forming the dividing line between the street and a lot.

STRUCTURE — Anything constructed, assembled or erected which requires location on the ground or attachment to something having such location on the ground, including buildings, fences, tanks, towers, signs, advertising devices, swimming pools and tennis courts.

(P) SUBMERGED LAND — Those lands which are inundated with water throughout the year.

SWIMMING POOL, PORTABLE — Portable pools shall not be subject to the requirements of Article V and are those pools which are not otherwise permanently installed; do not require water filtration, circulation, and purification; do not exceed a water surface area of one hundred (100) square feet; and do not require braces or supports.

SWIMMING POOL, PRIVATE RESIDENTIAL — Includes an artificially constructed pool, whether located above or below the ground, having a depth of more than eighteen (18) inches and/or a water surface of one hundred (100) square feet or more; designed and maintained for swimming and bathing purposes by an individual for use by members of his household and guests; and which is located on a lot as an accessory use to a detached dwelling; and shall include all buildings, structures, equipment and appurtenances thereto.

(P) THINNING - A silvicultural practice involving the removal of competing trees to favor certain species, sizes and qualities of trees.

TOWNHOUSE — A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

TOWNSHIP — The Township of Dennis, Cape May County, New Jersey.

TRACT — An area of land composed of one (1) or more lots adjacent to one another, having sufficient dimensions and area to make one (1) parcel of land meeting the requirements of this chapter for the use(s) intended. The original land area may be divided by one (1) existing public street and still be considered one (1) "tract," provided that the street is not an arterial or collector road and that a linear distance equal to more than seventy-five percent (75%) of the frontage of the side of the street having the larger street frontage lies opposite and equivalent linear distance of street frontage on the other side of the street.

TREE — Any woody perennial having a diameter greater than two and one-half (2 1/2) inches, measured at a point four and one-half (4 1/2) feet above the ground.

TREE REGISTER — A list of trees within the township which are of special significance and are therefore worthy of protection by virtue of their size, age, type, history or relationship to historical or cultural events. A list of such trees shall be kept on file for use and guidance of persons presenting plans for development in wooded areas.

TWO-FAMILY DWELLING — A unit where two families live, the unit could be split horizontally with the units side by side or vertically with the units stacked on one another.

(P) UTILITY DISTRIBUTION LINES — 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 served area. Utility distribution lines do not include electric transmission lines. **[Amended 2-24-97 by Ord. No. 97-01]**

(P) VEGETATION — Any plant material, including grasses, shrubs and trees.

(P) WETLANDS — The meaning ascribed to the word in N.J.A.C. 7:50-6.4.

WETLANDS BUFFER — An area left in its natural state between developable uplands and designated wetlands, the depth of which is designated by the N.J.D.E.P.E. based on the quality of wetlands.

(P) WETLANDS, COASTAL — The meaning ascribed to the words in N.J.A.C. 7:50-6.5.

WETLANDS, FRESHWATER — Any land certified by the N.J.D.E.P.E. Bureau of Wetlands to be wetlands in accordance with the Freshwater Wetlands Protection Act of July 1, 1987, as currently amended.

(P) WETLANDS, INLAND — The meaning ascribed to the words in N.J.A.C. 7:50-6.5.

WETLANDS, SALTWATER — Tidal wetlands along the Atlantic Ocean and Delaware Bay as delineated on official maps as listed under N.J.A.C. 7:7-2.2.

(P) WETLANDS MANAGEMENT - 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.

(P) WETLAND SOILS — 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, Bayboro, Berryland, Colemantown, Elkton, Keansburg, Leon, Muck, Othello, Pocomoke, St. Johns and Freshwater Marsh and Tidal Marsh soil types.

WIND ENERGY SYSTEM — A wind turbine and all associated equipment including any base, blade, foundation, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component necessary to fully utilize the wind generator. **[Added 5-5-09 by Ord. No. 2009-01]**

WIND TURBINE — Equipment that converts energy from the wind into electricity. This term includes the rotor, blades and associated mechanical and electrical conversion components necessary to generate, store and/or transfer energy. **[Added 5-5-09 by Ord. No. 2009-01]**

YARD, FRONT — An open space extending across the full width of the lot and lying between the street line and the closest point of any building on the lot. The depth of the "front yard" shall be measured horizontally and at right angles to either a straight street line or the tangent lines of curved street lines. The

minimum required "front yard" shall be the same as the required setback. The minimum front yard setback as required by the zoning district shall be met on all property lines abutting streets.

YARD, REAR — An open space extending across the full width of the lot and lying between the rear lot line and the closest point of the principal building on the lot. The depth of the "rear yard" shall be measured horizontally and at right angles to either a straight rear lot line or the tangent of curved rear lot lines. The minimum required "rear yard" shall be the same as the required setback.

YARD, SIDE — An open space extending from the front yard to the rear yard and lying between each side lot line and the closest point of the principal building on the lot. The width of the required "side yard" shall be measured horizontally and at right angles to either a straight line or the tangent lines of curved side lot lines.

ZONING OFFICER — Includes both the Zoning Officer and/or the Construction Official.

§ 185-8. Reserved.

ARTICLE III Districts; Map; Boundaries

§ 185-9. Enumeration of districts. [Amended 6-22-1998 by Ord. No. 98-04]

For the purpose of this chapter, the Township of Dennis is hereby divided into nineteen (19) districts, four (4) of which exist exclusively in the Pinelands Area. Within the Pinelands Area, these districts are consistent with the Pinelands Management Areas set forth in N.J.A.C. 7:50, Subchapter 5.

Symbol	District Name
R-3	R-3 Rural Single Family Residential
R-10	R-10 Low Density Single Family Residential
VR	Village Residential
VC	Village Commercial
CR	Clermont Residential
CVC	Clermont Village Center
CVR	Clermont Village Residential
OVR	Ocean View Residential
OVCC	Ocean View Center Core
OVC	Ocean View Center
OVCR	Ocean View Center Residential
B	Business
M	Marina
C	Conservation Cape May Tributaries and Bays East Overlay

Pinelands

A	Airport Hazard
PV	Pinelands Village
PR	Rural Development
PF8	Moderate Density Forest
PF25	Low-Density Forest

§ 185-10. Zoning map. [Amended 1-12-1998 by Ord. No. 97-18; 3-31-99 by Ord. No. 99-06; 8-8-06 by Ord. No. 2006-11; 12-20-07 by Ord. No. 2007-01; 4-1-08 by Ord. No. 2008-05;]

The boundaries of these zoning districts are established on the Zoning Map adopted by the Mayor and Committee dated February 28, 1997 and as amended on November 24, 1997, February 22, 1999 and on February 15, 2005, August 8, 2006, February 20, 2007 and which accompanies this ordinance and is on file in the office of the Municipal Clerk and is hereby made a part of this chapter.¹

§ 185-11. Interpretation of boundaries.

Zoning district boundary lines are intended to follow street center lines, railroad and utility rights-of-way, streams and lot or property lines as they exist on lots of record at the time of enactment of this chapter unless otherwise indicated by dimensions on the Zoning Map. Any dimensions shown shall be measured horizontally and, when measured from a street, shall be measured from the street right-of-way line even if the center line of that street is used for the location of a zoning district line. The exact location of any disputed zoning district boundary line shall be determined by the Board of Adjustment. The zoning standards, controls and designations apply to

¹ Editor's Note: The map is on file in the Township Administrative Offices.

every structure, lot, use and development within every district, and the district lines extend vertically in both directions from ground level.

§ 185-12. Alteration of district boundaries of lots in single ownership.

- A. Where a zoning district boundary line divides a lot other than by following a stream or street, any use permitted in either district may be extended not more than twenty (20) feet into the adjacent district. A use permitted in the zoning district so extended shall thereafter be a permitted use in the extended area. A zoning district line, however, shall be altered only once by utilizing this section of the chapter, after which the lot use shall be governed by the regulations of the zoning district in which it is located after the zoning district boundary line adjustment.
- B. Where a zoning district boundary line divides a lot as a result of an approximately plotted state freshwater wetlands boundary, the upland zoning district shall be extended to the field established and state verified wetlands boundary. The zone shall not be continued beyond a lot property line without application to the Township Zoning Board of Adjustment with proper field survey locationing and state certification of wetlands lines.

ARTICLE IV District Regulations

§ 185-13. Compliance required.

No building shall hereafter be used, erected, altered, converted, enlarged, added to, moved or reduced, wholly or in part, nor shall any land be designed, used or physically altered for any purpose or in any manner except in conformity with this chapter. Where a lot is formed from part of a lot already occupied by a building, such subdivision shall be effected in such a manner as not to impair any of the requirements of this chapter with respect to the existing building and all yards and other open space in connection therewith and so that all resulting lots have adequate dimensions consistent with the requirements of the zoning district in which they are located and so that all lots have frontage on an improved state, county, or municipal street.

No subdivision of vacant land shall hereafter be approved when said vacant land adjoins existing lots, in common ownership with said vacant lands, not in current conformance with minimum lot area standards without first bringing said existing lot into conformance with current minimum standards for lot area.

See Schedule A and B, Area and Yard Requirements for Zone Districts, located at the end of this chapter.

§ 185-14. R-3 Rural Single Family Residential development purpose.

A. Purpose.

- (1) The purpose of the R-3 District is to provide for continued moderate density residential development in rural portions of the township that have established a prevailing residential development character.

B. Principal permitted uses on the land and in buildings in the R-3 Districts shall be as follows:

- (1) Farms.
- (2) Detached single family dwelling units.
- (3) Public playgrounds, conservation areas, parks and public purpose uses.
- (4) Churches and/or cemeteries.
- (5) Golf courses.
- (6) (Reserved for Future Use.)
- (7) Improved campgrounds existing as of December 31, 1992 and having been legally licensed by the township in 1992, as a conditional use.
- (8) Cluster single-family residential developments as a conditional use. See Section 185-73 for standards.
- (9) Public and private (not for profit) elementary, middle, and/or high schools shall be a conditional use. (See Section 185-73 for standards.)

C. Accessory uses permitted in the R-3 District shall be as follows:

- (1) Private residential swimming pools.
- (2) Private residential tool sheds not to exceed fifteen (15) feet in height and not more than two hundred (200) square feet in area.
- (3) Travel trailers and campers to be parked or stored only and located in rear or side yards only. Their dimensions shall not be counted in determining total building coverage, and they shall not be used for temporary or permanent living quarters while situated on a lot.

- (4) Off-street parking for residential uses.
 - (5) Residential garages for vehicular and other storage but containing no living space or elements.
 - (6) Signs.
 - (7) Fences and walls.
 - (8) Residential agriculture.
 - (9) Home occupations, subject to the restrictions in Section 185-7.
 - (10) Temporary construction trailers and one (1) sign not exceeding thirty-two (32) square feet, advertising the prime contractor(s), architect, financing institution and similar data for the period of construction beginning with the issuance of a building permit and ending with the issuance of a certificate of occupancy or one (1) year, whichever is less, provided that said trailer(s) and sign are on the site where construction is taking place and set back at least fifteen (15) feet from street and lot lines.
 - (11) Camper sales at the site of any campground, provided that no portion of the sales area is located within any required buffer zone and all portions of the sales area are set back at least two hundred (200) feet from any public road.
 - (12) Small wind energy systems and solar energy systems in accordance with the standards in Section 185-73.(22). **[Added 5-5-09 by Ord. No. 2009-01]**
- D. Maximum building height. No building shall exceed thirty (30) feet in height and two and five-tenths (2.5) stories, except that churches shall not exceed fifty-five (55) feet in height.
- E. Minimum area and yard requirements in the R-3 District shall be as follows:

Requirement	Single Family	Churches and/or Cemeteries	Golf Courses
Principal Building			
Lot Area	3 ac.	60,000 s.f.	50 ac.
Lot Frontage	150 ft.	200 ft.	600 ft.
Lot Width	150 ft.	200 ft.	600 ft.
Lot Depth	300 ft.	200 ft.	1,000 ft.
Side Yard, each	35 ft.	50 ft.	200 ft.
Front Yard	100 ft.	50 ft.	200 ft.
Rear Yard	100 ft.	50 ft.	200 ft.
Accessory Buildings			
Side Yard, each	35 ft.	10 ft.	50 ft.
Rear Yard	35 ft.	40 ft.	50 ft.
Distance to			
Principal Structure	20 ft.	40 ft.	50 ft.
Maximum Coverage			
Impervious	15%	30%	5%
Principal Building	10 %	10 %	1 %
Accessory Buildings	2 %	2 %	0.5 %
Farm Use/Acc. Bldg.	10 %		

F. Lot size averaging. Lot size averaging is permitted in the R-3 District for single family residential lots, as follows:

- (1) The total number of lots permitted shall be calculated by deducting the area devoted to any streets and dividing the remaining area of the parcel to be developed by three (3) acres. In the calculation of the number of lots, the developer may utilize any designated freshwater wetlands as part of the remaining area.
- (2) Minimum area and yard requirements for lots reduced in size by lot size averaging shall be as follows:

Requirement	Single Family
Principal Building	
Lot Area	60,000 s.f.
Lot Frontage	175 ft.
Lot Width	175 ft.
Lot Depth	250 ft.
Side Yard, each	30 ft.
Front Yard	75 ft.
Rear Yard	75 ft.
Accessory Building	
Side Yard	15 ft.
Rear Yard	15 ft.
Distance to Principal Building	20 ft.
Maximum Coverage	
Impervious	15%
Principal Building	10 %
Accessory Building	2 %

- (3) In any application utilizing the lot size averaging technique, no more than fifty percent (50%) of the lots may have an area of less than three (3) acres, and no more than twenty percent (20%) of the lots may be of the minimum area.

G. Lot areas. For lots containing freshwater wetlands and wetlands buffers under R-3 Rural Single Family and R-3 Rural Single Family lot size averaging, the minimum upland lot area, including buffer, shall be forty thousand (40,000) square feet.

§ 185-15. R-10 Low Density Single Family Residential District.

A. Purpose. The R-10 District requires a minimum of ten (10) acres per home. The purpose of the R-10 District is to provide for limited low density, residential development in areas between developable uplands and the marsh dominated lowlands of the Conservation (C) District. The R-10 District generally occupies intermediate elevations in the terrain. Limited residential development in these environmentally sensitive areas will serve as a buffer between the wetlands and upland areas of higher development intensity.

B. Principal permitted uses on the land and in buildings in the R-10 District shall be as follows:

- (1) Farms.
- (2) Detached single family dwelling units.
- (3) Public playgrounds, conservation areas, parks and public purpose uses.
- (4) Churches and/or cemeteries.

- (5) (Reserved for Future Use.)
 - (6) (Reserved for Future Use.)
 - (7) Cluster single-family residential developments as a conditional use. See Section 185-73 for standards.
 - (8) Public and private (not for profit) elementary, middle, and/or high schools shall be a conditional use. (See Section 185-73 for standards.)
- C. Accessory uses permitted in the R-10 District shall be as follows:
- (1) Private residential swimming pools.
 - (2) Private residential tool sheds not to exceed fifteen (15) feet in height and not more than two hundred (200) square feet in area.
 - (3) Travel trailers and campers to be parked or stored only and located in rear or side yards only. Their dimensions shall not be counted in determining total building coverage, and they shall not be used for temporary or permanent living quarters while situated on a lot.
 - (4) Off-street parking and private garages.
 - (5) Signs.
 - (6) Fences and walls.
 - (7) Residential agriculture.
 - (8) Home occupations, subject to the restrictions in Section 185-7.
 - (9) Temporary construction trailers and one (1) sign exceeding thirty-two (32) square feet, advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction beginning with the issuance of a building permit and ending with the issuance of a certificate of occupancy or one (1) year, whichever is less, provided that said trailer(s) and sign are on the site where construction is taking place and set back at least fifteen (15) feet from street and lot lines.
 - (10) Camper sales at the site of any campground, provided that no portion of the sales area is located within any required buffer zone and all portions of the sales area are set back at least two hundred (200) feet from any public road.
 - (11) Small wind energy systems and solar energy systems in accordance with the standards in Section 185-73.D.(22) **[Added 5-5-09 by Ord. No. 2009-01]**
- D. Maximum building height. No building shall exceed thirty (30) feet in height and two and five-tenths (2.5) stories, except that churches shall not exceed fifty-five (55) feet in height and except as allowed in Section 185-72.

E. Area and yard requirements in the R-10 District shall be as follows:

Requirement	Single Family	Churches and/or Cemeteries
Principal Building		
Lot Area	10 ac.	60,000 s.f.
Lot Frontage	200 ft.	200 ft.
Lot Width	200 ft.	200 ft.
Lot Depth	400 ft.	200 ft.
Side Yard, each	50 ft.	50 ft.
Front Yard	100 ft.	50 ft.
Rear Yard	100 ft.	50 ft.
Accessory Buildings		
Side Yard, each	50 ft.	10 ft.
Rear Yard	50 ft.	40 ft.
Distance to Principal Structure	20 ft.	40 ft.
Maximum Coverage		
Impervious	7%	30%
Principal Building	5%	10%
Nonagricultural Accessory Bldg.	1 %	2 %
Agricultural Accessory Building	10 %	

F. Gross floor area. The minimum gross floor area for single-family detached dwellings shall be one thousand (1,000) square feet.

§ 185-16. VR Village Residential District.

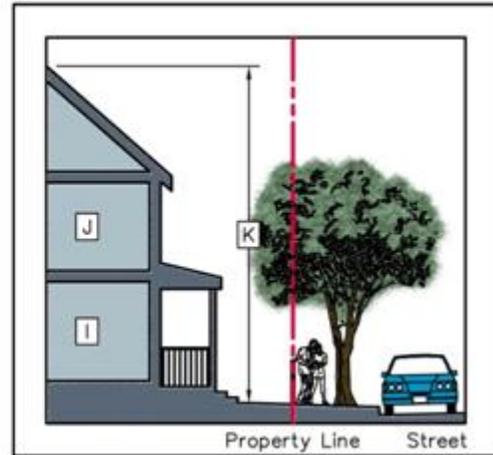
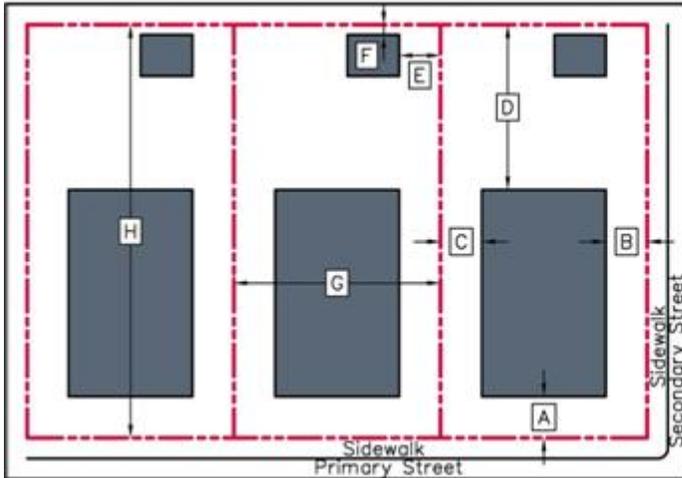
A. Purpose. The purpose of the VR District is to help preserve the charm of the earliest villages of the township, recognizing their unique historic basis, architectural character, limited lot size and special needs for developmental standards.

B. Principal permitted uses on the land and in buildings in the VR District shall be as follows:

Principal Use		Principal Use	
Recreation & Public Assembly		Utilities	
Municipal/quasi-public uses	P	Public utility	CU
Houses of worship	P	Services	
Park, public square	P	Bed and breakfast	CU
Community building & related recreational facilities	P		
Residential			
Single-family detached dwellings	P		
Key:			
P	Permitted Use		
CU	Conditional Use		
NP	Not Permitted		

- C. Accessory uses permitted in the VR District shall be as follows:
- (1) Private residential in-ground and above-ground swimming pools.
 - (2) Garages, excluding commercial vehicles, limited to one story in height.
 - (3) Travel trailers and campers located in rear and side yards only.
 - (4) Off-street parking.
 - (5) Signs in accordance with the standards in Section 185-43.
 - (6) Fences and walls in accordance with the standards in Section 185-33.
 - (7) Residential agriculture.
 - (8) Home businesses, as a conditional accessory use, only in Dennisville.
 - (9) Small wind energy systems and solar energy systems in accordance with the standards in Section 185-73.D.(22) **[Added 5-5-09 by Ord. No. 2009-01]**
 - (10) Decks, patios, terraces, etc.
 - (11) Outdoor storage.
 - (12) Tool and storage sheds.

D. Building area and yard requirements in the VR District shall be as follows:



Red line = property line

Building Placement

Build-to-Line (Distance from Lot Line)		
Front - Primary Street	Varies*	A
Front - Secondary Street	30' min.	B
Side	30' min.	C
Rear	70' min.	D
Side, Accessory Building	5' min.	E
Rear, Accessory Building	5' min.	F

Building Form		
Lot Width	100' min.	G
Lot Depth	200' min.	H
Lot Area	35,000 sf min.	

Notes

* Front (Primary Street) build-to-line is an average of the front yard setbacks of homes within 200' of property.

All buildings must have a primary ground floor entrance that faces the primary street.

Use

Ground Floor	Residential, Recreation & Public Assembly	I
Upper Floor(s)	Residential, Recreation & Public Assembly	J

Height

Building Maximum	2.5 stories / 30'	K
Accessory Bldg Max.	2 stories / 25'	

Coverage

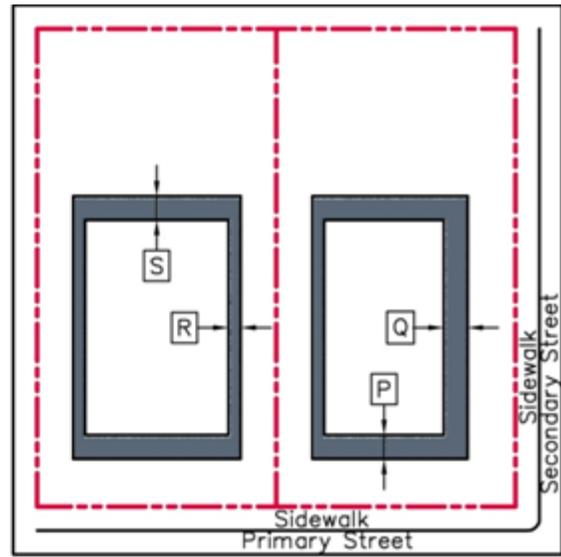
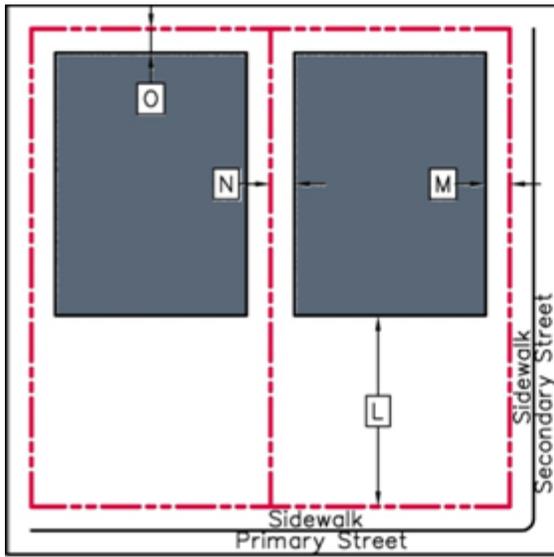
Principal Building	10% max.
Accessory Building	3.5% max.
Impervious	60% max.

Notes

Garage doors are not permitted on the front façade of the principal building.

All residential development shall comply with the Township's affordable housing requirements at the time of application submission.

E. Parking and encroachment requirements as well as permitted frontage types within the VR District shall be as follows:



Red line = property line

Parking

Location (Distance from Lot Line)

Front - Primary Street Setback	50' min.	L
Front - Secondary Street Setback	30' min.	M
Side Setback	10' min.	N
Rear Setback*	10' min.	O

Required Spaces

Automobile

See § 185.38 of the Zoning Ordinance

Notes

*It is the intent of the ordinance to have all parking located behind the building and accessed by alleys or driveways.

Encroachments

Location

Front - Primary Street*	10' max.	P
Front - Secondary Street*	10' max.	Q
Side**	10' max.	R
Rear**	30' max.	S

Permitted Frontage Types***

Residential Stoop

Residential Porch

Notes

*Canopies, awnings, porches and stoops may encroach into the primary or secondary street setback, as shown in the shaded areas.

**Canopies, awnings, porches, stoops, decks, balconies, etc. may encroach into the side and rear setback, as shown in the shaded areas.

*** See § 185-7, Definitions, for examples.

F. Architectural requirements within the VR District shall follow the standards in Section 185-32.4.

§ 185-17. VC Village Commercial.

- A. Purpose. The purpose of the VC (Village Commercial District) is to provide an opportunity for appropriate development in commercial zones along Route 47 in Dennisville and South Dennis, Route 83 in South Dennis and at the crossroads of County Route 628 and 608 in South Seaville. The zone is intended to allow commercial development that is compatible with the historic and architectural character within these areas.
- B. Principal uses permitted on the land and in the buildings in the VC District shall be as follows:

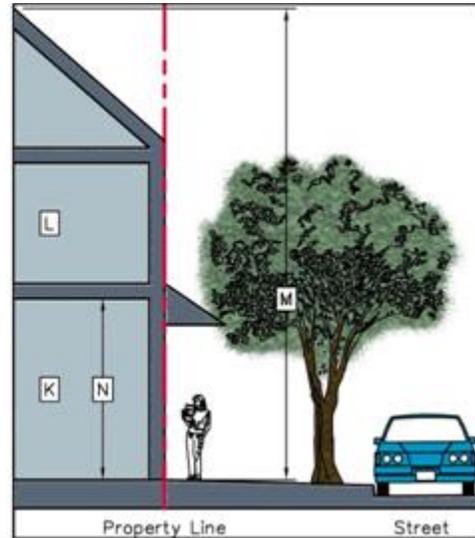
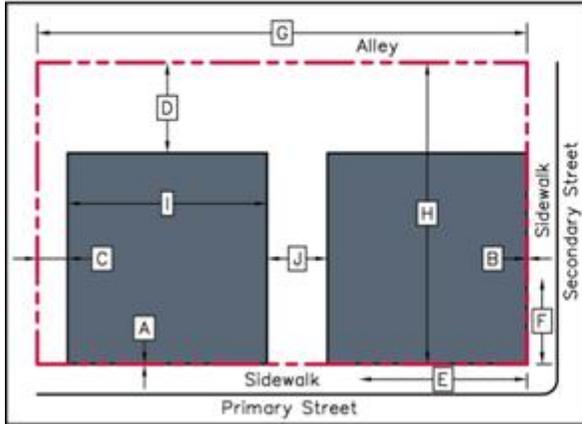
Principal Use	
Recreation & Public Assembly	
Library, museum, art gallery	P
Municipal/quasi-public uses	P
Houses of worship	P
Public park, square or plaza	P
Residential	
Mixed-use building with residential units	CU
Utilities	
Public utility	CU
Key:	
P	Permitted Use
CU	Conditional Use
NP	Not Permitted

Principal Use	
Retail	
General retail, except:	P
> 5,000 sf single use	NP
with drive through-facilities	NP
Restaurants	P
with drive-through facilities	NP
Fast food establishments	NP
Farm markets	P
Automobile repair, service, gas sta	NP
Services	
Financial services	P
with drive-through facilities	CU
Offices	P
Bed & Breakfast	CU
Personal services	P
Inn	CU

- C. Accessory uses permitted in the VC District shall be as follows:
- (1) Off-street parking.
 - (2) Off-street loading.
 - (3) Garages for commercial vehicles, limited to one story in height.
 - (4) Temporary construction trailer.
 - (5) Fences and walls in accordance with the standards in Section 185-33.
 - (6) Signs in accordance with the standards in Section 185-43.D.
 - (7) Trash receptacles.
 - (8) Small wind energy systems and solar energy systems in accordance with the standards in Section 185-73.D.(22)
 - (9) Parks, plazas, courtyards and playgrounds.
 - (10) Street furnishings, planters, street lights.
 - (11) Sidewalk cafes associated with restaurants.

- (12) Decks, patios, terraces, etc.
- (13) Home businesses, as a conditional accessory use.

D. Building area and yard requirements in the VC District shall be as follows:



Red line = property line

Building Placement

Build-to-Line (Distance from Lot Line)

Front - Primary Street	0' min. - 8' max.	A
Front - Secondary Street	0' min. - 4' max.	B
Side	20' min.	C
Rear	55' min.	D

Building Form

Primary Street Façade built to BTL*	50% at 0'	E
Secondary Street Façade built to BLT*	30% at 0'	F
Lot Width	100' min.	G
Lot Depth	200' min.	H
Lot Area	35,000 sf min.	
Building Length	100' max.	I
Distance between Buildings**	20' max.	J

Notes

*While buildings are required to primarily abut the BTL, they are not permitted to obstruct sight triangles.

*Any building façade over 30' wide must be broken down to read as a series of buildings no wider than 30' each.

** Along primary street frontage, where multiple buildings are proposed on one lot.

Use

Ground Floor	Services, Retail, Recreation & Public Assembly	K
Upper Floor(s)	Residential, Services & Public Assembly	L

Height

Building Maximum	2.5 stories / 30'	M
First Floor Ceiling Height	10' min. clear	N

Coverage

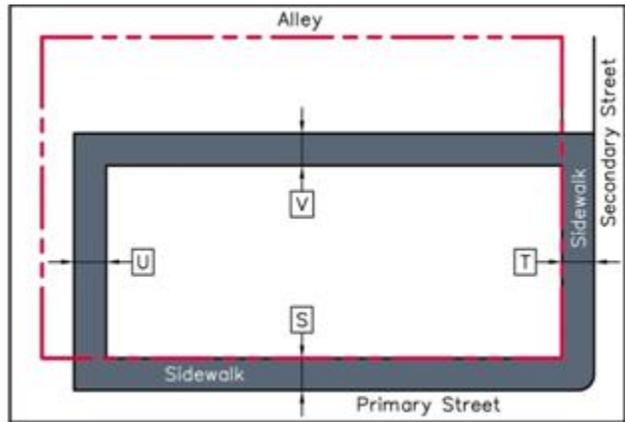
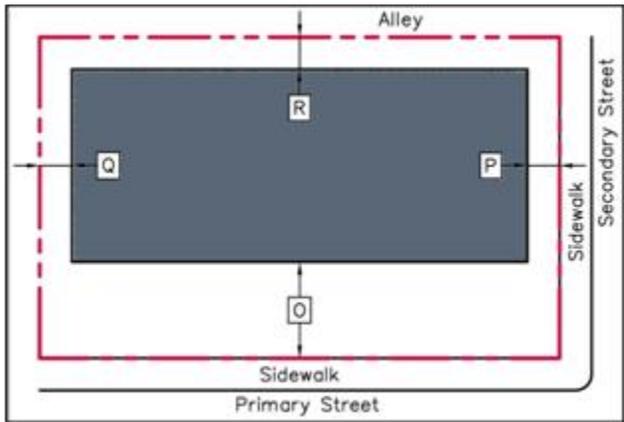
Building	35% max.
Impervious	60% max.

Notes

Loading docks and service entries are prohibited on facades that face a street.

All buildings must have a primary ground floor entrance that faces the primary street; all doors shall be set back a minimum of 4' from the build-to-line.

E. Parking and encroachment requirements as well as permitted frontage types within the VC District shall be as follows:



Red line = property line

Parking

Location (Distance from Lot Line)

Front - Primary Street Setback	50' min.	L
Front - Secondary Street Setback	30' min.	M
Side Setback	10' min.	N
Rear Setback*	10' min.	O

Required Spaces

Automobile

See § 185.38 of the Zoning Ordinance

Notes

*It is the intent of the ordinance to have all parking located behind the building and accessed by alleys or driveways.

Encroachments

Location

Front - Primary Street*	10' max.	P
Front - Secondary Street*	10' max.	Q
Side**	10' max.	R
Rear**	30' max.	S

Permitted Frontage Types***

Residential Stoop

Residential Porch

Notes

*Canopies, awnings, porches and stoops may encroach into the primary or secondary street setback, as shown in the shaded areas.

**Canopies, awnings, porches, stoops, decks, balconies, etc. may encroach into the side and rear setback, as shown in the shaded areas.

*** See § 185-7, Definitions, for examples.

F. Architectural requirements within the VC District shall follow the standards in Section 185-32.2.

§ 185-18. CR Clermont Residential District.

A. Purpose. The purpose of the CR District is to recognize existing residential development patterns within Clermont. The CR District will work to retain the character of these residential areas and promote infill development that is appropriate with the scale and context of the existing homes.

B. Principal uses permitted on the land and in the buildings in the CR District shall be as follows:

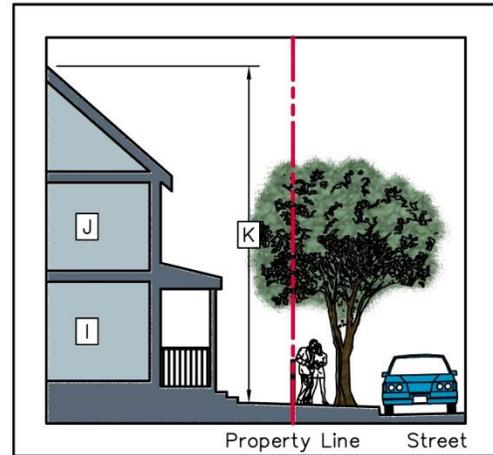
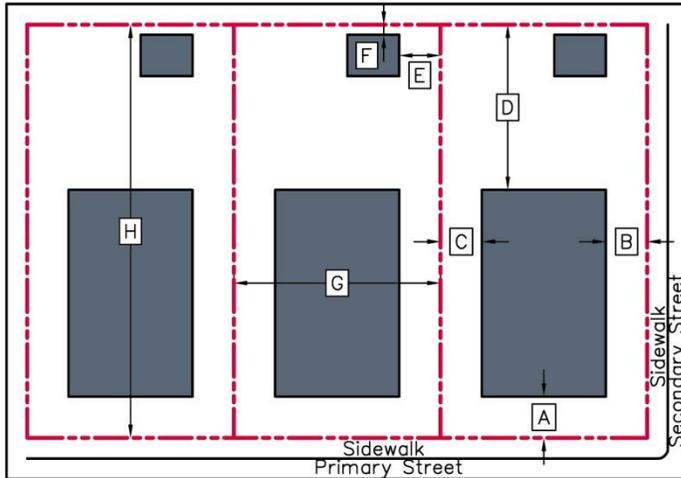
Principal Use	
Recreation, Education & Public Assembly	
Municipal/quasi-public uses	P
Park, public square	P
Community building & related recreational facilities	P
Key:	
P	Permitted Use
CU	Conditional Use
NP	Not Permitted

Principal Use	
Utilities	
Public utility	CU
Residential	
Single-family detached dwellings	P

C. Accessory uses permitted in the CR district shall be as follows:

- (1) Off-street parking.
- (2) Travel trailers and campers located in the rear or side yard.
- (3) Private residential swimming pools.
- (4) Residential garages with no living space, limited to one story in height.
- (5) Temporary construction trailers.
- (6) Parks, plazas, courtyards and playgrounds.
- (7) Signs in accordance with the standards in Section 185-43.
- (8) Fences and walls in accordance with the standards in Section 185-33.
- (9) Decks, patios, terraces, etc.
- (10) Residential agriculture.
- (11) Small wind energy systems and solar energy systems in accordance with the standards in Section 185-73.D.(22)
- (12) Outdoor storage.
- (13) Tool and storage sheds. Structure shall not exceed fifteen (15) feet in height and shall not be larger than one hundred fifty (150) square feet in floor area.

D. Building area and yard requirements in the CR District shall be as follows:

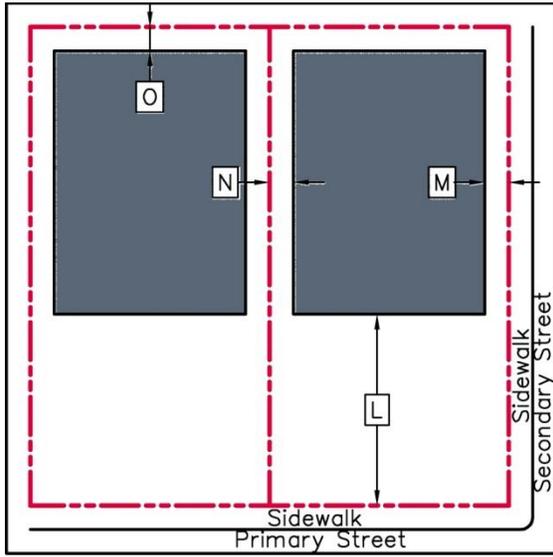


Red line = property line

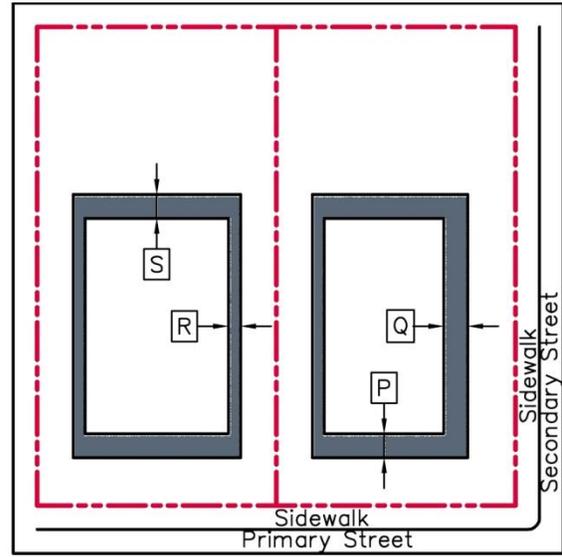
Building Placement		
Build-to-Line (Distance from Lot Line)		
Front - Primary Street	40'	A
Front - Secondary Street	40'	B
Side	30' min.	C
Rear	70' min.	D
Side, Accessory Building	5' min.	E
Rear, Accessory Building	5' min.	F
Building Form		
Lot Width	100' min.	G
Lot Depth	200' min.	H
Lot Area	35,000 sf min.	
Footprint of Accessory Building	750 sf max.	
Notes		
All buildings must have a primary ground floor entrance that faces the primary street.		

Use		
Ground Floor	Residential, Recreation & Public Assembly	I
Upper Floor(s)	Residential & Public Assembly	J
Height		
Principal Building Max.	2.5 stories / 30'	K
Accessory Bldg Max.	1 story / 15'	
Coverage		
Building	35% max.	
Impervious	60% max.	
Notes		
Garage doors are not permitted on the front façade of the principal use.		
All residential development shall comply with the Township's affordable housing requirements at the time of application submission.		

E. Parking and encroachment requirements as well as permitted frontage types within the CR District shall be as follows:



Red line = property line



Parking

Location (Distance from Lot Line)

Front - Primary Street Setback	50' min.	L
Front - Secondary Street Setback	10' min.	M
Side Setback	10' min.	N
Rear Setback	10' min.	O

Required Spaces

Automobile
See § 185.38 of the Zoning Ordinance

Encroachments

Location

Front - Primary Street*	10' max.	P
Front - Secondary Street*	10' max.	Q
Side**	10' max.	R
Rear**	30' max.	S

Permitted Frontage Types***

Residential Stoop
Residential Porch

Notes

*Canopies, awnings, porches & stoops may encroach into the primary or secondary street setback, as shown in the shaded areas.

**Canopies, awnings, porches, stoops, decks, balconies, etc. may encroach into the side and rear setback, as shown in the shaded areas.

*** See § 185-7, Definitions, for examples.

§ 185-19. CVC Clermont Village Center District.

A. Purpose. The purpose of the CVC District is to promote a mixture of commercial, office and residential land uses within a compact, pedestrian-friendly Village. This zone requires active ground floor uses, such as shops and personal service establishments on the first floor. Meanwhile, office and residential dwelling units are permitted on upper floors. This district is intended to promote compact development through the use of community wastewater treatment facilities.

B. Principal uses permitted on the land and in the buildings in the CVC District shall be as follows:

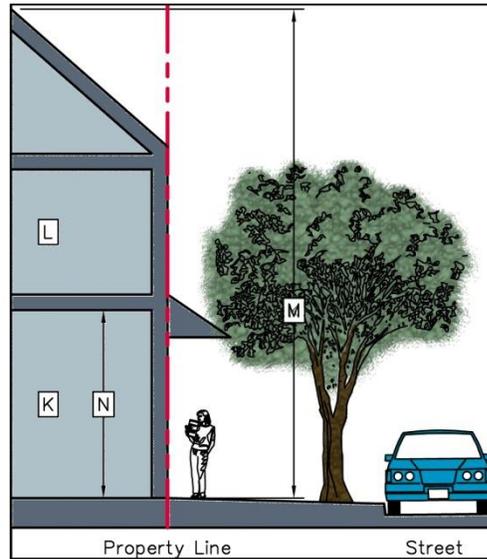
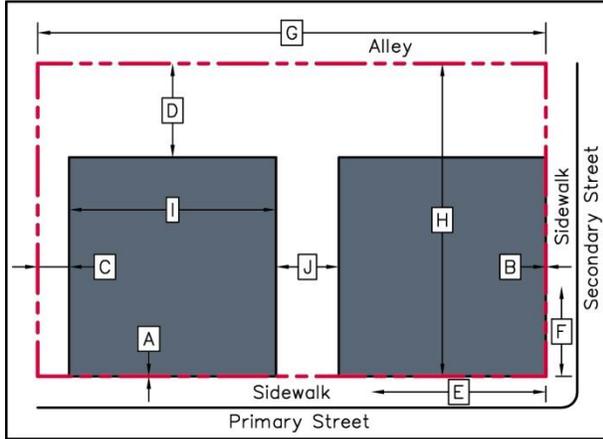
Principal Use	
Recreation, Education & Public Assembly	
Health club/exercise facility	P
Theater, cinema	P
> 15,000 sf	NP
Library, museum, art gallery	P
Studio: art, dance, music, etc.	P
Campgrounds	CU
Municipal/quasi-public uses	P
Indoor recreation facility	NP
Outdoor recreation facility	NP
Houses of worship	P
Public park, square or plaza	P
Residential	
Mixed-use building with residential units	P
Transportation, Utilities	
Public utility	CU
Key:	
P	Permitted Use
CU	Conditional Use
NP	Not Permitted

Principal Use	
Retail	
General retail, except:	P
> 15,000 sf single use	NP
with drive-through facilities	CU
Supermarket	P
> 15,000 sf	NP
Restaurants, taverns	P
with drive-through facilities	NP
that serve alcoholic beverages	CU
Fast food establishments	NP
Liquor stores	CU
Automobile repair, service, gas sta	NP
Services	
Financial services	P
with drive-through facilities	CU
Medical services	P
Offices	P
Hotel/Inn	CU
Hotel with conference center	CU
Motel	NP
Daycare	P
Personal services	P

C. Accessory uses permitted in the CVC District shall be as follows:

- (1) Off-street parking.
- (2) Off-street loading.
- (3) Parks, plazas, courtyards and playgrounds.
- (4) Garages for commercial vehicles, limited to one story in height.
- (5) Temporary construction trailers.
- (6) Street furnishings, planters, street lights.
- (7) Sidewalk cafes associated with restaurants.
- (8) Fences and walls in accordance with the standards in Section 185-33.
- (9) Decks, patios, terraces, etc.
- (10) Signs in accordance with the standards in Section 185-43.C.
- (11) Trash receptacles.
- (12) Parking decks and structures.

D. Area and yard requirements for the CVC District shall be as follows:



Red line = property line

Building Placement

Build-to-Line (Distance from Lot Line)

Front - Primary Street	0' min. - 8' max.	A
Front - Secondary Street	0' min. - 4' max.	B
Side	30' min.	C
Rear	55' min.	D

Building Form

Primary Street Façade built to BTL*	50% at 0'	E
Secondary Street Façade built to BLT*	30% at 0'	F
Lot Width	150' min.	G
Lot Depth	200' min.	H
Lot Size	1 acre min.	
Building Length	100' max.	I
Distance between Buildings**	20' max.	J

Notes

*While buildings are required to abut the BTL, they are not permitted to obstruct sight triangles.

Any building over 30' wide must be broken down to read as a series of buildings no wider than 30' each.

All buildings must have a primary ground floor entrance that faces the primary street; all doors shall be set back a minimum of 4' from the build-to-line.

** Along primary street frontage, where multiple buildings are proposed on one lot.

Use

Ground Floor	Retail, Services*, Recreation, Education & Public Assembly	K
Upper Floor(s)	Residential, Retail, Services, Recreation, Education & Public Assembly	L

Height

Building Maximum	2.5 stories / 30'	M
First Floor Ceiling Height	10' min. clear	N

Coverage

Building	35% max.
Impervious	60% max.

Dwelling Unit Density Per Acre

As-of-Right	2 max.
-------------	--------

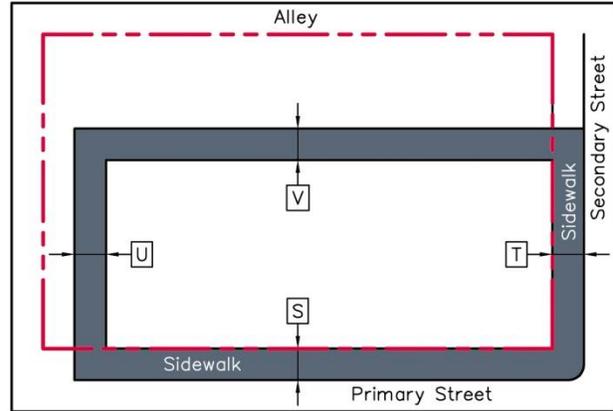
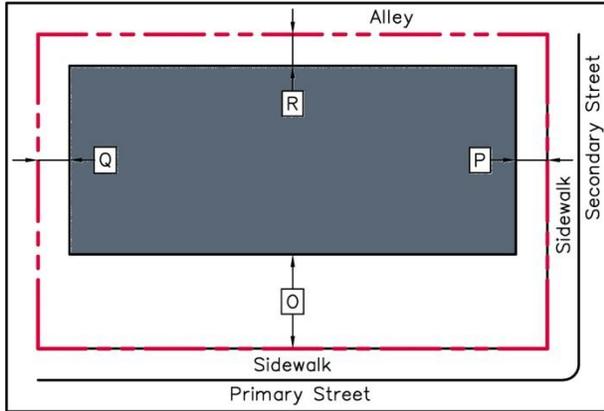
Notes

* Except for offices.

All residential development shall comply with the Township's affordable housing requirements at the time of application submission.

Loading docks and service entries are prohibited on facades that face a primary or secondary street.

E. Parking and encroachment requirements as well as permitted frontage types within the CVC District shall be as follows:



Red line = property line

Parking

Location (Distance from Lot Line)

Front - Primary Street Setback	30' min.	O
Front - Secondary Street Setback	10' min.	P
Side Setback	10' min.	Q
Rear Setback	10' min.	R

Required Spaces

Automobile	See § 185.38 of the Zoning Ordinance
Bicycle	1 space per 20 automobile spaces

Notes

Shared parking is permitted for mixed-use developments when pedestrian access is provided from the street to the rear parking area. Up to a maximum of 20% of the required spaces may be shared.

Driveways are discouraged along State and County Roads and are only permitted if there is no other option for access to parking areas.

Encroachments

Location

Front - Primary Street*	6' max.	S
Front - Secondary Street*	6' max.	T
Side**	6' max.	U
Rear***	6' max.	V

Permitted Frontage Types****

Shopfront	8' min. clearance
Forecourt	

Notes

*No encroachments are permitted along a County Road and only awning, canopy and sign encroachments are permitted along a State or local road, which must receive an air rights easement. This includes doors that would swing out into the right-of-way; doors located along a County or local right-of-way must be set back a minimum of 4' from the right-of-way.

**Awnings, canopies and balconies may encroach the side setback, as shown in the shaded area. However, a 10' clearance must be maintained between any encroachment and the side property line.

*** Canopies, awnings and balconies may encroach into the rear setback, as shown in the shaded area.

**** See § 185-7, Definitions, for examples.

F. Architectural requirements within the CVC District shall follow the standards in Section 185-32.2.

G. Open space and park requirements within the CVC District shall follow the standards in Section 185-48.

§ 185-20. CVR Clermont Village Residential District.

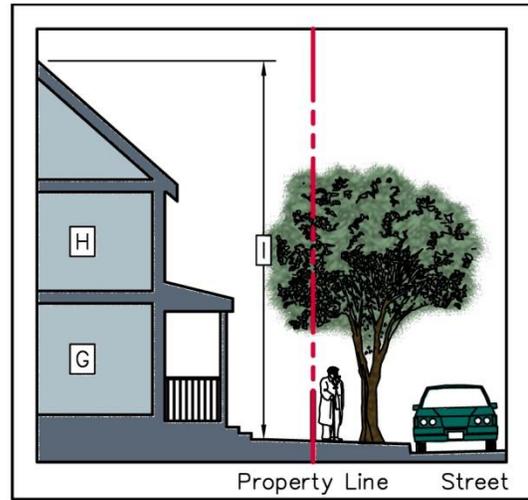
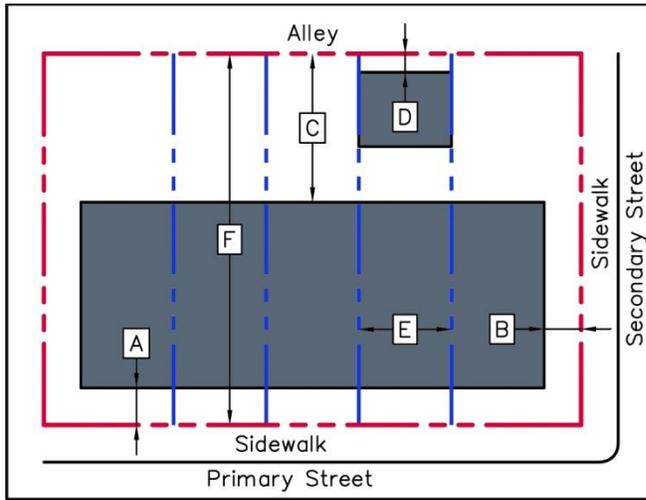
- A. Purpose. The purpose of the CVR District is to promote new, medium density residential development within Clermont. This district will permit a variety of housing typologies and expand housing options within Dennis Township.
- B. Principal uses permitted on the land and in the buildings in the CVR District shall be as follows:

Principal Use	
Recreation & Public Assembly	
Park, public square	P
Community building & related recreational facilities	P
Key:	
P	Permitted Use
CU	Conditional Use
NP	Not Permitted

Principal Use	
Transportation, Utilities	
Public utility	CU
Residential	
Single-family dwellings	P
Two-family dwellings	P
Townhouses	P
Assisted living facility	CU
Residential health care facility	CU
Center residential cluster	CU

- C. Accessory uses permitted in the CVR District shall be as follows:
 - (1) Off-street parking.
 - (2) Private residential swimming pools, except on lots with an area of less than thirty-five thousand (35,000) square feet.
 - (3) Residential garages with no living space, limited to one (1) story in height.
 - (4) Temporary construction trailers.
 - (5) Trash receptacles.
 - (6) Signs in accordance with the standards in Section 185-43.
 - (7) Parks, plazas, courtyards and playgrounds.
 - (8) Fences and walls in accordance with the standards in Section 185-33.
 - (9) Solar energy systems in accordance with the standards in Section 185-73.D.(22).
 - (10) Tool and storage sheds. Structure shall not exceed fifteen (15) feet in height and shall not be larger than one hundred fifty (150) square feet in floor area.
 - (11) Outdoor storage.

D. Area and yard requirements for the CVR District shall be as follows:



Red line = property line; Blue line = hypothetical townhome unit lines

Tract Standards*

Tract Width	150' min.	
Tract Depth	275' min.	F
Tract Size	1 acre min.	
Open Space Buffer from all Non-Street Property Lines	10' min.	

Building Placement

Build-to-Line (Distance from Lot Line)		
Front - Primary Street	25'	A
Front - Secondary Street	25'	B
Side	35'	
Rear	80' min.	C
Side, Accessory Building	5' min.	
Rear, Accessory Building	5' min.	D

Building Form

Townhouse Unit Width	25' min.	E
Townhouse Building Length	150' max.	
Distance between Buildings**	20' min.	

Notes

*Tract standards assume that there is sewer or a package treatment plant. Where no sewer/package treatment plant exists, the CR Zone bulk standards and permitted uses shall be followed.

** Along primary street frontage, where multiple buildings are proposed on one lot.

Use

Ground Floor	Residential & Recreation	G
Upper Floor(s)	Residential & Public Assembly	H

Height

Building Max.	2.5 stories / 30'	I
---------------	-------------------	----------

Coverage

Building	35% max.
Impervious	60% max.

Dwelling Unit Density Per Acre

As-of-Right	2 max.
-------------	--------

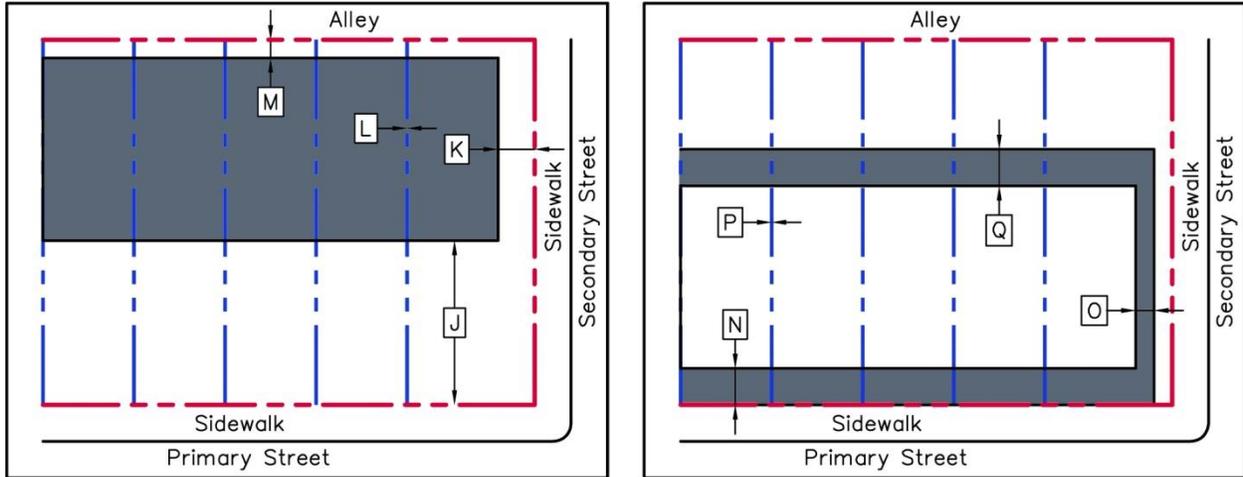
Notes

All residential development shall comply with the Township's affordable housing requirements at the time of application submission.

All buildings must have a primary ground floor entrance that faces the primary street. Garage doors are not permitted on the front façade of the principal building.

Any building over 30' wide must be broken down to read as a series of units no wider than 30'.

E. Parking and encroachment requirements as well as permitted frontage types within the CVR District shall be as follows:



Red line = property line; Blue line = hypothetical townhome unit lines

Parking

Location (Distance from Lot Line)		
Front - Primary Street Setback	30' min.	J
Front - Secondary Street Setback	10' min.	K
Side Setback*	3' min.	L
Rear Setback**	5' min.	M

Required Spaces

Automobile	See § 185.38 of the Zoning Ordinance
Bicycle	1 space per 20 automobile spaces

Notes

Driveways are discouraged along State and County Roads and are only permitted if there is no other option for access to parking areas.

*Note that garages that share a common wall with the adjacent lot's garage are allowed to be located at the 0' BTL.

**It is the intent of the ordinance to have all parking located behind the building and accessed by alleys, where possible.

Encroachments

Location		
Front - Primary Street*	10' max.	N
Front - Secondary Street*	10' max.	O
Side**	10' max.	P
Rear**	30' max.	Q

Permitted Frontage Types***

Forecourt
Residential Stoop
Residential Porch

Notes

*Canopies, awnings, porches and stoops may encroach into the primary or secondary street setback, as shown in the shaded areas.

**Canopies, awnings, porches, stoops, decks and balconies may encroach into the side or rear setback, as shown in the shaded area.

*** See § 185-7, Definitions, for examples.

F. Architectural requirements within the CVR District shall follow the standards in Section 185-32.3.

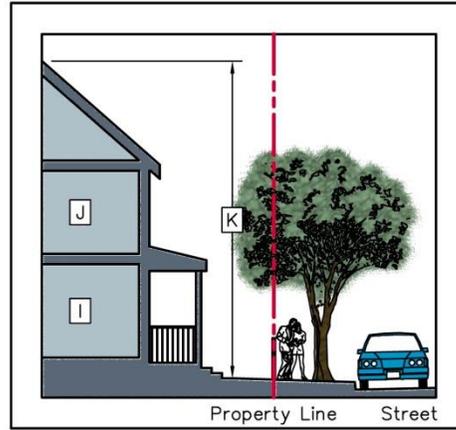
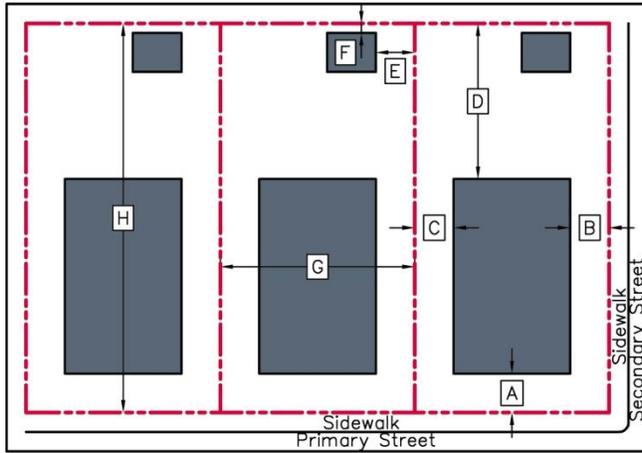
§ 185-21. OVR Ocean View Residential District.

- A. Purpose. The purpose of the OVR District is to recognize existing residential development patterns within Ocean View where on-site sewage disposal systems are currently provided. The OVR District will work to retain the current character of these residential neighborhoods and promote infill development that is appropriate with the scale and context of the existing homes. Existing residential lots, which are undersized, shall be grandfathered.
- B. Principal permitted uses on the land and in buildings in the OVR District shall be as follows:

Principal Use		Principal Use	
Recreation, Education & Public Assembly		Utilities	
Municipal/quasi-public uses	P	Public utility	CU
Park, public square	P	Residential	
Community building & related recreational facilities	P	Single-family detached dwellings	P
Key:			
P	Permitted Use		
CU	Conditional Use		
NP	Not Permitted		

- C. Accessory uses permitted in the OVR District shall be as follows:
- (1) Off-street parking.
 - (2) Travel trailers and campers located in the rear or side yard.
 - (3) Private residential swimming pools.
 - (4) Residential garages with no living space, limited to one (1) story in height.
 - (5) Temporary construction trailers.
 - (6) Signs in accordance with the standards in Section 185-43.
 - (7) Fences and walls in accordance with the standards in Section 185-33.
 - (8) Decks, patios, terraces, etc.
 - (9) Residential agriculture.
 - (10) Small wind energy systems and solar energy systems in accordance with the standards in Section 185-73.D.(22).
 - (11) Outdoor storage.
 - (12) Tool and storage sheds. Structure shall not exceed fifteen (15) feet in height and shall not be larger than one hundred fifty (150) square feet in floor area.

D. Area and yard requirements for the OVR District shall be as follows:

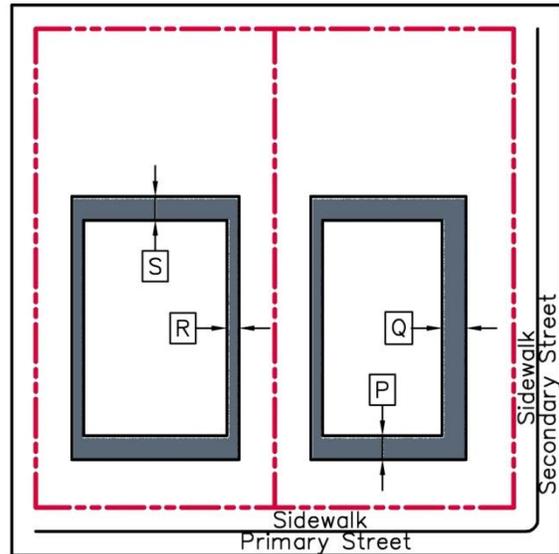
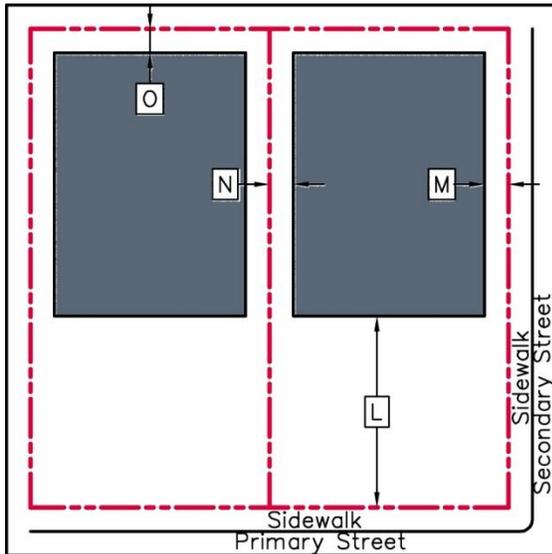


Red line = property line

Building Placement		
Build-to-Line (Distance from Lot Line)		
Front - Primary Street	40'	A
Front - Secondary Street	40'	B
Side	30' min.	C
Rear	70' min.	D
Side, Accessory Building	5' min.	E
Rear, Accessory Building	5' min.	F
Building Form		
Lot Width	100' min.	G
Lot Depth	200' min.	H
Lot Area	35,000 sf min.	
Footprint of Accessory Building	750 sf max.	
Notes		
All buildings must have a primary ground floor entrance that faces the primary street.		

Use		
Ground Floor	Residential, Recreation & Public Assembly	I
Upper Floor(s)	Residential & Public Assembly	J
Height		
Building Maximum	2.5 stories / 30'	K
Coverage		
Building		35% max.
Impervious		60% max.
Notes		
Garage doors are not permitted on the front façade of the principal use.		
All residential development shall comply with the Township's affordable housing requirements at the time of application submission.		

E. Parking and encroachment requirements as well as permitted frontage types within the OVR District shall be as follows:



Red line = property line

Parking

Location (Distance from Lot Line)

Front - Primary Street Setback	50' min.	L
Front - Secondary Street Setback	10' min.	M
Side Setback	10' min.	N
Rear Setback	10' min.	O

Required Spaces

Automobile

See § 185.38 of the Zoning Ordinance

Encroachments

Location

Front - Primary Street*	10' max.	P
Front - Secondary Street*	10' max.	Q
Side**	10' max.	R
Rear**	30' max.	S

Permitted Frontage Types***

Residential Stoop

Residential Porch

Notes

*Canopies, awnings, porches and stoops may encroach into the primary or secondary street setback, as shown in the shaded areas.

**Canopies, awnings, porches, stoops, decks, balconies, etc. may encroach into the side and rear setback, as shown in the shaded areas.

*** See § 185-7, Definitions, for examples.

§ 185-22. OVCC Ocean View Center Core District.

- A. Purpose. The purpose of the OVCC District is to promote a desirable mix of commercial, office, civic and residential land uses within a vibrant, pedestrian-friendly Village Center environment with an emphasis on uses that serve community needs. The OVCC District should work to encourage pedestrian flow through the area by generally permitting stores, shops and personal service establishment on the ground floor of buildings and on the upper floors offices and residential dwelling units. Additionally, the OVCC District permits stand-alone residential buildings as a conditional use as part of a planned development. The

OVCC District is intended to promote a more dense development through the use of privately constructed and maintained wastewater treatment facilities.

B. Principal permitted uses on the land and in buildings in the OVCC District shall be as follows:

Principal Use	
Recreation, Education & Public Assembly	
Health club/exercise facility	P
Theater, cinema	P
> 15,000 sf	NP
Library, museum, art gallery	P
Studio: art, dance, music, etc.	P
Campgrounds	CU
Municipal/quasi-public uses	P
Indoor recreation facility	NP
Outdoor recreation facility	NP
Houses of worship	P
Public park, square or plaza	P
Residential	
Mixed-use building with residential units	P
Multi-family dwellings as part of a Planned Unit Development	CU
Transportation, Utilities	
Public utility	CU
Key:	
P	Permitted Use
CU	Conditional Use
NP	Not Permitted

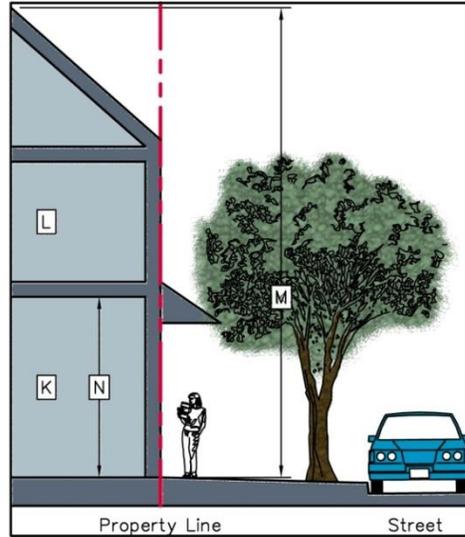
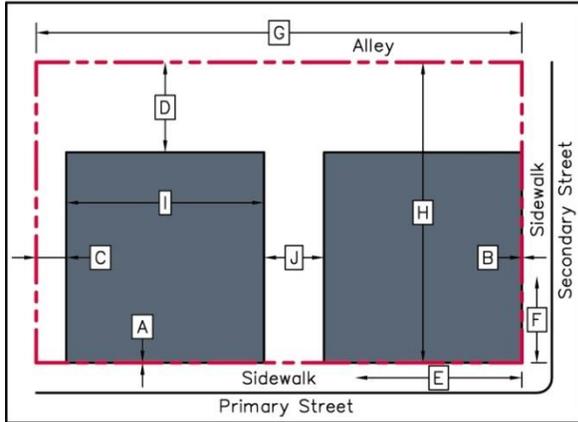
Principal Use	
Retail	
General retail, except:	P
> 15,000 sf single use	NP
with drive-through facilities	CU
Supermarket	P
> 15,000 sf	NP
Restaurants, taverns	P
with drive-through facilities	NP
that serve alcoholic beverages	CU
Fast food establishments	NP
Liquor stores	CU
Automobile repair, service, gas sta	NP
Services	
Financial services	P
with drive-through facilities	CU
Medical services	P
Offices	P
Hotel/Inn	CU
Hotel with conference center	CU
Motel	NP
Daycare	P
Personal services	P

C. Accessory uses permitted in the OVCC District shall be as follows:

- (1) Off-street parking.
- (2) Off-street loading.
- (3) Parking decks and structures.
- (4) Parks, plazas, courtyards and playgrounds.
- (5) Garages for commercial vehicles, limited to one (1) story in height.
- (6) Temporary construction trailers.
- (7) Street furnishings, planters, street lights.
- (8) Sidewalk cafes associated with a restaurant.
- (9) Fences and walls in accordance with the standards in Section 185-33.
- (10) Decks, patios, terraces, etc.
- (11) Signs in accordance with the standards in Section 185-43.C.

(12) Trash receptacles.

D. Area and yard requirements for the OVCC District shall be as follows:



Red line = property line

Building Placement

Build-to-Line (Distance from Lot Line)

Front - Primary Street	0' min. - 8' max.	A
Front - Secondary Street	0' min. - 4' max.	B
Side	30' min.	C
Rear	55' min.	D

Building Form

Primary Street Façade built to BTL*	50% at 0'	E
Secondary Street Façade built to BLT*	30% at 0'	F
Lot Width	150' min.	G
Lot Depth	200' min.	H
Lot Size	1 acre min.	
Building Length	100' max.	I
Distance between Buildings**	20' max.	J

Notes

*While buildings are required to abut the BTL, they are not permitted to obstruct sight triangles.

** Along primary street frontage, where multiple buildings are proposed on one lot.

Any building over 30' wide must be broken down to read as a series of buildings no wider than 30' each.

All buildings must have a primary ground floor entrance that faces the primary street; all doors shall be set back a minimum of 4' from the build-to-line.

Use

Ground Floor	Retail, Services, Recreation, Education & Public Assembly	K
Upper Floor(s)	Residential, Retail, Services, Recreation, Education & Public Assembly	L

Height

Building Maximum	2.5 stories / 30'	M
First Floor Ceiling Height	10' min. clear	N

Coverage

Building	35% max.
Impervious	60% max.

Dwelling Unit Density Per Acre

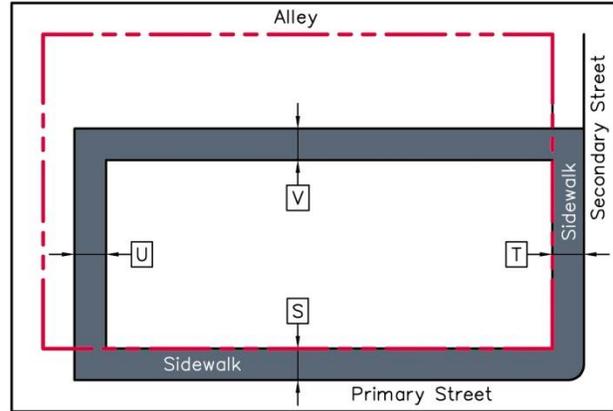
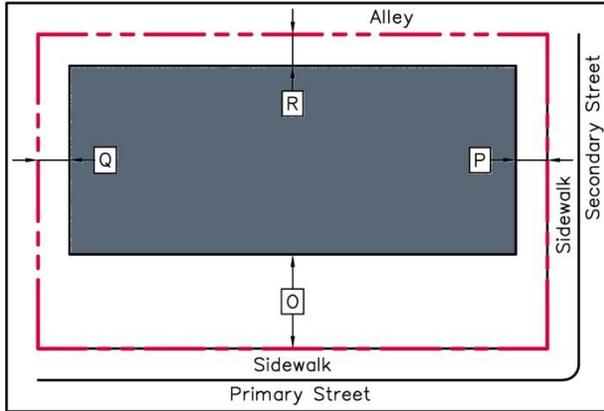
As-of-Right	3 max.
-------------	--------

Notes

All residential development shall comply with the Township's affordable housing requirements at the time of application submission.

Loading docks and service entries are prohibited on facades that face a primary or secondary street.

E. Parking and encroachment requirements as well as permitted frontage types within the OVCC District shall be as follows:



Red line = property line

Parking

Location (Distance from Lot Line)

Front - Primary Street Setback	30' min.	O
Front - Secondary Street Setback	10' min.	P
Side Setback	10' min.	Q
Rear Setback	10' min.	R

Required Spaces

Automobile	See § 185.38 of the Zoning Ordinance
Bicycle	1 space per 20 automobile spaces

Notes

Shared parking is permitted for mixed-use developments when pedestrian access is provided from the street to the rear parking area. Up to a maximum of 20% of the required spaces may be shared.

Driveways are discouraged along State and County Roads and are only permitted if there is no other option for access to parking areas.

Encroachments

Location

Front - Primary Street*	6' max.	S
Front - Secondary Street*	6' max.	T
Side**	6' max.	U
Rear***	6' max.	V

Permitted Frontage Types****

Shopfront	8' min. clearance
Forecourt	

Notes

*No encroachments are permitted along a County Road and only awning, canopy and sign encroachments are permitted along a State or local road, which must receive an air rights easement. This includes doors that would swing out into the right-of-way; doors located along a County or local right-of-way must be set back a minimum of 4' from the right-of-way.

**Awnings, canopies and balconies may encroach the side setback, as shown in the shaded area. However, a 10' clearance must be maintained between any encroachment and the side property line.

*** Canopies, awnings and balconies may encroach into the rear setback, as shown in the shaded area.

**** See § 185-7, Definitions, for examples.

F. Architectural requirements within OVCC District shall follow the standards in Section 185-32.2.

G. Open space and park requirements within the OVCC District shall follow the standards in Section 185-48.

§ 185-23. OVC Ocean View Center District.

A. Purpose. The purpose of the OVC District is to promote a desirable mix of commercial, office, civic and residential land uses within a vibrant, pedestrian-friendly Village Center environment with an emphasis on uses that serve community needs. The OVC District should work to encourage pedestrian flow through

the area by generally permitting stores, shops and personal service establishment on the ground floor of buildings and on the upper floors offices and residential dwelling units. The OVC District is intended to promote a more dense development through the use of privately constructed and maintained wastewater treatment facilities.

B. Principal permitted uses on the land and in buildings in the OVC District shall be as follows:

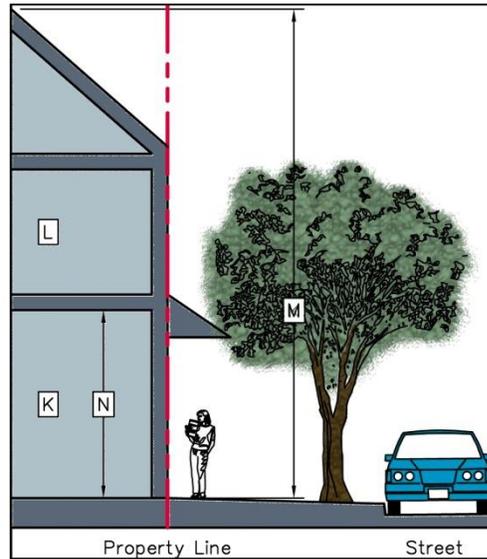
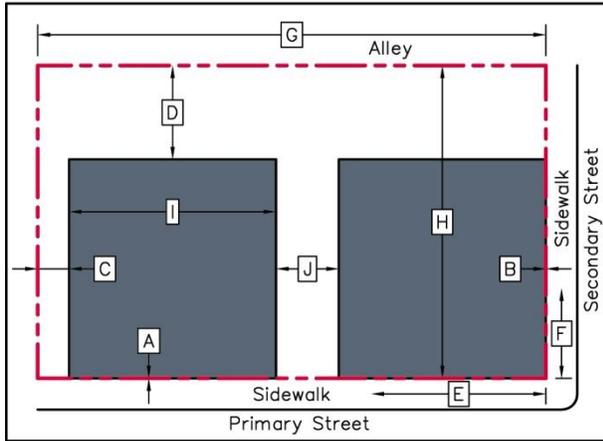
Principal Use	
Recreation, Education & Public Assembly	
Indoor recreation facility	P
> 15,000 sf	NP
Outdoor recreation facility	CU
Health club/exercise facility	P
Theater, cinema	P
> 15,000 sf	NP
Library, museum, art gallery	P
Studio: art, dance, music, etc.	P
Campgrounds	CU
Municipal/quasi-public uses	P
Houses of worship	P
Public park, square or plaza	P
Residential	
Mixed-use building with residential units	P
Transportation, Utilities	
Public utility	CU
Key:	
P	Permitted Use
CU	Conditional Use
NP	Not Permitted

Principal Use	
Retail	
General retail, except:	P
> 15,000 sf single use	NP
with drive-through facilities	CU
Restaurants, taverns	P
with drive-through facilities	NP
that serve alcoholic beverages	CU
Liquor stores	CU
Fast food establishments	NP
Automobile repair, service, gas sta	NP
Services	
Financial services	P
with drive-through facilities	CU
Medical services	P
Offices	P
Hotel/Inn	CU
Motel	NP
Daycare	P
Personal services	P

C. Accessory uses permitted in the OVC District shall be as follows:

- (1) Off-street parking.
- (2) Off-street loading.
- (3) Parking decks and structures.
- (4) Parks, plazas, courtyards and playgrounds.
- (5) Garages for commercial vehicles, limited to one (1) story in height.
- (6) Temporary construction trailers.
- (7) Street furnishings, planters, street lights.
- (8) Sidewalk cafes associated with a restaurant.
- (9) Fences and walls in accordance with the standards in Section 185-33.
- (10) Decks, patios, terraces, etc.
- (11) Signs in accordance with the standards in Section 185-43.C.
- (12) Trash receptacles.

D. Area and yard requirements for the OVC District shall be as follows:



Red line = property line

Building Placement

Build-to-Line (Distance from Lot Line)

Front - Primary Street	0' min. - 8' max.	A
Front - Secondary Street	0' min. - 4' max.	B
Side	30' min.	C
Rear	55' min.	D

Building Form

Primary Street Façade built to BTL*	50% at 0'	E
Secondary Street Façade built to BLT*	30% at 0'	F
Lot Width	150' min.	G
Lot Depth	200' min.	H
Lot Size	1 acre min.	
Building Length	100' max.	I
Distance between Buildings**	20' max.	J

Notes

*While buildings are required to abut the BTL, they are not permitted to obstruct sight triangles.

** Along primary street frontage, where multiple buildings are proposed on one lot.

Any building façade over 30' wide must be broken down to read as a series of buildings no wider than 30' each.

All buildings must have a primary ground floor entrance that faces the primary street; all doors shall be set back a minimum of 4' from the build-to-line.

Use

Ground Floor	Retail, Services, Recreation, Education & Public Assembly	K
Upper Floor(s)	Residential, Retail, Services, Recreation, Education & Public Assembly	L

Height

Building Maximum	2.5 stories / 30'	M
First Floor Ceiling Height	10' min. clear	N

Coverage

Building	35% max.
Impervious	60% max.

Dwelling Unit Density Per Acre

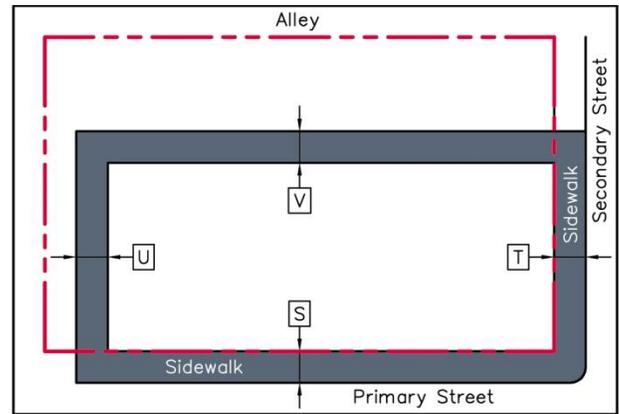
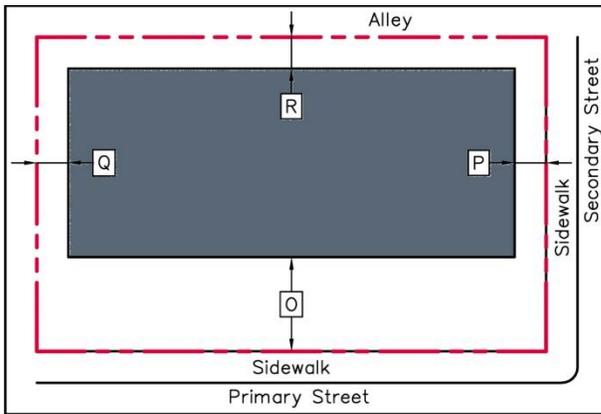
As-of-Right	2 max.
-------------	--------

Notes

All residential development shall comply with the Township's affordable housing requirements at the time of application submission.

Loading docks and service entries are prohibited on facades that face a street.

E. Parking and encroachment requirements as well as permitted frontage types within the OVC District shall be as follows:



Red line = property line

Parking		
Location (Distance from Lot Line)		
Front - Primary Street Setback	30' min.	O
Front - Secondary Street Setback	10' min.	P
Side Setback	10' min.	Q
Rear Setback	10' min.	R
Required Spaces		
Automobile	See § 185.38 of the Zoning Ordinance	
Bicycle	1 space per 20 automobile spaces	
Notes		
Shared parking is permitted for mixed-use developments when pedestrian access is provided from the street to the rear parking area. Up to a maximum of 20% of the required spaces may be shared.		
Driveways are discouraged along State and County Roads and are only permitted if there is no other option for access to parking areas.		

Encroachments		
Location		
Front - Primary Street*	6' max.	S
Front - Secondary Street*	6' max.	T
Side**	6' max.	U
Rear***	6' max.	V
Permitted Frontage Types****		
Shopfront	8' min. clearance	
Forecourt	8' min. clearance	
Notes		
*No encroachments are permitted along a County Road and only awning, canopy and hanging sign encroachments are permitted along a State or local road, which must receive an air rights easement. This includes doors that would swing out into the right-of-way; doors located along a County or local right-of-way must be set back a minimum of 4' from the right-of-way.		
**Awnings, canopies and balconies may encroach the side setback, as shown in the shaded area. However, a 10' clearance must be maintained between any encroachment and the property line.		
***Canopies, awnings and balconies may encroach into the rear setback, as shown in the shaded area.		
**** See § 185-7, Definitions, for examples.		

F. Architectural requirements within the OVC District shall follow the standards in Section 185-32.2.

G. Open space and park requirements within the OVC District shall follow the standards in Section 185-48.

§ 185-24. OVCR Ocean View Center Residential District.

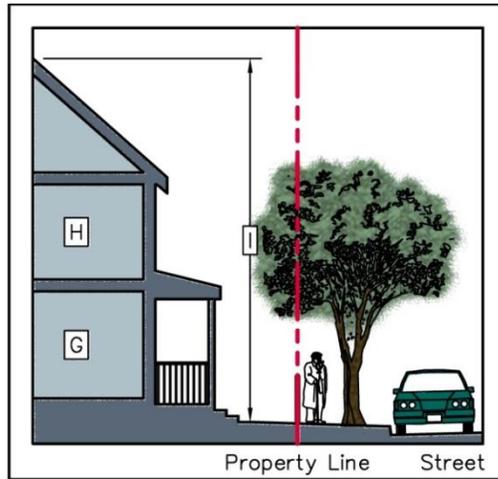
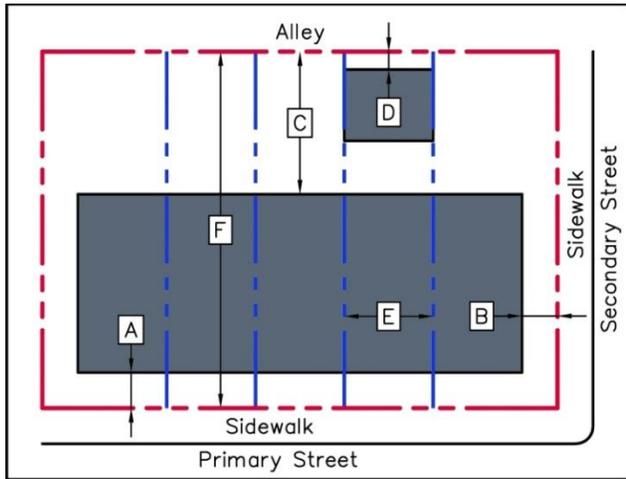
- A. Purpose. The purpose of the OVCR District is to promote new, medium density residential development within Ocean View. This district will promote a variety of housing typologies and housing options within Dennis Township.
- B. Principal permitted uses on the land and in buildings in the OVCR District shall be as follows:

Principal Use	
Recreation	
Golf course and Related Auxillary Facilities	CU
Park, public square	P
Community building & related recreational facilities	P
Key:	
P	Permitted Use
CU	Conditional Use
NP	Not Permitted

Principal Use	
Transportation, Utilities	
Public utility	CU
Residential	
Single-family dwellings	P
Two-family dwellings	P
Townhouses	P
Assisted living facility	CU
Residential health care facility	CU
Center residential cluster	CU

- C. Accessory uses permitted in the OVCR District shall be as follows:
- (1) Off-street parking.
 - (2) Trash receptacles.
 - (3) Signs in accordance with the standards in Section 185-43.
 - (4) Parks, plazas, courtyards and playgrounds.
 - (5) Fences and walls in accordance with the standards in Section 185-33.
 - (6) Deck, patios, terraces, etc.
 - (7) Solar energy systems in accordance with the standards in Section 185-73.D.(22).
 - (8) Private swimming pools, except for lots with an area less than thirty-five thousand (35,000) square feet.
 - (9) Temporary construction trailers.
 - (10) Tool and storage sheds. Structure shall not exceed fifteen (15) feet in height and shall not be larger than one hundred fifty (150) square feet in floor area.
 - (11) Residential garages with no living space, limited to one (1) story in height.
 - (12) Outdoor storage.

D. Area and yard requirements for the OVCR District shall be as follows:



Red line = property line; Blue line = hypothetical townhome unit lines

Tract Standards*

Tract Width	150' min.	
Tract Depth	275' min.	F
Tract Size	1 acre min.	
Open Space Buffer from all Non-Street Property Lines	10' min.	

Building Placement

Build-to-Line (Distance from Tract Line)

Front - Primary Street	25'	A
Front - Secondary Street	25'	B
Side	35' min.	
Rear	80' min.	C
Side, Accessory Building	5' min.	
Rear, Accessory Building	5' min.	D

Building Form

Townhouse Unit Width	25' min.	E
Townhouse Building Length	150' max.	
Distance between Buildings**	20' min.	

Notes

*Tract standards assume that there is sewer or a package treatment plant. Where no sewer/package treatment plant exists, the TR Zone bulk standards and permitted uses shall be followed.

** Along primary street frontage, where multiple buildings are proposed on one lot.

Use

Ground Floor	Residential & Recreation	G
Upper Floor(s)	Residential & Recreation	H

Height

Building Max.	2.5 stories / 30'	I
---------------	-------------------	----------

Coverage

Building	35% max.
Impervious	60% max.

Dwelling Unit Density Per Acre

As-of-Right	2 max.
-------------	--------

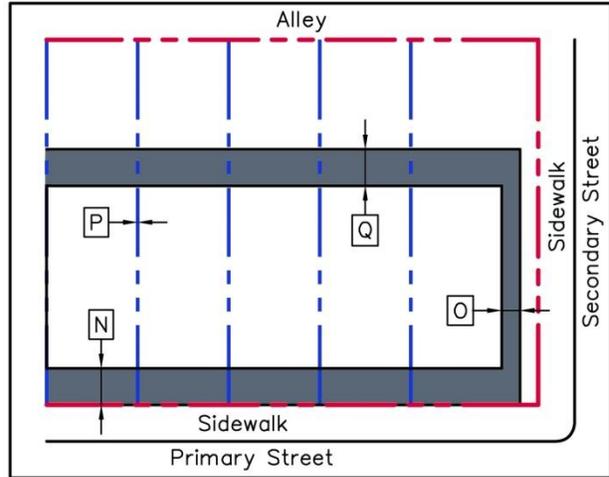
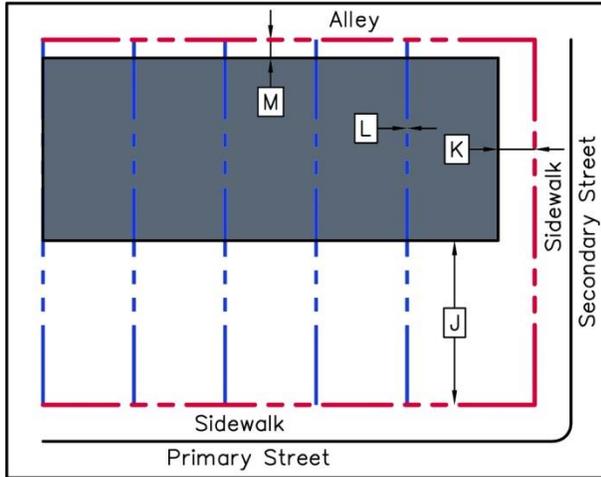
Notes

All residential development shall comply with the Township's affordable housing requirements at the time of application submission.

All buildings must have a primary ground floor entrance that faces the primary street. Garage doors are not permitted on the front façade of the principal building.

Any building over 30' wide must be broken down to read as a series of units no wider than 30'.

E. Parking and encroachment requirements as well as permitted frontage types within the OVCR District shall be as follows:



Red line = property line; Blue line = hypothetical townhome unit lines

Parking

Location (Distance from Lot Line)		
Front - Primary Street Setback	30' min.	J
Front - Secondary Street Setback	10' min.	K
Side Setback*	3' min.	L
Rear Setback**	5' min.	M

Required Spaces

Automobile	See § 185.38 of the Zoning Ordinance
Bicycle	1 space per 20 automobile spaces

Notes

Driveways are discouraged along State and County Roads and are only permitted if there is no other option for access to parking areas.

*Note that garages that share a common wall with the adjacent lot's garage are allowed to be located at the 0' BTL.

**It is the intent of the ordinance to have all parking located behind the building and accessed by alleys, where possible.

Encroachments

Location		
Front - Primary Street*	10' max.	N
Front - Secondary Street*	10' max.	O
Side	10' max.	P
Rear**	30' max.	Q

Permitted Frontage Types***

Forecourt
Residential Stoop
Residential Porch

Notes

*Canopies, awnings, porches and stoops may encroach into the primary or secondary street setback, as shown in the shaded areas.

**Canopies, awnings, porches, stoops, decks, balconies, etc. may encroach into the rear setback, as shown in the shaded area.

*** See § 185-7, Definitions, for examples.

F. Architectural requirements within the OVCR District shall follow the standards in Section 185-32.3.

§ 185-25. B-Business District.

- A. Purpose. The purpose of the Business District is to provide locations within the township where business industrial complexes may be developed. The standards are intended to avoid visual intrusions and performance nuisances upon adjacent residences or residential zones. The visual impact of this district on the traveling public shall be minimal; signage should be tasteful and low to the ground; parked vehicles should be shielded from the road. Uses in this district should be free from objectionable odors, fumes, dirt, vibration and noise.
- B. Principal permitted uses. Principal permitted uses on the land and in the buildings within the B District shall be as follows:
 - (1) Offices and office buildings.
 - (2) Farm machinery sales, service, and rental.
 - (3) Earthmoving equipment sales, service, and rental.
 - (4) Contractors' yards and equipment storage.
 - (5) Auto repair shops and car sales.
 - (6) Boat sales, service and storage.
 - (7) Warehousing/distribution center.
 - (8) Product assembly and fabrication.
 - (9) Lumber yard.
 - (10) Government offices and public works facilities.
 - (11) Public utility facilities as conditional uses. See Section 185-73 for standards.
 - (12) Gasoline service stations, as conditional uses, subject to the standards of Section 185-73.
- C. Accessory uses. Accessory uses permitted in the B District shall be as follows:
 - (1) Administrative offices.
 - (2) Out-of-door storage (with proper screening).
 - (3) Motor vehicle and equipment storage garages.
 - (4) Off-street parking.
 - (5) Fences and signs.
 - (6) Small wind energy systems and solar energy systems in accordance with the standards in Section 185-73.D.(22). **[Added 5-5-09 by Ord. No. 2009-01]**
- D. Maximum building height. No principal or accessory buildings shall exceed thirty-five (35) feet. Accessory buildings shall be limited to one (1) story only.

E. Area and yard requirements in the B District shall be as follows:

Requirement	Individual Uses in District
Principal building	
Minimum Lot Area	60,000 s.f.
Minimum Lot Frontage	150 ft.
Minimum Lot Width	150 ft.
Minimum Lot Depth	200 ft.
Minimum Side Yard	25 ft.
Minimum Front Yard	75 ft.
Minimum Rear Yard	50 ft.
Accessory Building	
Minimum Side Yard	25 ft.
Minimum Rear Yard	25 ft.
Minimum Distance to Other Building	30 ft.
Maximum Coverage	
Impervious	50%
Principal Building	35 %
Accessory Building	10 %

NOTES:

The maximum building coverage for the principal building(s) may increase by a square footage amount equal to that square footage of the building(s) used for inside parking and/or loading, provided that in no case shall the maximum building coverage for the principal building(s) exceed fifty percent (50%).

F. General requirements.

- (1) Any principal building may contain more than one (1) use or organization. Any lot may contain more than one (1) principal structure, provided that each principal structure is located in a manner which will allow the possibility of subdividing the lot in a manner that each structure and resulting lot would conform to the zoning and subdivision regulations, including frontage on a public street.
- (2) At least the first fifty (50) feet adjacent to any street line and thirty (30) feet adjacent to any lot line shall not be used for parking, shall be planted and maintained in lawn area or ground cover or landscaped with evergreen shrubbery and shall be separated from the parking area by poured concrete or Belgian blocking curbing.
- (3) Reserved. **[Repealed 12-18-07 by Ord. No. 2007-14]**
- (4) All buildings shall be compatibly designed, whether constructed at one time or in stages over a period of time. All building walls facing any street or residential district line shall be suitably finished for aesthetic purposes, which shall not include unpainted or painted cinder block or concrete block walls.
- (5) All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing combinations such as landscaped fencing shrubbery, lawn area, ground cover, rock formations, contours, existing foliage and the planting of conifers and/or deciduous trees native to the area in order to either maintain or reestablish the tone or the vegetation in the area and lessen the visual impact of the structures and paved areas. The established grades on any site shall be planted for both aesthetic and drainage purposes. The grading plan, drainage facilities and landscaping shall be coordinated to prevent erosion and silting as well as assuring that the capacity of any natural or manmade drainage system is sufficient to handle the water generated and anticipated both from the site and contributing upstream areas.

G. Minimum off-street loading.

- (1) Each activity shall provide for off-street loading and unloading with adequate ingress and egress from streets and shall provide such areas at the side or rear of the building. Each space shall be at least fifteen by forty (15 x 40) feet, and one (1) space shall be provided for every eight thousand (8,000) square feet of gross floor area or fraction thereof in each building. There shall be no loading or unloading from the street.
- (2) Loading area requirements may be met by combining the floor areas of several activities taking place under one (1) roof and applying the above ratios.
- (3) There shall be at least one (1) trash and garbage pickup location provided by each building, which shall be separated from the parking spaces by either a location within the building or in a pickup location outside the building, which shall be a steel-like totally enclosed container located in a manner to be obscured from view from parking areas, streets and adjacent residential uses of zoning districts by a fence, wall, planting or combination of the three. If located within the building, the doorway may serve both the loading and trash/garbage functions. If a container is used for trash/garbage functions and is located outside the building, it may be located adjacent to or within the general loading area(s), provided that the container in no way interferes with or restricts loading and unloading functions.

§ 185-26. PV Pinelands Village Districts.

- A. Purpose. The Pinelands Villages, identified in N.J.A.C. 7:50, include Belleplain, Eldora, North Dennis and Dennisville. Pinelands Village Zones provide for infill development and will continue to serve as the nuclei for residential expansion in the Pinelands Area. The unique historic character which is found in these villages is considered a valuable asset to the area, and preservation and reinforcement of these features is deemed to be in the public interest as well as serving to maintain and/or enhance real estate values in these areas.
- B. Principal permitted uses on the land and in buildings in the PV District shall be as follows:
 - (1) Detached dwelling units.
 - (2) Public playgrounds, conservation areas, parks and public purpose uses.
 - (3) Churches.
 - (4) Public and private day schools of elementary and/or high school grade not operated for profit.
- C. Accessory uses permitted in the PV District shall be as follows:
 - (1) Private residential swimming pools. (See § 185-44 for standards.)
 - (2) Private residential tool sheds not to exceed fifteen (15) feet in height.
 - (3) Travel trailers and campers to be parked or stored only and located in rear and side yards only. Their dimensions shall not be counted in determining total building coverage, and they shall not be used for temporary or permanent living quarters while situated on the lot.
 - (4) Off-street parking and private garages.
 - (5) Signs.
 - (6) Fences and walls.
 - (7) Residential agriculture, provided that all requirements of this chapter are met.
 - (8) Home occupations.
 - (9) Small wind energy systems and solar energy systems in accordance with the standards in Section 185-73.D.(22). **[Added 5-5-09 by Ord. No. 2009-01]**

D. Maximum building height. No building shall exceed thirty (30) feet in height and two and five-tenths (2.5) stories, except that churches shall not exceed fifty-five (55) feet in height and except further as allowed in Section 185-72.

E. Area and yard requirements in the PV District shall be as follows:

Requirement	Detached Dwellings and Churches
Principal Building	
Minimum Lot Area	3.2 acres
Minimum Lot Frontage	100 ft.
Minimum Lot Width	100 ft.
Minimum Lot Depth	250 ft.
Minimum Side Yard	15 ft.
Minimum Front Yard	200 ft. ²
Minimum Rear Yard	50 ft.
Accessory Building	
Minimum Distance to Side Line	10 ft.
Minimum Distance to Rear Line	10 ft.
Minimum Distance to Other Buildings	10 ft.
Maximum Coverage	
Principal Building	5 %
Accessory Building	1 %

F. Gross floor area. The minimum gross floor area shall be one thousand (1,000) square feet for single-family dwellings.

§ 185-27. PR Rural Development Districts.

A. Purpose. The Rural Development Zone is intended to recognize that portion of the township within the Pinelands Area which is slightly modified by existing development and which may be suitable for limited future development subject to strict environmental performance standards. This zone represents a balance between environment and development values intermediate between the forest zones and Pinelands Villages.

B. Principal permitted uses on land and in buildings in the PR District shall be as follows:

- (1) Farms.
- (2) Detached dwelling units provided that clustering of the permitted dwellings shall be required in accordance with §185-70.1 whenever two or more units are proposed as part of a residential development.
- (3) Public playgrounds, conservation areas, parks and public purpose uses.
- (4) Churches and/or cemeteries.
- (5) Golf courses.
- (6) Public and private day schools of elementary and/ or high school grade not operated for profit.

² May be reduced to the average setback of the five (5) closest principal buildings.

- (7) Detached single-family dwellings on lots of a minimum of three and two-tenths (3.2) acres, in accordance with the provisions of Section 185-67. **[Amended 2-24-97 by Ord. No. 97-01]**
 - (8) Detached single-family dwellings on lots of a minimum of one (1) acre in accordance with the provisions of Section 185-68 or Section 185-69. **[Added 2-24-97 by Ord. No. 97-01]**
 - (9) Non-clustered single-family residential development as a conditional use. See Section 185-73D(24) for standards.
- C. Accessory uses permitted in the PR District shall be as follows:
- (1) Private residential swimming pools. (See Section 185-44 for standards)
 - (2) Private residential tool sheds not to exceed fifteen (15) feet in height.
 - (3) Travel trailers and campers to be parked or stored only and located in rear or side yards only. Their dimensions shall not be counted in determining total building coverage, and they shall not be used for temporary or permanent living quarters while situated on a lot.
 - (4) Off-street parking and private garages.
 - (5) Signs.
 - (6) Fences and walls.
 - (7) Residential agriculture.
 - (8) Home occupations.
 - (9) Temporary construction trailers and one (1) sign not exceeding one hundred (100) square feet, advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction beginning with the issuance of a building permit and concluding with the issuance of a certificate of occupancy or one (1) year, whichever is less, provided that said trailer(s) and sign are on the site where construction is taking place and set back at least fifteen (15) feet from street and lot lines.
 - (10) Small wind energy systems and solar energy systems in accordance with the standards in Section 185-73.D.(22). **[Added 5-5-09 by Ord. No. 2009-01]**
- D. Maximum building height. No building shall exceed thirty (30) feet in height and two and five-tenths (2.5) stories, except that churches shall not exceed fifty-five (55) feet in height and except further as allowed in Section 185-72.

E. Area and yard requirements in PR Districts shall be as follows:

Requirement	Detached Dwellings and Churches	Clustered Detached Dwellings
Principal Building		
Minimum Lot Area ³	5 acres	1.0 ⁴ acre
Minimum Lot Frontage	150 ⁵ ft.	100 feet
Minimum Lot Width	150 ft.	100 feet
Minimum Lot Depth	200 ft.	150 feet
Minimum Side Yard	30 ft.	30 feet
Minimum Front Yard	200 ⁶ ft.	50 feet
Minimum Rear Yard	75 ft.	60 feet
Accessory Building		
Minimum Distance to Side Line	30 ft.	20 feet
Minimum Distance to Rear Line	30 ft.	20 feet
Minimum Distance to Other Building	20 ft.	10 feet
Maximum Coverage		
Principal Building	3 %	5 %
Accessory Building	1 %	2 %

F. Gross floor area. The minimum gross floor area shall be one thousand (1,000) square feet for single-family dwellings.

§ 185-28. PF8 Moderate-Density Forest and PF25 Low-Density Forest Districts.

- A. Purpose. The purpose of the forest zones is to protect undistributed forested portions of the protection area which support characteristic Pinelands plant and animal species. The areas are an essential element of the Pinelands environment and are very sensitive to random and uncontrolled development. Some parts of the forest area are more suitable for development than others, provided that such development is subject to strict environmental performance standards. The division of this area into two (2) forest zones is intended to provide a transition between developed areas and outlying permitted average density in close proximity to the more developed areas and maintaining the low-density character of the outlying areas
- B. Principal permitted uses on the land and in buildings in the PF8 and PF25 Districts shall be as follows:
 - (1) Detached dwellings, provided that clustering of the permitted dwellings shall be required in accordance with §185-70.1 whenever two or more units are proposed as part of a residential development.
 - (2) Churches and/or cemeteries.
 - (3) Public purpose uses and public and private day schools of elementary and/or high school grade not operated for profit, provided that such uses will not generate subsidiary development, have adequate

³ Notwithstanding the minimum lot areas set forth herein, no such minimum lot area for nonresidential use within the PR Zone shall be less than that needed to meet the water quality standards of Section 185-58B(4), whether or not the lot may be served by a centralized sewer treatment or collection system.

⁴ In accordance with Section 185-70.1.

⁵ May be reduced to fifty (50) feet for five (5) acre flag lot.

⁶ May be reduced to one hundred (100) feet in agricultural acres or where environmental limitations require reduction. This requirement does not apply to those roads which provide for internal circulation within residentially developed areas.

- public service infrastructure available and are primarily designed to serve the needs of the forest zones.
- (4) Detached single-family dwellings on lots of a minimum of three and two-tenths (3.2) acres in accordance with the provisions of Section 185-67. **[Amended 2-24-97 by Ord. No. 97-01]**
 - (5) Agriculture.
 - (6) Agricultural employee housing as an element of and necessary to an active agricultural operation.
 - (7) Forestry.
 - (8) Low-intensity recreational uses, provided that:
 - (a) The parcel proposed for low-intensity recreational use has an area of at least fifty (5) acres.
 - (b) The recreational use does not involve the use of motorized vehicles except for necessary transportation.
 - (c) Access to bodies of water is limited to no more than fifteen feet (15) linear feet of frontage per one thousand (1,000) feet of water-body frontage.
 - (d) Clearing of vegetation, including ground cover and soil disturbance, does not exceed five percent (5%) of the parcel.
 - (e) No more than one percent (1%) of the parcel will be covered with impervious surfaces.
 - (9) Expansion of intensive recreational uses, provided that: **[Amended 2-24-97 by Ord. No. 97-01]**
 - (a) The intensive recreational use was in existence on February 7, 1979 and the capacity of the use will not exceed two (2) times the capacity of the use on February 7, 1979;
 - (b) The use is necessary to achieve recreational use of a particular element of the existing Pinelands environment; and
 - (c) 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.
 - (10) Public service infrastructure intended to primarily serve the needs of the Pinelands. Centralized waste water treatment and collection facilities shall be permitted to service the PF8 and PF25 Districts only in accordance with N.J.A.C. 7:50-6.84(a)2. **[Amended 2-24-97 by Ord. No. 97-01]**
 - (11) Signs.
 - (12) Agricultural commercial establishments, excluding supermarkets, restaurants and convenience stores, provided that:
 - (a) The principal goods or products available for sale were produced in the Pinelands.
 - (b) The sales area of the establishment does not exceed five thousand (5,000) square feet.
 - (13) Roadside retail sales and service establishments, provided that:
 - (a) The parcel proposed for development has road- way frontage of at least one hundred fifty (150) feet.
 - (b) No portion of any structure proposed for development will be more than three hundred (300) feet, measured along a line parallel to the roadway, from the closest part of a roadside retail sales and service establishment structure that was in existence on February 7, 1979.

- (c) The proposed use will not unduly burden public services, including but not limited to water, sewer and roads.
 - (14) Detached single-family dwellings on lots of a minimum of one (1) acre in accordance with the provisions of Section 185-68 or Section 185-69. **[Added 2-24-97 by Ord. No. 97-01]**
 - (15) Non-clustered single-family residential development as a conditional use. See Section 185-73D(24) for standards.
- C. Accessory uses permitted in PF8 and PF25 Districts shall be as follows:
- (1) Private residential swimming pools. (See Section 185-44 for standards).
 - (2) Private residential tool sheds not to exceed fifteen (15) feet in height.
 - (3) Travel trailers and campers to be parked or stored only and located in rear or side yards only. Their dimensions shall not be counted in determining total building coverage, and they shall not be used for temporary or permanent living quarters while situated on a lot.
 - (4) Off-street parking and private garages.
 - (5) Signs.
 - (6) Fences and walls.
 - (7) Residential agriculture.
 - (8) Home occupations.
 - (9) Temporary construction trailers and one (1) sign not exceeding one hundred (100) square feet, advertising the prime contractor, subcontractor(s), architect, financing institution or similar data for the period of construction beginning with the issuance of a building permit and concluding with the issuance of a certificate of occupancy or one (1) year, whichever is less, provided that said trailer(s) and sign are on the site where construction is taking place and set back at least fifteen (15) feet from the street and lot lines.
 - (10) Small wind energy systems and solar energy systems in accordance with the standards in Section 185-73.D.(22). **[Added 5-5-09 by Ord. No. 2009-01]**
- D. Maximum building height. No building shall exceed thirty (30) feet in height and two and five-tenths (2.5) stories, except that churches shall not exceed fifty-five (55) feet in height and except further as allowed in Section 185-72.
- E. Area and yard requirements are located in Schedule A at the end of this chapter.
- F. Gross floor area. Gross floor area shall be a minimum of one thousand (1,000) square feet for single-family dwellings.

§ 185-29. M Marina Districts.

- A. Purpose. The purpose of the Marina District is to facilitate expansion and improvements to the existing marina uses located at the eastern border of the township adjoining Sea Isle City. Permitted uses are limited to water-dependent activities that increase public access to the waterfront and enhance the range of facilities available at local marinas.
- B. Principal permitted uses in M Districts shall include the following:
 - (1) Berthing.
 - (2) Boat launching.

- (3) Marina offices.
- C. Permitted accessory uses in M Districts shall be as follows:
 - (1) Concession facilities for food, bait and tackle and boating supplies.
 - (2) Operations and maintenance facilities.
 - (3) Rest rooms and shower facilities.
 - (4) Dry storage facilities.
 - (5) Outdoor storage of boats and accessories.
 - (6) Boat and motor sales.
 - (7) Motor fuel sales.
 - (8) One (1) permanent residential unit per marina for management or security purposes.
 - (9) Small wind energy systems and solar energy systems in accordance with the standards in Section 185-73.D.(22). **[Added 5-5-09 by Ord. No. 2009-01]**
- D. Maximum building height. No building shall exceed forty (40) feet in height, except as allowed in Section 185-72.
- E. Area and yard requirements in the M District shall be as follows:

Requirement	Marinas
Principal Building	
Minimum Lot Area	5 acres
Minimum Lot Frontage	200 ft.
Minimum Lot Width	200 ft.
Minimum Lot Depth	400 ft.
Minimum Side Yard	50 ⁸ ft.
Minimum Front Yard	70 ⁸ ft.
Minimum Rear Yard	70 ⁸ ft.
Accessory Building	
Minimum Side Yard	40 ⁸ ft.
Minimum Rear Yard	40 ⁸ ft.
Minimum Distance to Other Building	15 ft.
Maximum Coverage	
Impervious	50%
Principal Building	25 %
Accessory Building	5 %

- F. General requirements.
 - (1) One (1) building may contain more than one (1) principal use.
 - (2) Marinas may contain more than one (1) principal building, provided that each principal building can meet the yard requirements specified in Subsection E. above.
 - (3) No use shall be permitted in any marina which is not water-dependent, and no marina shall contain permanent residential housing units except for one (1) dwelling unit per unit per marina for management or security purposes.

⁸ Where a lot line coincides with the water's edge, a minimum of ten (10) foot building setback is required.

- (4) Any commercial uses developed at a marina shall be designed to serve only the boating public.
- G. Minimum off-street parking.
 - (1) One (1) parking space for each permanent berthing slip shall be provided.
 - (2) Forty (40) parking spaces per single-width launch ramp available to the boating public shall be provided.

§ 185-30. C-Conservation District.

- A. Purpose. The purpose of the C District is to control development of those lands in the township which are affected by extreme physiographical impediments. The uses allowed may be subject to approval by the New Jersey Department of Environmental Protection under provisions of the Wetlands Act and the Coastal Area Facility Review Act. Other areas in the township designated in the C District include state forest and wildlife lands. The uses that are permitted include limited agricultural and passive recreational uses.
- B. Principal permitted uses on the land and in building in the C District shall be as follows:
 - (1) Farms.
 - (2) Detached dwelling units.
 - (3) Public playgrounds, conservation areas, parks and public purpose uses.
 - (4) Primitive campgrounds as conditional uses under N.J.S.A. 40:55D-67. (See Section 185-73 for standards.)
- C. Accessory uses permitted in the C District shall be as follows:
 - (1) Private residential swimming pools. (See Section 185-44 for standards.)
 - (2) Private residential tool sheds not to exceed fifteen (15) feet in height.
 - (3) Travel trailers and campers to be parked or stored only and located in rear or side yards only. Their dimensions shall not be counted in determining total building coverage, and they shall not be used for temporary or permanent living quarters while situated on a lot.
 - (4) Off-street parking and private garages. (See Section 185-38.)
 - (5) Signs. (See Section 185-43.)
 - (6) Fences and walls. (See Section 185-33.)
 - (7) Residential agriculture.
 - (8) Home occupations.
 - (9) Small wind energy systems and solar energy systems in accordance with the standards in Section 185-73.D.(22). **[Added 5-5-09 by Ord. No. 2009-01]**
- D. Maximum building height. No principal building shall exceed thirty (30) feet in height. No accessory building shall exceed fifteen (15) feet in height.

E. Area and yard requirements in the C District shall be as follows:

Requirement	Detached Dwellings
Principal Building	
Minimum Lot Area (acres)	25
Minimum Lot Frontage (feet)	400
Minimum Lot Width (feet)	400
Minimum Lot Depth (feet)	600
Minimum Side Yard, each (feet)	50
Minimum Front Yard (feet)	100
Minimum Rear Yard (feet)	100
Accessory Building	
Minimum Distance to Side Line (feet)	40
Minimum Distance to Rear Line (feet)	40
Minimum Distance to Other Building (feet)	20
Maximum Coverage	
Impervious	3%
Principal Building (percent)	2
Accessory Building (percent)	0.5

F. Gross floor area. The minimum gross floor area for single-family detached dwellings shall be one thousand (1,000) square feet.

ARTICLE V Supplemental Regulations

§ 185-31. Accessory buildings.

- A. Any accessory building attached to a principal building shall be considered part of the principal building and the total structure shall adhere to the yard requirements for the principal building, regardless of the technique of connecting the principal and accessory buildings.
- B. Distance between adjacent buildings. The minimum distance between an accessory building and any other building(s) on the same lot shall be as prescribed in Article IV, except that no poultry or livestock shelter shall be erected nearer than fifty (50) feet to any dwelling on the same lot.
- C. Height of accessory buildings. The height of accessory buildings shall be as prescribed in Article IV.
- D. Location. An accessory building may be erected in side and rear yard areas only and shall be set back from side and rear lot lines as prescribed in Article IV, except that if erected on a corner lot, the accessory building shall be set back from the side street to comply with the setback line applying to the principal building for that side street, and except further that no poultry or livestock shelter shall be erected nearer than fifty (50) feet to any lot lines.

§ 185-32. Architectural Guidelines.

§ 185-32.1. Appearance of buildings in the R-3, R-10, PV, PR, PF8 and PF25 Districts.

Within any residential district, no building with permitted professional, office or other home occupation shall be constructed or altered so as to be inharmonious with the residential character of the adjacent residential area.

§ 185-32.2. Guidelines for the OVCC, OVC, CVC and VC Districts.

- A. Purpose. The purpose of these guidelines is to ensure that all buildings in the OVCC and OVC District are designed to convey a village scale and character. All buildings in the CVC and VC Zone shall be designed to convey a village scale and shall be compatible with the historic nature of the respective village. Buildings in the OVCC, OVC, CVC and VC District shall contain the following design elements:
- B. Materials.
 - (1) Building facades visible from a public street shall consist of brick, stone, cast stone, clapboard, cedar shakes or other high-quality material.
 - (2) Cornices shall consist of wood, stone or fiberglass.
- C. Scale.
 - (1) The building façade shall create a defining wall along the streetscape.
 - (2) Covered archways (minimum eight feet wide) may connect rear parking areas to the street, enabling pedestrian circulation.
 - (3) Building exteriors shall have vertical and/or horizontal offsets to create visual breaks on the exterior.
 - (4) Long, blank, windowless, monotonous, uninterrupted walls or roof planes are not permitted.
 - (5) Building wall offsets, including projections and recesses such as balconies, canopies, awnings, architectural details are encouraged.
 - (6) Blind windows, display windows and/or intensive landscaping can be employed in place of blank walls.
- D. Articulation.
 - (1) The building façade shall have a clearly defined base, body and cap.

- (2) The middle section of the façade may be horizontally divided at floor, lintel or sill levels with belt courses.
 - (3) The architectural treatment of a façade shall be completely continued around all street facing façades of a building. All sides of a building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details.
- E. Corner Buildings.
- (1) Buildings on corners are significant buildings because they have two frontages visible from the street.
 - (2) Corner buildings act as important landmarks within the Centers.
 - (3) Corner buildings shall feature a prominent architectural element, such as a chamfered corner, significant façade articulation or portico.
- F. Roofs.
- (1) The shape, pitch and color of a roof shall be architecturally compatible with the style, materials and colors of such building.
 - (2) If the building has a flat roof, a parapet shall project vertically to hide any roof-mounted mechanical equipment. Additionally, a cornice shall project out horizontally from the façade and shall be ornamented with moldings, brackets or other details.
 - (3) If the building has a pitched roof, a minimum pitch of 5:12 shall be provided. 8:12 pitch is encouraged.
 - (4) Pitched roofs are encouraged to have dormers, chimneys, cupolas and other similar elements to provide architectural interest. These elements shall be compatible with the style, materials, colors and details of the building.
 - (5) Roofline offsets shall be provided along any roof measuring more than 30 feet in length in order to provide architectural interest and articulation to a building.
 - (6) Roof top heating, ventilating and air-conditioning (HVAC) systems, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be inconspicuous as viewed from the primary or secondary street and adjacent properties.
- G. Transparency.
- (1) Ground floor commercial uses shall have large pane display windows on the primary and secondary frontages. Such windows shall be framed by the surrounding wall and shall be a minimum of sixty (60%) percent of the total ground level facade area.
 - (2) Transoms above display windows are encouraged.
 - (3) Window sills shall not be more than 3 feet above the sidewalk. Base panels or bulkheads are encouraged between the sidewalk and the window sills.
 - (4) Windows are encouraged to be vertically proportioned wherever possible.
 - (5) Buildings of architectural styles that normally have windows with muntins or divided lights shall utilize those types of windows.
 - (6) Glass blocks are not permitted on facades that abut a primary or secondary street.
 - (7) Exterior security grates are prohibited
- H. Entrances.
- (1) The primary entrance to any building shall front on a primary or secondary street.
 - (2) All entrances to a building shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, overhangs or canopies.
 - (3) These elements shall be compatible with the style and materials of the building.
 - (4) Entrances may also be defined by planters as well.

- I. Lighting.
 - (1) Light fixtures attached to the exterior of a building are encouraged. These fixtures shall be architecturally compatible with the style, material and colors of such building.
 - (2) Low-pressure sodium or mercury vapor lighting is prohibited.

§ 185-32.3. Guidelines for the OVCR and CVR Districts.

- A. Purpose. All buildings in the OVCR and CVR Districts shall be designed to convey a village scale and character. Buildings in the OVCR and CVR District shall contain the following design elements:
- B. Materials.
 - (1) Building facades visible from a public street shall consist of brick, stone, cast stone, clapboard, cedar shakes or other high-quality material.
 - (2) Cornices shall consist of wood, stone or fiberglass.
- C. Scale.
 - (1) The building façade shall create a defining wall along the streetscape.
 - (2) Building exteriors shall have vertical and/or horizontal offsets to create visual breaks on the exterior.
 - (3) Building wall offsets, including projections and recesses such as balconies, canopies, awnings, architectural details are encouraged.
- D. Articulation.
 - (1) The building façade shall have a clearly defined base, body and cap.
 - (2) The middle section of the façade may be horizontally divided at floor, lintel or sill levels with belt courses.
 - (3) The architectural treatment of a façade shall be completely continued around all street facing façades of a building. All sides of a building shall be architecturally designed so as to be consistent with regard to style, materials, colors and details.
- E. Roofs.
 - (1) The shape, pitch and color of a roof shall be architecturally compatible with the style, materials and colors of such building.
 - (2) If the building has a flat roof, a parapet shall project vertically to hide any roof-mounted mechanical equipment. Additionally, a cornice shall project out horizontally from the façade and shall be ornamented with moldings, brackets or other details.
 - (3) If the building has a pitched roof, a minimum pitch of 5:12 shall be provided. 8:12 pitch is encouraged.
 - (4) Pitched roofs are encouraged to have dormers, chimneys, cupolas and other similar elements to provide architectural interest. These elements shall be compatible with the style, materials, colors and details of the building.
 - (5) Roofline offsets shall be provided along any roof measuring more than 30 feet in length in order to provide architectural interest and articulation to a building.
 - (6) Roof top heating, ventilating and air-conditioning (HVAC) systems, exhaust pipes and stacks, satellite dishes and other telecommunications receiving devices shall be screened or otherwise specially treated to be inconspicuous as viewed from the primary or secondary street and adjacent properties.

§ 185-32.4. Guidelines for the VR District.

- A. Purpose. All new construction, additions and renovations in the VR District shall be designed to convey a village scale and shall be compatible with the historic nature of the respective village. Additions or renovations to historic structures outside the designated historic districts shall respect the structure's historic features and maintain its original scale, proportion and organization of architectural elements (columns, shutters, cornice, dormers, molding, etc.).

Buildings within the designated Dennisville State and National Registers Historic District, the State Historic Preservation Office Opinion South Dennis District and the Township-designated South Seaville Historic District shall contain the following design elements:

- (1) All siding patterns shall have the finished appearance of lapped board or beveled board on the principal structure. Board and batten type construction is permitted on accessory buildings.
- (2) Roofing finish shall have the appearance of shake or shingle, standing seam or batten seam.
- (3) Flat roofs are not permitted on principal structures.
- (4) All windows along the front and sides of a building shall be double hung with mullions representing a 9 over six (6), six (6) over six (6), two (2) over two (2) or the window style appropriate to the period of the structure being remodeled.
- (5) All porches in the front and side yards shall be single story with fixed peaked or flat roofs.
- (6) Railings shall not exceed forty-two (42) inches in height. The finish floor of the porch area shall not be higher than the finish first floor elevation of the structure; but in no case lower than one (1) foot below the elevation of the finish first floor of the structure.

§ 185-33. Fences and walls.

- A. No fence shall be erected of barbed wire, topped with metal spikes or constructed of any material or in any manner which may be dangerous to persons or animals, except that these provisions shall not apply to farms, and except further that fences permitted for commercial and industrial uses may be topped by a barbed-wire protective barrier.
- B. **[Amended 12-4-07 by Ord. No. 2007-13]** On any lot in any district, no wall or fence shall be erected or altered so that said wall or fence shall be over three (3) feet in height in side and front yard areas and four (4) feet in height in rear yard areas except that:
- (1) A privacy fence may be constructed on the property line. The maximum height of a fence of this nature shall be six (6) feet. If placed in front yards or along street lines, it must be of chain link or similar construction so that there will be no obstruction of vision, except fences of this nature that are to provide site buffers along street lines of existing campgrounds. These fences may be of such material as to obstruct vision so as to provide privacy as it relates to campground uses.
 - (2) A private residential swimming pool area must be surrounded by a fence at least four (4) feet but no more than six (6) feet in height. Swimming pool areas shall be located in rear and side yard areas only.
 - (3) Buffer areas shall meet the requirements specified in Section 185-41.
- C. All supporting members of a fence or wall are to be located on the inside of the fence and all razor wire, cloth and canvas fences are prohibited. Permitted materials include wood, chain-link, wrought iron, stone, aluminum, vinyl and steel. **[Added 12-4-07 by Ord. No. 2007-13]**

§ 185-34. Sight triangles.

- A. On a corner lot in any district, sight triangles shall be required in addition to the right-of-way, in which no grading, planting or structure shall be erected or maintained more than two and one-half (2 1/2) feet in height, as measured from the mean elevation of the finished grade five (5) feet away from the center line of the grading, planting or structure. The "sight triangle" is defined as that area outside the right-of-way which is bounded by the intersecting street lines and the straight line connecting "sight points," one (1) each located on the two (2) intersecting street center lines the following distance away from the intersecting center lines: arterial streets: three hundred (300) feet; collector streets: two hundred (200) feet; and local streets: ninety (90) feet. Where the intersecting streets are both arterial, both collectors or one (1) arterial and one (1) collector, two (2) overlapping sight triangles shall be required, formed by connecting the sight points noted above with a sight point ninety (90) feet on the intersecting street.

§ 185-35. Grading.

All lots being filled shall be cleared of all debris, including brush and tree stumps, and be filled with clean fill and/or top soil to allow complete surface draining of the lot into local storm sewer systems or natural drainage rights-of-way. No construction shall be permitted which creates or aggravates water stagnation or a drainage problem on adjacent properties. Moreover, no person, firm or corporation shall strip or otherwise remove fill or topsoil from any land area in the township unless such activity is in accordance with all applicable township ordinances.

§ 185-36. Lighting.

- A. All parking areas and walkways thereto and appurtenant passageways and driveways serving commercial, public, office, industrial, apartment or other similar uses having common off-street parking and/or loading areas and building complexes requiring area lighting shall be adequately illuminated for security and safety purposes. The lighting plan in and around the parking areas shall provide for nonglare, color-corrected lights focused downward. The light intensity provided at ground level shall be a minimum of three-tenths (.3) foot candle anywhere in the area to be illuminated, shall average a minimum of five-tenths (0.5) foot candle over the entire area and shall be provided by fixtures with a mounting height not more than twenty-five (25) feet or the height of the building, whichever is less, measured from the ground level to the center line of the light source, spaced a distance not to exceed five (5) times the mounting height.
- B. Any other outdoor lighting, such as building and sidewalk illumination, driveways with no adjacent parking, the lighting of signs and ornamental lighting, shall be shown on the lighting plan in sufficient detail to allow determination of the effects to adjacent properties, traffic safety and overhead sky glow. The objective of these specifications is to minimize undesirable off-premises effects. No light shall shine directly into windows or streets and driveways so as to interfere with or distract driver vision.

§ 185-37. Nonconforming uses, structures and lots.

- A. The lawful use of land or structures existing at the date of adoption of this chapter, as amended, may be continued although such use or structure is nonconforming to the provisions specified in this chapter, as amended, for the zoning district in which such use or structure is located, except as provided by law.
- B. Any nonconforming use or structure which has been changed to a conforming use or structure shall not be changed back again into a nonconforming use or structure.

- C. Any nonconforming use, structure or lot may change ownership and continue to function as the same nonconforming use, structure or lot, provided that all other provisions of this chapter and other applicable laws are met.
- D. Repairs and maintenance work required to keep a structure in sound condition may be made to a nonconforming structure or a structure containing a nonconforming use. However, no nonconforming structure or structure containing a nonconforming use shall be enlarged, extended, constructed, reconstructed or structurally altered in any manner.
- E. Any lot upon which a nonconforming use or structure is located shall not be reduced in size, nor shall any lot already nonconforming be made more nonconforming in any manner.
- F. Any vacant lot, or lot with a single-family residential structure, excepting those in the Pinelands Area, existing at the effective date of adoption or amendment of this section whose area or dimensions do not meet the requirements of the district in which the lot is located, but which lot has a minimum frontage of one hundred (100) feet and a minimum depth of one hundred twenty-five (125) feet, may have a building permit issued, without variance approval, for a use permitted for that zoning district, provided that the building coverage limit will not exceed twenty percent (20%) of the lot area, parking requirements are met and the yard and height provisions are reduced by the same percentage that the area of such lot bears to the zoning district requirements, except that no side yard shall be less than ten (10) feet or half that required by this section, whichever is greater. Front yard depth and setback shall conform to those of adjoining property owners. No building shall be required to have a height less than twelve (12) feet and one (1) story. All other applicable provisions of this section shall hold.
- G. Any vacant lot of one (1) acre or more within the Pinelands Area, existing as a conforming lot as of February 7, 1979, which does not meet the requirements for the zone in which the lot is located may have a construction permit issued for the development of a single-family dwelling without an appeal for variance relief, provided that: **[Amended 2-24-97 by Ord. No. 97-01]**
 - (1) The lot was not held in common ownership with any adjoining parcels on February 7, 1979, or since that date.
 - (2) The yard requirements of the zone in which such lot is located are reduced by the same percentage that the lot area bears to the zoning district requirement, except that no yard shall be reduced to less than fifty percent (50%) of the requirement of this chapter and no side yard shall be reduced to less than fifteen (15) feet. No front or rear yard shall be reduced to less than fifty (50) feet.
 - (3) The development of any lot under this section shall comply with the other requirements of this chapter.

§ 185-38. Off-street parking.

- A. General provisions.
 - (1) Lighting. All parking areas providing five (5) or more parking spaces and requiring lighting shall be lighted in accordance with the provisions specified in Section 185-36 of this chapter.
 - (2) Surfacing and curbing. All on-site off-street parking and loading areas and access driveways shall be paved and curbed as recommended by the Board Engineer and approved by the Board as part of the site plan approval.
 - (3) Location of parking spaces. All required off-street parking spaces shall be located on the same lot or premises as the use served.
 - (4) Landscaping.

- (a) Each off-street parking area shall have a minimum area equivalent to one (1) parking space per every thirty (30) parking spaces and landscaped with one-half (1/2) of said spaces having shrubs no higher than three (3) feet and the other half having trees with branches no lower than seven (7) feet. Such spaces shall be distributed throughout the parking area in order to break the view of long rows of parked cars in a manner not impairing visibility.
- (5) Type of facility.
 - (a) Parking spaces may be on, above or below the surface of the ground. When parking spaces are provided within a garage or other structure, said structure shall adhere to the proper accessory or principal building setbacks, as applicable.
 - (b) The provision of parking spaces shall also include adequate driveway and necessary turning areas for handling the vehicles for which provision is made. Parking area shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Aisles providing access to parking spaces shall have the following minimum dimensions. Where the angle of parking is different on both sides of the aisle, the larger aisle width shall prevail.

Angle of Parking Space (degrees)	1-Way Aisle (feet)	2-Way Aisle (feet)
90	22	25
60	18	20
45	15	20
30	12	18
Parallel	12	18

- B. Specific requirements. Each individual use shall provide parking spaces according to the following provisions. Where a permitted use of land includes different specific activities with different specific parking requirements, the total number of required parking spaces shall be obtained by individually computing the parking requirements for each different activity and adding the resulting numbers together.
 - (1) Detached dwelling units shall follow RSIS.
 - (2) Churches shall provide one (1) space per every four (4) permanent seats. [One (1) seat may be considered twenty-two (22) inches in calculating the capacity of pews or benches.]
 - (3) Golf courses and public utilities shall provide sufficient spaces and maneuvering area to prevent any parking along public rights-of-way or private driveways, fire lanes and aisles. Golf courses shall provide two (2) spaces per hole and one (1) space per employee.
 - (4) Schools shall provide one (1) space per employee for grades kindergarten through 10th, two and one-half (2 1/2) spaces per employee for grades eleven and twelve and, in all cases, sufficient space for school bus loading and unloading.
 - (5) Local retail and service activities shall provide parking at the ratio of five (5) spaces per one thousand (1,000) square feet of gross floor area.
 - (6) Restaurants that do not serve alcohol shall provide a minimum of one (1) parking space for every three (3) seats but in all cases a sufficient number of spaces to prevent any parking along public rights-of-way or private driveways, fire lanes and aisles. Parking requirements for restaurants serving alcoholic beverages are set forth in Section 185-73(5). **[Amended 9-18-2002 by Ord. No. 2002-05]**
 - (7) Banks and offices shall provide parking at the ratio of five (5) spaces per one thousand (1,000) square feet of gross floor area.
 - (8) Theaters shall provide one (1) space for every four (4) seats.

- (9) Bowling alleys shall provide four (4) spaces per bowling lane.
 - (10) Service stations shall provide at least six (6) spaces for the first lift, wheel alignment pit or similar work area; five (5) additional spaces for a second work area; and an additional three (3) spaces for each additional work area. Such spaces shall be separated from the driveway and general apron areas which give access to the gasoline and air pumps and service areas. No designated parking space shall obstruct access to such facilities.
 - (11) Automobile sales establishments shall provide ten (10) spaces for customer convenience, separated from vehicular displays and not used by employees.
 - (12) Car washes shall provide three (3) access lanes for each mechanized car wash entrance, with each lane having a minimum capacity for twelve (12) vehicles; one (1) separate space for each waxing, upholstery cleaning or similar specialized service area; and one (1) space for every two (2) employees. All vehicle entrances shall be from the rear of the building, and all parked and waiting vehicles shall be accommodated on the lot.
 - (13) Hotels and motels shall provide one and one-fourth (1 1/4) spaces per room.
 - (14) Manufacturing plants and industrial uses shall provide parking at the ratios of one (1) space per every seven hundred (700) square feet of gross floor area plus one (1) space for every two hundred (200) square feet of gross floor area used for offices. Wholesale distribution centers, warehouses and storage facilities shall provide parking at the ratios of one (1) space for every one thousand (1,000) square feet of gross floor area. Additionally, one (1) space shall be provided for every vehicle owned and/or operated by the use operating from the site.
 - (15) Liquor stores shall provide a minimum of sixteen (16) parking spaces for patrons and a minimum of four (4) parking spaces for employees. In addition, the exit drive aisle from the liquor store parking lot shall be at least forty-seven (47) feet long, to allow for stacking of exiting vehicles. Liquor stores shall also provide one (1) truck loading and unloading area for every ten thousand (10,000) square feet, or part thereof, of gross floor area. Each truck area shall be adjacent to the store, and shall be fourteen feet wide by sixty feet long (14' x 60'). **[Added 9-18-2002 by Ord. No. 2002-05]**
- C. Shared parking. Nothing in the above requirements or in this subsection shall be construed to prevent the employment of shared parking, which may be implemented in the following manner:
- (1) On-site shared parking. For parcels with containing a mixed-use building, on-site shared parking may be implemented.
 - (2) A 50% percent shared parking allowances shall be permitted for combining weekday uses with evening/weekend uses in the same building. Office and retail uses are considered to be weekday uses, while residential and restaurant uses are considered to be evening/weekend uses.

§ 185-39. Off-street loading.

- A. Truck loading and unloading areas shall be provided in a sufficient amount to permit the transfer of goods and products in other than a public street or public parking area.
- B. Where proposed, off-street loading areas shall be located in the rear yard.
- C. Where proposed, off-street loading berths shall be at least twelve (12) feet wide.
- D. All loading berths shall have unobstructed access that is at least ten (10) feet wide to and from a street. Such access may be combined with access to a parking lot.
- E. All proposed loading berths shall be on the same lot as the use(s) to which they are accessory.
- F. Where the separate designation of a specific off-street loading berth is not proposed for a use or uses, the required off-street parking area shall not be used for loading and unloading purposes, except during hours when normal business operations are suspended.

§ 185-40. Trash receptacles.

- A. There shall be at least one (1) trash and garbage pick-up location provided by each non-residential building or at least one (1) centralized trash and garbage pick-up location provided where there are multiple non-residential buildings on the same site.
- B. Trash and recycling receptacles shall be located in the rear yard and shall be enclosed with a solid masonry enclosure and heavy duty gate. No trash receptacles shall be visible from any public street. Such facilities should be designed so that they fit within an overall project design.
- C. The size and capacity of all trash and recycling facilities shall be based on the size and capacity of bins and/or dumpsters utilized, frequency of pick-up and projected generation rates of site users.
- D. Adequate provisions for recycling shall be provided.
- E. All trash facilities shall be designed to reduce discernible odors and contain such within the trash storage area.

§ 185-41. Performance standards.

An application for a permit shall provide documentation that the intended use will comply with the performance standards enumerated below. In the case of a structure being built where the future use is not known, a building permit may be issued with the condition that no certificate of occupancy will be issued until such time as this documentation is submitted with respect to the particular occupant.

- A. Buffers. Buffer areas are required along lot and street lines of all nonresident lots where said property lines or the center line of adjacent streets abut residential uses or residential zoning district lines. Each permitted use shall provide and maintain attractively landscaped grounds and suitable screening in order to safeguard the character of adjacent districts. The width of the buffer area for each particular zoning district shall be measured horizontally and be either perpendicular to straight lot and street lines or radial to curved lot and street lines. Buffer areas shall be maintained and kept clear of all debris, rubbish, weeds and tall grass. No above-surface structure or activity or the storage of materials or parking of vehicles shall be permitted in the buffer area, and all buffer areas shall be planted and maintained with grass or ground cover, together with a dense screen of trees, shrubs or other plant materials meeting the following requirements:
 - (1) Plant materials used in screen planting shall be at least six (6) feet in height when planted and be of such density that all the glare of automobile headlights emitted from the premises is obscured throughout the full course of the year. The plant materials shall be of a species common to the area, shall be of nursery stock, shall be free of insect and disease and shall otherwise conform to the landscaping provisions of Section 185-54 which are applicable within the Pinelands Area.
 - (2) Buffer areas shall be permanently maintained, and plant material which does not live shall be replaced within one (1) year or one (1) growing season.
 - (3) The screen planting shall be so placed that at maturity the plant material will be no closer than three (3) feet to any street or property line.
 - (4) The buffer area shall not be broken unless specifically approved by the Board.
- B. Electricity. Electric or electronic equipment shall be shielded so there is no interference with any radio or television reception at the lot line, or beyond the operator's dwelling unit in the case of multifamily dwellings, as the result of the operation of such equipment. Electronic equipment shall be in accordance with Federal Communications Commission standards.
- C. Glare. No use shall produce a strong dazzling light or a reflection of a strong dazzling light or glare beyond its lot lines. Exterior lighting shall be shielded, buffered and directed so that glare, direct light or reflection will not become a nuisance to adjoining properties, adjoining dwelling units, adjoining districts or streets.

- D. Heat. No use shall produce heat perceptible beyond its lot lines. Further, no use shall be permitted which would cause the temperature to rise or fall in any part of ponds, streams or other watercourses.
- E. Noise. Noise levels for commercial and industrial enterprises shall be designed and operated in accordance with the regulations established by the New Jersey State Department of Environmental Protection as they are adopted and amended.
- F. Odor. Odors shall not be discernible at the lot line or beyond to such an extent that they become a nuisance.
- G. Storage and waste disposal.
 - (1) No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance be deposited which can contaminate an underground aquifer or otherwise render such underground aquifer undesirable as a source of water supply or recreation or which will destroy aquatic life. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored indoors and enclosed in appropriate containers adequate to eliminate such hazards.
 - (2) 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 standard set forth in N.J.A.C. 7:50-6. **[Amended 2-24-97 by Ord. No. 97-01]**
- H. Vapor. No use shall produce smoke, ash, dust, fumes, vapors, gases or other forms of air pollution which could cause damage to the health of any person, animal or vegetation or which could cause excessive soiling.
- I. Vibration. There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is located.
- J. Landscaping and clearing.
 - (1) Disturbance of wooded areas shall be limited wherever possible and the proposed buildings or improvements located in existing cleared areas.
 - (2) Where disturbance is unavoidable, the clearing of trees from proposed building sites is permitted within fifteen (15) feet of the building foundation. Selective clearing of other than mature trees is permitted within thirty (30) feet of a building foundation. Clearing may extend into side and rear yard setbacks; however, a minimum natural buffer of twenty (20) feet shall be maintained between the edge of clearing and the side or rear property line.
 - (3) Areas that are cleared during construction but which will not contain permanent improvements shall be limited and shall be revegetated with natural vegetation as indicated on the Natural Revegetation List.
 - (4) If the location of improvements within existing cleared area is not feasible, said cleared area shall be revegetated in an amount equivalent to that area required for the improvements in accordance with an approved landscape plan.
 - (5) Within the Pinelands Area portion of the township, development shall be done in accordance with the Pinelands Area development procedures and standards for Section 185-54, Clearing of vegetation; landscaping, and Section 185-61, Fire management, of this chapter.
- K. Environmental assessment.
 - (1) Purpose. The impact on the environment associated with development projects necessitates a comprehensive analysis of the variety of problems that may result and the measures that can be

taken to minimize the adverse impacts. It is recognized that the level of detail required for the variety of development applications will vary depending on the size of the project, the site conditions, the location of the project and the information already in the possession of the Township. Some flexibility is needed in preparing the Environmental Assessment Report. The Environmental Assessment Report requirements pertaining to different types of development application are listed below.

- (2) Requirements.
 - (a) All agricultural operations conducted in accordance with a plan approved by the Soil Conservation District and all silviculture operations conducted in accordance with a plan prepared by a professional forester are specifically exempt from the Environmental Assessment requirements.
 - (b) Any variance applications to the Zoning Board of Adjustment not involving a site plan or subdivision application shall not require an Environmental Assessment unless specifically requested by the Board. The Zoning Board of Adjustment shall inform the applicant regarding any information that may be required.
 - (c) All subdivision applications and/or site plan applications shall be accompanied by a complete Environmental Assessment Report including the Environmental Assessment Checklist and required documentation which shall be submitted as a prerequisite to a complete application.
 - (d) Amended subdivision or site plan applications shall be accompanied by a supplemental Environmental Assessment Report which assesses the environmental impacts associated with any modifications to the original plan.
 - (e) Any development application or amended development application located in the Coastal Zone and for which an Environmental Impact Statement has been prepared and submitted to the NJDEP as part of a CAFRA application shall not be bound by the provisions of this section provided that a copy of the Environmental Impact Statement submitted as part of the CAFRA application also accompanies any development application to the Township Planning Board or Board of Adjustment.
- (3) Submission format.
 - (a) When an Environmental Assessment is required, the applicant shall retain one (1) or more competent professionals to perform the necessary work. The qualifications and background of the professionals shall be provided, and the method of investigation shall be described.
 - (b) All applicable material on file in the Township pertinent to evaluation of regional impacts shall also be considered including the Township Master Plan and accompanying natural resources mapping, the New Jersey Department of Environmental Protection (NJDEP) data and other information as available.
 - (c) All Environmental Assessments shall consist of written and graphic materials which clearly present the required information in a report format utilizing the adopted Environmental Assessment Checklist with accompanying documentation as required.
- (4) Environmental assessment report submission. The Environmental Assessment Report including appropriate references shall be submitted to the Board. Five (5) copies of the Environmental Assessment Report and one (1) digital copy on cd-rom shall be submitted with development application prior to the determination of a complete application.
- (5) Environmental assessment waiver.
 - (a) Notwithstanding the foregoing, the appropriate Board may, at the request of an applicant, waive the requirement for an Environmental Assessment Report if the appropriate Board finds that sufficient evidence is submitted to support a conclusion that the proposed development will have a negligible environmental impact.
 - (b) Portions of such requirement may likewise be waived upon a finding that the complete report need not be prepared in order to evaluate adequately the environmental impact of a particular project.
 - (c) Notwithstanding, any site development affecting wetlands and C-1 waters shall not be granted a waiver from these requirements.
- (6) Environmental assessment checklist:

ENVIRONMENTAL ASSESSMENT CHECKLIST				
BLOCK _____ LOT (S) _____				
PROJECT NAME _____				
PROJECT DESCRIPTION				
IS THE PROPOSED PROJECT IN CONFORMITY WITH:	YES	NO	NA	COMMENTS
Township Master Plan				
Township Zoning Ordinance				
County Comprehensive Plan				
Master Plans of adjacent municipalities (if within 200 feet)				
EXISTING CONDITION				
<i>PROVIDE INFORMATION TO ASSESS CURRENT SITE CONDITIONS</i>	YES	NO	NA	COMMENTS <i>(ATTACH ADDITIONAL SHEETS AS REQUIRED)</i>
Geology. Describe and assess the geologic formations, confining layers, etc., including surficial deposits and effects on the proposed project.				
Soils. The site location should be outlined on a copy of the Cape May County Soil Survey. A minimum of one (1) soil boring per three (3) acres shall be performed to a depth of six (6) feet in the area of any disturbance. The location of the soil borings shall be included on a plan of the site. Soil profile characteristics shall be described using the standards set forth in N.J.A.C. 7:9A-5.2(g) and 5.3, and any subsequent amendment thereto.				

<p>Surface waters. Identify and describe all surface water features on the subject site including downstream receiving water bodies. The applicant should incorporate best management practices and best available technology to minimize impacts associated with stormwater runoff into surface water bodies.</p>				
<p>Subsurface water. Describe subsurface water conditions on the site in terms of aquifers present, depth to ground water and water supply capabilities. If the area for development is proposed as "water supply wells," provide the name of the aquifer to be utilized. In addition, provide information on existing wells within five hundred (500) feet of the site, from existing sources such as the NJDEP and/or the Cape May County Health Department relative to depth, capacity, water quality and recharge capabilities.</p>				
<p>Topography and existing development features. Provide topographic contours and any existing features that are not considered to be part of the natural environment on the site and a minimum of one hundred (100) feet surrounding the site.</p>				
<p>Wetlands and State open waters. Freshwater wetlands, transition areas and State open waters must be delineated and certified pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A) outside of the Pinelands Management area, and pursuant to the Pinelands Protection Act Rules within the Pinelands Management area. The delineation report and plan shall be submitted as part of the Environmental Assessment Report and the preliminary application.</p>				
<p>Floodplains. Floodplains shall be identified and included on the site plan. The New Jersey Department of Environmental Protection, Bureau of Flood Plain Management, must approve construction within the one hundred (100) year floodplain.</p>				

<p>Vegetation. Describe the existing vegetation on the site. A map shall be prepared showing the location of major vegetative groupings such as woodlands, open fields and wetlands. Where woodlands are delineated, the forest types shall be indicated. The dominant vegetation on the site shall be listed by genus and species.</p>				
<p>Wildlife. Prepare an inventory of all wildlife species, which may utilize the subject site, including terrestrial and aquatic vertebrates and avian species. This inventory shall identify all such species, which were encountered through onsite investigations. All habitats on-site, which are unique to the Township or the Cape May County region, shall be identified. All habitats, which are critical in the maintenance of wildlife, shall also be identified.</p>				
<p>Endangered or threatened species. Identify any endangered or threatened species (plant or animal) protected by the State or Federal government which may utilize any portion of the site. The NJDEP Landscape Project Endangered Species Habitat Ranks 3, 4, and 5 files and the NJDEP Natural Heritage Program Priority Sites files shall be inventoried for the property. A description of the type of habitat utilized by any species identified within the limits described above shall be provided, as well as the identification of such habitat, which is found on-site.</p>				
<p>Air quality. Provide the most recent quantitative air quality data from the nearest State sampling station.</p>				
<p>Noise. Describe the existing noise conditions at the site including sources.</p>				

<p>Cultural, historical and archaeological resources. Identify, describe and map any identified cultural, historical or archaeological resources. The Township Historical Society and the Office of New Jersey Heritage shall be contacted for the most recent resource records.</p>				
---	--	--	--	--

<p>Land Use Describe existing land uses and zoning on and within five hundred (500) feet of the site.</p>
--

<p>CONSTRUCTION IMPACTS <i>Provide an assessment of both the adverse and positive impacts during and after construction for the following concerns:</i></p>	Impacts Anticipated			<p>Description of conditions and/or source documentation <i>(Attach additional pages if required).</i> A = Adverse Impact B = Beneficial Impact</p>
	NONE	MINOR	MAJOR	
Soil erosion and sedimentation resulting from surface runoff.				
Flooding and flood plain disruption.				
Degradation of surface water quality.				
Ground water pollution.				
Reduction of ground water capabilities.				
Sewage disposal.				
Solid waste disposal.				
Vegetation destruction and disruption of vegetative communities.				
Disruption of wildlife habitats particularly protected species.				

Destruction or degradation of scenic and historic features.				
Air quality degradation.				
Noise levels.				
Energy utilization.				
Wetland impacts.				

ENVIRONMENTAL PERFORMANCE CONTROLS.

Provide a description of steps to be taken to minimize adverse environmental impacts during construction and operation, both at the project site and in the surrounding region.

COMMITMENT OF RESOURCES.

Provide a statement concerning any irreversible and irretrievable commitment of resources which would be involved in the proposed project and a statement concerning steps which could be taken which might avoid some or all of the adverse environmental effects including the no-action alternate.

UNAVOIDABLE IMPACTS.

Provide a listing and evaluation of adverse environmental impacts which cannot be avoided, with particular emphasis upon air or water pollution, increase in noise, damage to natural resources, displacement of people and businesses, displacement of existing farms, increase in sedimentation and siltation. Describe increases in municipal services and consequences to municipal tax structures. Off-site impacts shall also be set forth and evaluated.

OTHER REQUIRED APPROVALS.

Provide an inclusive listing of all licenses, permits and approvals required by Federal, State, County or municipal law. The status or copies of these permits and approvals shall also be included.

REFERENCES *(ATTACH TO REPORT)*

Name of Preparer: _____

Signature of Preparer: _____

Title of Preparer: _____

Date: _____

§ 185-42. Principal structures.

Unless otherwise specified for a particular zoning district, no more than one (1) principal structure shall be permitted on one (1) lot, except for the OVCC, OVC, CVC, OVCR, CVR and VC Districts.

§ 185-43. Signs.

- A. General provisions. No billboards shall be erected except in the Pinelands Area as provided in Subsection A(12) below. No sign of any type shall be permitted to obstruct driving vision, traffic signals, traffic directional and identification signs, other places of business, other signs or windows of the building on which they are located. No sign shall be attached to trees, fence posts, stumps, utility poles or other signs, but they shall be freestanding or attached to buildings in an approved manner.
- (1) Animated, flashing and illusionary signs. Signs using mechanical or electrical devices to revolve, flash or display movement or the illusion of movement are prohibited.
 - (2) Height. No freestanding or attached sign shall be higher at any point than the roof line of the building, except that no sign shall exceed any lesser height if specified in any other provision of this chapter. In addition, no attached sign shall project into or hang over a street right-of-way, and no sign shall project beyond a building in a manner placing it above an area traversed by motor vehicles. Where signs project beyond a building facade or wall over a pedestrian way, the lowest portion of the sign shall be at least eight (8) feet above the walkway.
 - (3) Illuminated signs. Illuminated signs shall be so arranged as to reflect the light and glare away from adjoining premises and away from adjoining highways. No sign with red, green or blue illumination in a beam, beacon or flashing form resembling an emergency light shall be erected in any location where it may be confused with a railroad, traffic control or emergency signal. Illuminated signs shall comply with the National Electric Code.
 - (4) Information and direction signs. Street number designations, postal boxes, on-site directional and parking signs, warning signs and signs posting property as "private property" or "no hunting" or similar signs are permitted in all zones but are not to be considered in calculating sign area. No such sign shall exceed two (2) square feet in area.
 - (5) Maintenance. Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.
 - (6) Character. Within the Village Residential (VR) zone and within the Pinelands Area, signs shall be of a character and composition to be harmonious with the scenic and historic values of these areas to the maximum extent practicable.
 - (7) Portable signs. Portable signs shall be those signs which are fixed on a movable stand; self-supporting without being firmly embedded in the ground; supported by other objects; mounted on wheels (not included are motor vehicles); or made easily movable in some other manner as may be acceptable to the Construction Code Official. Portable signs may be of durable plastic products or wood, maintained in good condition and not allowed to become dilapidated or unsafe. Portable signs may be internally illuminated with nonflashing lighting only. No other lighting of portable signs is permitted. No portable sign shall be illuminated or lighted between the hours of 12:00 midnight and 6:00 a.m. Portable signs are permitted in addition to any other allowable signs.
 - (8) Real estate signs. Signs temporarily advertising the sale, rental or lease of the premises or a portion thereof shall be, if not attached to the building, set back at least ten (10) horizontal feet from all street lines. Such signs shall not exceed nine (9) square feet on each of two (2) sides and shall be removed at the expense of the advertiser within fifteen (15) days after the termination or completion

of the matter or business being advertised. "Sold" signs shall be permitted between the signing of the contract of sale and the date of the legal closing. All such signs do not need a building permit.

- (9) Sign area. Sign area shall be measured around the outside edges of a framed or enclosed sign or by the area utilized by isolated words and/or symbols, including the background, whether open or enclosed, but said area shall not include any supporting framework and bracing incidental to the display itself.
 - (10) Signs and sign structures. All signs and sign structures shall be located to allow a clear unobstructed line of sight for three hundred (300) feet from the stop line of any intersection of streets and/or driveways.
 - (11) Signs with two (2) exposures. Signs with two (2) exposures shall be measured for area by using the surface area of one (1) side of the sign only. Both sides may be used.
 - (12) Billboards and off-site commercial advertising signs.
 - (a) No billboard or outdoor off-site commercial advertising sign shall be permitted except that billboards and off-site outdoor signs advertising agricultural commercial establishments shall be permitted in the Pinelands Area provided that:
 - [1] No more than two (2) signs shall be placed in any one (1) direction along each road directly approaching the establishment.
 - [2] No sign along a four-lane state or federal highway shall exceed fifty (50) square feet in area, and no sign along any other road shall exceed thirty-two (32) square feet in area.
 - (b) No existing billboard or off-site commercial advertising sign in the Pinelands which does not conform to Subsection A(12)(a) above shall be permitted to continue beyond January 14, 1991.
- B. Permitted signs. The following signs are permitted for uses as specified in Article IV of this chapter for the various zoning districts, except for OVCC, OVC, CVC and VC zoning districts:
- (1) Churches, cemeteries and schools: one (1) free-standing sign not exceeding thirty-two (32) square feet in area and twelve (12) feet in height and set back at least ten (10) feet from all street rights-of-way and lot lines plus one (1) attached sign not exceeding thirty-two (32) square feet in area.
 - (2) Golf courses and public utilities: one (1) freestanding sign not exceeding thirty-two (32) square feet in area and twelve (12) feet in height and set back at least ten (10) feet from all street rights-of-way and lot lines.
 - (3) Local retail and service activities, restaurants, banks, theaters, bowling alleys, automobile sales and car washes: one (1) freestanding sign not exceeding thirty-two (32) square feet in area and twelve (12) feet in height and set back at least ten (10) feet from all street rights-of-way and lot lines. **[Amended 1-12-1998 by Ord. No. 97-18]**
 - (4) Office buildings, hotels and motels: one (1) freestanding sign not exceeding thirty-two (32) square feet in area and twelve (12) feet in height and set back at least ten (10) feet from all street rights-of-way and lot lines. Where an individual office unit has direct access from the outside, a sign not exceeding four (4) square feet identifying the name of the office may also be attached to the building at the office entrance. **[Amended 1-12-1998 by Ord. No. 97-18]**
 - (5) Shopping centers: one (1) freestanding sign along each arterial or collector road which the tract in question abuts, provided that there exists at least two hundred fifty (250) feet of unbroken frontage. Such sign shall not exceed a height of twenty-five (25) feet, shall be set back from the street rights-of-way and driveways at least fifty (50) feet, shall be set back from any property line a minimum of one hundred (100) feet and shall not exceed an area of thirty-two (32) square feet. **[Amended 1-12-1998 by Ord. No. 97-18]**

- (a) Where uses share a common walkway, each use served by the walkway may have one (1) additional sign which shall be either attached flat against the building or be suspended in perpendicular fashion from the roof over the common walkway. Suspended signs shall be no closer than eight (8) feet at their lowest point to the finished grade level below them. No such sign shall exceed ten (10) square feet in area.
 - (b) All signs in a shopping center shall conform in character to all other signs in the complex and shall blend with the overall architectural scheme of the shopping center.
- (6) Service stations: one (1) freestanding sign and one (1) sign attached flat against the building. The freestanding sign shall not exceed an area of thirty-two (32) square feet and twenty-five (25) feet in height and shall be set back at least ten (10) feet from all street rights-of-way and lot lines. The attached sign shall not exceed thirty-two (32) square feet in area.
- (7) Industrial and manufacturing plants, wholesale distribution centers and warehouses: one (1) sign not exceeding thirty-two (32) square feet in area. If attached to the building, the sign shall not be higher than the roof line; if freestanding, the sign shall not exceed a height of twenty-five (25) feet, shall be set back from the street rights-of-way and driveways at least fifty (50) feet and shall be set back from any property line a minimum of one hundred (100) feet. **[Amended 1-12-1998 by Ord. No. 97-18]**
- (8) Industrial parks: one (1) freestanding sign along each arterial or collector road which the tract in question abuts, provided that there exists at least two hundred fifty (250) feet of unbroken frontage. Such sign shall not exceed a height of twenty-five (25) feet, shall be set back from the street rights-of-way and driveways at least fifty (50) feet, shall be set back from any property line a minimum of one hundred (100) feet and shall not exceed an area of thirty-two (32) square feet. **[Amended 1-12-1998 by Ord. No. 97-18]**
- (9) Home occupations. Home occupations, where permitted, shall be allowed to maintain one (1) unlighted nameplate sign identifying the home occupation, not exceeding six (6) square feet in area, either attached or freestanding, and set back at least fifteen (15) feet from the street right-of-way line.
- (10) Liquor stores. **[Added 9-18-2002 by Ord. No. 2002-05]** In addition to the requirements of Section 185-43B(3), liquor stores are subject to the following additional requirements:
 - (a) There shall be no banners, portable signs or outside advertising displays, such as inflatable product models.
 - (b) There shall be no outside display of merchandise, and no outside storage of merchandise, whether as a display or otherwise.
 - (c) There shall be no outside vending machines, ice machines or other facilities that advertise or dispense merchandise.
- C. Permitted signs in the OVCC, OVC and CVC Districts. The following signs are permitted for uses in the OVCC, OVC and CVC Districts:
 - (1) Wall signs, subject to the following requirements:
 - (a) One of the three types below shall be permitted for each street frontage of each business:

- [1] Internally-lit raised letters with concealed ballast (example shown below).



- [2] Back-lit raised letters with concealed ballast (example shown below).



- [3] Signage board with gooseneck lighting (example shown below).



- (b) Sign area shall be a maximum of thirty (30) square feet.
- (c) Wall signs are also permitted for walls facing rear parking areas with the same area as permitted on the front façade.

- (d) Wall signs must be located below the second story floor line.
- (2) Hanging signs, subject to the following requirements:
- (a) One sign shall be permitted per business per street frontage that is attached perpendicular to the street.
 - (b) Sign area shall be a maximum of ten (10) square feet.
 - (c) The letter/logo height shall be a maximum of six (6) inches.
 - (d) Hanging signage must be located below the second story floor line, but provide at least eight (8) foot of clearance between its bottom point and the sidewalk below.
 - (e) Hanging signs shall not be internally illuminated.
- (3) Street address signs, subject the following requirements:
- (a) Street address signage is required on each building or individual tenant of a building.
 - (b) Numbers shall be a maximum of eight (8) inches in height.
- (4) Awning signs, subject to the following requirements:
- (a) One sign with lettering per business shall be permitted on an awning, and logos shall be permitted on all awnings, provided that:
 - [1] The letter and logo area does not exceed thirty (30) square feet or up to a maximum of fifty (50) percent of the diagonal portion of the awning.
 - [2] The letter and logo height located on the vertical flap does not exceed eight (8) inches.
 - [3] The signage shall only be on first floor awnings.
 - (b) Awnings shall be aesthetically compatible with the building and consistent with each other.
 - (c) Awnings shall be kept in good order and repair.
 - (d) All awnings shall be made of cloth or canvas.
 - (e) A business cannot have a wall sign and an awning with lettering.
- (5) Window lettering signs, subject to the following requirements:
- (a) All window lettering signs shall be inside the window and only on first floor windows facing the street frontage.
 - (b) Window lettering signs shall not encompass more than fifteen (15) percent of the window area.
 - (c) Window lettering signs shall pertain only to the establishment occupying the premise where the window is located.
- (6) Directory signs, subject to the following requirements:
- (a) Shall only be permitted for upper story non-residential uses.
 - (b) Sign area shall be a maximum of twelve (12) square feet and located by the main entrance to the upper floors.
 - (c) Letter height shall not exceed four (4) inches.

D. Permitted signs in the VC District. The following signs are permitted for uses as specified in Article IV of this chapter for the VC District:

(1) Wall signs, subject to the following requirements:

(a) One of the two types below shall be permitted for each street frontage of each business:

[1] Back-lit raised letters with concealed ballast (example shown below).



[2] Signage board with gooseneck lighting (example shown below).



(b) Sign area shall be a maximum of ten (10) square feet.

(c) Wall signs must be located below the second story floor line.

(2) Hanging signs, subject to the following requirements:

(a) One sign shall be permitted per business per street frontage that is attached perpendicular to the street.

(b) Sign area shall be a maximum of four (4) square feet.

(c) The letter/logo height shall be a maximum of six (6) inches.

- (d) Hanging signage must be located below the second story floor line, but provide at least eight (8) foot of clearance between its bottom point and the sidewalk below.
 - (e) Hanging signs shall not be internally illuminated.
- (3) Street address signs, subject the following requirements:
- (a) Street address signage is required on each building or individual tenant of a building.
 - (b) Numbers shall be a maximum of eight (8) inches in height.
- (4) Awning signs, subject to the following requirements:
- (a) One sign with lettering per business shall be permitted on an awning, and logos shall be permitted on all awnings, provided that:
 - [1] The letter and logo area does not exceed ten (10) square feet or up to a maximum of fifty (50) percent of the diagonal portion of the awning.
 - [2] The letter and logo height located on the vertical flap does not exceed eight (8) inches.
 - [3] The signage shall only be on first floor awnings.
 - (b) Awnings shall be aesthetically compatible with the building and consistent with each other.
 - (c) Awnings shall be kept in good order and repair.
 - (d) All awnings shall be made of cloth or canvas.
 - (e) A business cannot have a wall sign and an awning with lettering.
- (5) Window lettering signs, subject to the following requirements:
- (a) All window lettering signs shall be inside the window and only on first floor windows facing the street frontage.
 - (b) Window lettering signs shall not encompass more than fifteen (15) percent of the window area.
 - (c) Window lettering signs shall pertain only to the establishment occupying the premise where the window is located.

§ 185-44. Swimming pools.

- A. No private residential swimming pool shall be constructed or installed on any lot unless the lot contains a residence building. Pools shall be located in rear and/or side yard areas only and shall meet the setback distances for accessory buildings as specified in Article IV for each particular zoning district, except that in no case may a swimming pool be located closer than fifteen (15) feet to any lot line.
- B. A swimming pool shall occupy no more than seventy-five percent (75%) of the yard area in which it is located.
- C. A private residential swimming pool area must be surrounded by a suitable fence with a self-latching gate, at least four (4) feet but no more than six (6) feet in height, and said fence shall be set back from any lot line at least fifteen (15) feet if the fence exceeds four (4) feet in height.

§ 185-45. Yard area.

- A. No open space provided around any principal building for the purposes of complying with the front, side, rear or other yard provisions of this chapter shall be considered as providing the yard provisions for any other principal building.
- B. Any structure located on a corner lot shall be set back from both streets at least the required front yard distance.

§ 185-46. Off-tract improvements.

- A. Improvements required. Developers shall be required, as a condition for approval of a subdivision or site plan, to pay their pro rata share of the cost of providing reasonable and necessary street improvements and water and drainage facilities and easements located outside the property limits of the subdivision but necessitated or required by construction or improvements within the subdivision. The following criteria shall be utilized in determining a developer's proportionate or pro rata share of necessary off-tract improvements.
- B. Cost of improvement.
 - (1) Improvements benefiting applicant only. In cases where the reasonable and necessary need for an off-tract improvement or improvements is necessitated or required by the proposed development application where no other property owners receive a special benefit thereby, the applicant may be required, as a condition of approval, at the applicant's sole expense, to provide for and construct such improvements as if such were an on-tract improvement in the manner provided hereafter and otherwise provided by law.
 - (2) Other improvements.
 - (a) In cases where the need for any off-tract improvement is created by the proposed subdivision or site plan and where the Planning Board determines that properties outside the subdivision or tract will also be benefited by the improvement, the Planning Board shall forthwith forward to the municipal governing body a list and description of all such improvements, together with its request that the governing body determine and advise the Board of the procedure to be followed in the construction or installation thereof. The Planning Board shall withhold action upon the subdivision or site plan until receipt of the governing body's determination or until the expiration of sixty (60) days after the forwarding of such list and the description to the governing body without such determination having been made, whichever occurs sooner.
 - (b) The governing body, within sixty (60) days after receipt of said list and description, shall determine and advise the Planning Board whether:
 - [1] The improvement or improvements are to be constructed or installed by the municipality:
 - [a] As a general improvement, the cost of which is to be borne at general expense (except as hereinafter otherwise provided as to a contribution thereto by the subdivider or developer); or
 - [b] As a local improvement, all or part of the cost of which is to be specially assessed against properties benefited thereby in proportion to benefits conferred by the improvements in accordance with Chapter 56 of Title 40 of the New Jersey Revised Statutes (except as hereinafter otherwise provided as to a contribution thereto by the subdivider or developer).
 - [2] The improvement or improvements are to be constructed or installed by the subdivider or developer under a formula for partial reimbursement as hereinafter set forth.

- (c) If the governing body shall determine that the improvement or improvements shall be constructed or installed under Subsection B(2)(b)[1][a] above, the Planning Board shall estimate, with the aid of the Municipal Engineer or such other persons as have pertinent information or expertise, the amount, if any, by which the total cost thereof will exceed the total amount by which all properties, including the subdivision or tract, will be specially benefited thereby, and the subdivider or developer shall be liable to the municipality for such excess. Further, the governing body shall adopt an ordinance authorizing and providing for the financing of the improvement or improvements in a manner consistent with the obligation of the subdivider or developer for any excess of total cost over total benefits conferred, as set forth above.
 - (d) If the governing body shall determine that the improvement or improvements shall be constructed or installed under Subsection B(2)(b)[1][b] above, the Planning Board shall, as provided in Subsection C. of this section, estimate the difference between the total costs to be incurred and the total amount by which all properties to be benefited thereby, including the subdivision property or tract, will be specially benefited by the improvement, and the subdivider or developer shall be liable to the municipality therefor, as well as for the amount of any special assessments against the subdivision property or tract for benefits conferred by the improvement or improvements. Further, the governing body shall adopt an ordinance authorizing and providing for the financing of the improvement or improvements and the assessment of benefits arising therefor in a manner consistent with the obligation of the subdivider or developer with respect thereto, and proceedings under said ordinance shall be in accordance with Chapter 56 of Title 40 of the New Jersey Revised Statutes, except to the extent modified by the obligation of the subdivider or developer for any excess of total costs over total benefits conferred, as set forth above.
 - (e) If the governing body shall determine that the improvement or improvements are to be constructed or installed by the subdivider or developer under Subsection B(2)(b)[2] above, the Planning Board shall in like manner estimate the amount of such excess, and the subdivider or developer shall be liable to the municipality therefor, as well as for the amount of any special assessments against the subdivision property or tract for benefits conferred by the improvement or improvements. However, the subdivider or developer shall be entitled to be reimbursed by the municipality for the amount of any special assessments against property other than the subdivision property or tract for benefits conferred by the improvement or improvements, and proceedings under said ordinance shall be in accordance with Chapter 56 of Title 40 of the New Jersey Revised Statutes. However, any such assessment against the subdivision property or tract shall be marked "paid and satisfied" in consideration of the construction or installation of the improvement or improvements by the subdivider or developer.
 - (f) If the governing body shall not adopt such an ordinance or resolution with said time, the final subdivision layout or site plan shall be designed accordingly, and the Planning Board shall thereupon grant or deny final approval.
- C. In cases where the need for any off-tract improvement is necessitated by the proposed development application and where it is determined that properties outside the development will also be benefited by the improvement, the following criteria shall be utilized in determining the developer's proportionate share of such improvements.
- (1) Roadways. For street widening, alignment, channelization of intersections, construction of barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, utility improvement uncovered elsewhere, the construction or reconstruction of new or existing streets and other associated streets or traffic improvements, the applicant's proportionate cost shall be determined as follows:

- (a) The Township Engineer shall provide the applicant's engineer with the existing and anticipated peak-hour flows for the off-tract improvement.
- (b) The applicant shall furnish a plan for the proposed off-tract improvement, which shall include the estimated peak-hour traffic generated by the proposed development. The ratio of the peak-hour traffic generated by the proposed development to the future peak-hour traffic shall form the basis of the proportionate share. The prorated share shall be computed as follows:

Total cost of the roadway improvement and/or extension	=	Future peak-hour traffic
Developer's cost		Future peak-hour traffic generated by the development

- (2) Drainage improvements. For stormwater and drainage improvements, including the installation, relocation or replacement of storm drains, culverts, catch basins, manholes, riprap or improved drainage ditches and appurtenances thereto and the relocation or replacement of other storm drainage facilities or appurtenances associated therewith, the applicant's proportionate share shall be determined as follows:

- (a) The capacity and the design of the drainage system to accommodate stormwater runoff shall be based on a method described in Urban Hydrology for Small Watershed Technical Release 55, Soil Conservation Service, United States Department of Agriculture, January 1975, as amended, and shall be computed by the developer's engineer and approved by the Township Engineer.
- (b) The capacity of the enlarged, extended or improved system required for the subdivision and areas outside of the developer's tributary to the drainage system shall be determined by the developer's engineer, subject to approval of the Township Engineer. The plans for the improved system shall be prepared by the developer's engineer and the estimated cost of the enlarged system calculated by the Township Engineer. The prorated share for the proposed improvement shall be computed as follows:

Total enlargement or improvement cost of drainage facilities	=	Total tributary cubic feet per second
Developer's cost		Development cubic feet per second

- D. Escrow accounts. Where the proposed off-tract improvement is to be undertaken at some future date, the moneys required for the improvement shall be deposited to the credit of the township in a separate account until such time as the improvement is constructed. If the off-tract improvement is not begun within ten (10) years of deposit, all moneys and interest shall be returned to the applicant.
- E. Computation of pro rata share. In any case in which an applicant shall not provide the approving authority with the estimates of a traffic consultant and/or consulting engineer with regard to estimated improvement costs and all other information necessary to proportion costs, the approving authority may rely on the estimates of the Township Engineer.

§ 185-47. Historic preservation.

- A. (Reserved for Future Use.)

§ 185-48. Open Space and Park Standards.

- A. Purpose. This section establishes open space and park standards for potential park areas within the OVCC, OVC and CVC Districts. There are a total of three open space and park typologies. The provision of open space or parkland is triggered by the size of the tract. Note that only the OVCC, OVC and CVC Districts have open space and recreation requirements.
- B. Development within the OVCC, OVC and CVC District shall provide one of three types of park facilities, depending on the size of the development tract as follows:
 - (1) 3.0-4.9 acre tract shall provide a Pocket Plaza.
 - (2) 5.0-9.9 acre tract shall provide a Center Plaza.
 - (3) 10.0 acre or larger tract shall provide a Community Park.
- C. Standards for a Pocket Plaza.
 - (1) General description. A Pocket Plaza is the smallest type of open space within the Villages. Pocket Plazas are similar to Center Plazas, but are smaller in size. Pocket Plazas act as secondary focal points within the community that provide intimate spaces for seating and dining. Pocket Plazas can be created around a sculpture or planting beds. The general character of a Pocket Plaza is a hardscape surface with trees and plantings, which is defined by buildings.
 - (2) Spatial, landscape and amenity standards for a Pocket Plaza shall be as follows:

Spatial Standards	
Minimum Area	2% of lot area
Minimum Width	50'
Minimum Length	40'

Landscape Standards	
Trees*	1 per 1,250 sf of plaza ¹
Planting Bed*	150 sf per 1,250 sf of plaza
Pedestrian-Scaled Lighting	Required ²

Notes

- ¹ In either grates (min. 5' x 5') or planting beds (min. 3' wide).
- ² Must maintain an average of 0.50 foot candle illumination within plaza.
- * Irrigation required unless drought resistant species are specified.

Amenity Standards	
Benches	Required ¹
Trash Receptacles	Required
Bike Racks	-
Playground Equipment	-
Planters	Encouraged
News Stands	-
Public Art	Encouraged
Sidewalk Cafes/Dining	Encouraged
Retail Displays/Kiosks	Encouraged

Notes

- ¹ 1 seat or 24" of bench area per 200 sf of plaza.

- D. Standards for a Center Plaza.
 - (1) General description. A Center Plaza adds vitality to the streetscape and creates open spaces for civic purposes and commercial activity. They provide a gathering place for the community and should be located either the intersection of important streets or between nodes of activity. Center Plazas are primarily a hardscape surface with trees and plantings, defined by buildings and streets, and typically contain benches, outdoor dining areas and water features.

(2) Spatial, landscape and amenity standards for a Center Plaza shall be as follows:

Spatial Standards	
Minimum Area	3.5% of lot area
Minimum Width	75'
Minimum Length	100'
Landscape Standards	
Trees*	1 per 1,500 sf of plaza ¹
Planting Bed*	150 sf per 1,000 sf of plaza
Pedestrian-Scaled Lighting	Required ²
Notes	
¹ In either grates (min. 5' x 5') or planting beds (min. 3' wide).	
² Must maintain an average of 0.50 foot candle illumination within plaza.	
* Irrigation required unless drought resistant species are specified.	

Amenity Standards	
Benches	Required ¹
Trash Receptacles	Required
Bike Racks	1 per plaza
Playground Equipment	-
Planters	Required
News Stands	Encouraged
Public Art	Encouraged
Sidewalk Cafes/Dining	Encouraged
Retail Displays/Kiosks	Encouraged
Notes	
¹ 1 seat or 24" of bench area per 200 sf of plaza.	

E. Standards for a Community Park.

(1) General description. A Community Park provides active and/or passive recreation space for all age groups while simultaneously preserving open space. Play equipment, walking trails and civic structures, such as a gazebo or amphitheater should be included where appropriate. Landscaping should consist of trees, grass, shrubs and native plants.

(2) Spatial, landscape and amenity standards for a Community Park shall be as follows:

Spatial Standards	
Minimum Area	6% of lot area
Minimum Width	150'
Minimum Length	150'
Landscape Standards	
Trees	Required ¹
Plants	Low maintenance mixture ²
Pedestrian-Scaled Lighting	Required ³
Notes	
¹ For every acre, 25 shade, 15 ornamental and 5 evergreen trees shall be provided.	
² For every acre, 150 shrubs are required.	
³ 1 per 100 linear feet of pathway.	

Amenity Standards	
Benches	Required ¹
Trash Receptacles	Required
Bike Racks	Encouraged
Playground Equipment	Required ²
Planters	-
News Stands	-
Public Art	Encouraged
Sidewalk Cafes/Dining	-
Retail Displays/Kiosks	-
Gazebo/Bandstand/Etc.	Encouraged
Notes	
¹ 1 bench per 100 linear feet of pathway.	
² Shall be equipped with a minimum of swings, sliding board, jungle gym or the like.	

ARTICLE VI Pinelands Area Development Procedures and Standards

§ 185-49. Special procedures for development.

A. Applicability of procedures.

- (1) 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 chapter.
- (2) Except as provided in Subsection A(3) below, the following shall not be subject to the procedures set forth in this section:
 - (a) The improvement, expansion or reconstruction, within five (5) years of destruction or demolition, of any single-family dwelling unit or appurtenance thereto.
 - (b) The improvement, expansion, construction or reconstruction of any structure accessory to a single-family dwelling.
 - (c) The improvement, expansion, construction or reconstruction of any structure used exclusively for agricultural or horticultural purposes.
 - (d) The construction, repair or removal of any sign, except for the construction or replacement of any off-site commercial advertising sign.
 - (e) The repair of existing utility distribution lines and the installation of utility distribution lines. **[Amended 2-24-97 by Ord. No. 97-01]**
 - (f) The clearing of less than one thousand five hundred (1,500) square feet of land.
 - (g) The construction of any addition or accessory structure for any nonresidential use or any multi-family residential structure, provided that said addition or structure will be located on or below an existing impermeable surface, that the existing use is served by public sewers and that said addition or structure will cover an area of no more than one thousand (1,000) square feet.
 - (h) The demolition of any structure that is fifty (50) years old.
 - (i) 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;
 - (j) The repair or replacement of any existing on-site waste water disposal system;
 - (k) The repaving of existing paved roads, provided no increase in the paved width of said roads will occur;
 - (l) The clearing of land solely for agricultural purposes;
 - (m) Fences, provided no more than one thousand five hundred (1,500) square feet of land is to be cleared;
 - (n) Above-ground telephone equipment cabinets;
 - (o) Tree pruning;

- (p) The following forestry activities:
 - [1] Normal and customary forestry practices on residentially improved parcels of land that are five (5) acres or less in size;
 - [2] Tree harvesting, provided that no more than one (1) cord of wood per five (5) acres of land is harvested in any one (1) year and that no more than five (5) cords of wood are harvested from the entire parcel in any one (1) year;
 - [3] Tree planting, provided that the area to be planted does not exceed five (5) acres in any one (1) 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
 - [4] Forest stand improvement designated 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 (5) acres in any one (1) year;
- (q) Prescribed burning and the clearing and maintaining of fire breaks; or
- (r) Normal and customary landscape plantings, unless a landscaping plan is required pursuant to Section 165-54B(2)(c) of the Site Plan Review Chapter or Section 185-54.C. of this chapter. **[A(2)(i)—A(2)(r) added 2-24-97 by Ord. No. 97-01]**
- (3) The exceptions contained in Subsection A(2) above shall not apply to any historic resources designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154.
- (4) Nothing herein shall preclude any local or state agency from reviewing, in accordance with the provisions of any applicable ordinance or regulation, any proposed development which does not require an application to the Pinelands Commission pursuant to this section.
- B. Application requirements for minor development. Any application for approval of minor development shall include at least the following information:
 - (1) The applicant's name and address and his interest in the subject property.
 - (2) The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application.
 - (3) The legal description, including block and lot designation and street address, if any, of the subject property.
 - (4) A description of all existing uses of the subject property.
 - (5) A brief written statement generally describing the proposed development.
 - (6) A United States Geological Survey 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.
 - (7) 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:

- (a) On-site treatment facilities: the location, size, type and capacity of any proposed on-site wastewater treatment facilities.
 - (b) 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 locations with a tract map showing location, logs, elevations of all test holes, indicating where groundwater was encountered, estimating the seasonal high-water table and demonstrating that such facility is adequate to meet the water quality standards contained in Section 185-58. **[Amended 2-24-97 by Ord. No. 97-01]**
 - (8) 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.
 - (9) A soils map, including a county soils survey, which conforms to the guidelines of the United States Department of Agricultural Soil Conservation Service, showing the location of all proposed development.
 - (10) 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.
 - (11) 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.
 - (12) When prior approval for the development has been granted by an approval agency, evidence of Pinelands Commission review pursuant to Subsection E.
 - (13) In lieu of Subsections B(1) through B(12) above, the application requirements of Section 185-49.1 shall apply to applications for the development of a single family dwelling on an existing lot of record. **[Added 2-24-97 by Ord. No. 97-01]**
- C. Application requirements for other development.
- (1) All applications for major development, other than forestry and resource-extraction operations, shall be accompanied by the information required in N.J.A.C. 7:50-4.2(b)(5), as well as the following:
 - (a) 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.
 - (b) When prior approval for the development has been granted by an approval agency, evidence of Pinelands Commission review pursuant to Subsection E.
 - (2) An application for approval of forestry operations shall be subject to the application requirements set forth in Section 185-55. **[Amended 2-24-97 by Ord. No. 97-01]**
 - (3) An application for approval of resource-extraction operations shall be subject to the application requirements set forth in Section 185-64. **[Amended 2-24-97 by Ord. No. 97-01]**
- D. Notices to the Pinelands Commission.
- (1) Application submission and modifications. Written notification will be given by the township to the Pinelands Commission within seven (7) days after a determination is made by the Township that an application for development is complete or if a determination is made by the township approval agency that the application has been modified. Said notice shall contain:

- (a) The name and address of the applicant.
 - (b) The application number of the certificate of filing issued by the Pinelands Commission, and the date on which it was issued.
 - (c) The date on which the application, or any change thereto, was filed and any docket number or other identifying number assigned to the application by the approval agency.
 - (d) Any written reports or comments received by the approval agency on the application for development which have not been previously submitted to the Commission.
 - (e) 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.
 - (f) The nature of the municipal approval being sought.
- (2) 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 (5) days prior to such meeting or hearing. Such notice shall contain at least the following information:
- (a) The name and address of the applicant.
 - (b) The application number of the certificate of filing issued by the Pinelands Commission and the date on which it was issued.
 - (c) The date, time and location of the meeting, hearing or other formal proceeding.
 - (d) The name of the approval agency or representative thereof which will be conducting the meeting, hearing or other formal proceeding.
 - (e) Any written reports or comments received by the approval agency on the application for development which have not been previously submitted to the Commission.
 - (f) The purpose for which the meeting, hearing or other formal proceeding is to be held.
- (3) 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 (5) days of the approval, give notice by certified mail to the Pinelands Commission. Such notice shall contain the following information:
- (a) The name and address of the applicant.
 - (b) The legal description and street address, if any, of the property which the applicant proposed to develop.
 - (c) The application number of the certificate of filing issued by the Pinelands Commission and the date on which it was issued, if any.
 - (d) The date on which the approval agency's approval or denial was issued.
 - (e) Any written reports or comments received concerning the application for development approval not previously submitted to the Commission.
 - (f) Any revisions to the application not previously submitted to the Commission.
 - (g) A copy of the resolution, permit or other documentation of the approval or denial which was granted.
 - (h) The names and addresses of all persons who actively participated in the proceedings.

- (4) Where an appeal of a decision is made to the Board of Adjustment or governing body, the applicant shall notify the Pinelands Commission by certified mail of the decision of the Board of Adjustment or governing body within five (5) days following the decision on such an appeal. Such notification shall contain the information set forth in Subsection D(3) above.
 - (5) Except as provided in Section 185-49.1, the requirements of Subsection D. shall not apply to the issuance of a preliminary zoning permit or a refusal to issue a preliminary zoning permit for the development of a single family dwelling on an existing lot of record. **[Amended 2-24-97 by Ord. No. 97-01]**
- E. Review by the Pinelands Commission.
- (1) Upon receipt by the Pinelands Commission of a notice of approval pursuant to Subsection D(3) above, 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. 7:50-4.42. 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.
 - (2) 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.
 - (3) 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.
 - (4) Except as provided in Section 185-49.1, the requirements of Subsection E. shall not apply to the issuance of a preliminary zoning permit or a refusal to issue a preliminary zone permit for the development of a single family dwelling on an existing lot of record. **[Amended 2-24-97 by Ord. No. 97-01]**
- F. Condition on prior approvals of the township. Where a prior approval has been granted by an approval agency, no subsequent approval shall be obtained until one of the following is satisfied:
- (1) Notification is received from the Pinelands Commission that review of the prior local approval is not required.
 - (2) Review of the prior local approval has been completed pursuant to N.J.A.C. 7:50-4.37 through 7:50-4.42 and a final order regarding the approval is received by the township from the Pinelands Commission.
 - (3) Except as provided in Section 185-49.1, the requirements of Subsection F. shall not apply to the issuance of a preliminary zoning permit or a refusal to issue a preliminary zoning permit for the development of a single family dwelling on an existing lot of record. **[Amended 2-24-97 by Ord. No. 97-01]**
- G. Effect of Pinelands Commission decision on township approval.
- (1) 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.
 - (2) 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 that applicant.

- (3) Except as provided in Section 185-49.1, the requirements of Subsection G. shall not apply to the issuance of a preliminary zoning permit or a refusal to issue a preliminary zoning permit for the development of a single family dwelling on an existing lot of record. **[Amended 2-24-97 by Ord. No. 97-01]**
- H. 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.
- I. Natural Resource Committee Review. All applications for major development, forestry and resource extraction may be referred to the Natural Resource Committee for review and comment.
- J. Public development. All development proposed by the township of 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 chapter.
- K. Amendments. In amending the township's Master Plan or this chapter, the township shall comply with all of the requirements of N.J.A.C. 7:50-3.45.

§ 185-49.1. Procedures for applications for the development of a single family dwelling. [Amended 2-24-97 by Ord. No. 97-01]

- A. The Zoning Officer is hereby authorized and directed to issue preliminary zoning permits as a prerequisite to the issuance of a construction permit or other permits or approvals which are needed to develop a single family dwelling on an existing lot of record.
- B. Applications for a preliminary zoning permit.
 - (1) An application for a preliminary zoning permit shall be submitted to the Zoning Officer and shall include the following:
 - (a) The applicant's name and address and his interest in the subject property;
 - (b) The applicant's signed certification that he is duly authorized to submit the application, that the materials and information are accurate, and that duly authorized representatives of the Township of Dennis and Pinelands Commission are authorized to inspect the property;
 - (c) The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application;
 - (d) The street address, if any, the tax map sheet and block and lot number of the property;
 - (e) Proof that taxes for the property have been paid;
 - (f) Acreage of the property in square feet;
 - (g) A dated plot plan, with the scale noted, showing:
 - [1] The zoning district in which the property is located;
 - [2] The location and dimensions of all property lines, easements affecting the property and streets abutting the property;
 - [3] The location of all yards and setbacks required pursuant to Article III;
 - [4] The location and use of all existing structures and improvements on the property and their intended disposition;
 - [5] A building envelope within which the single family dwelling is to be located;
 - [6] The location and dimensions of the proposed driveway;

- [7] The location and dimensions of any proposed accessory structures or improvements;
 - [8] The location and dimensions of the area in which any sewage disposal system, including the disposal field, is proposed to be located; and
 - [9] The location of any proposed water supply well.
- (h) If development of the property is proposed in accordance with the density transfer program of Section 185-69, the street address, if any, the tax map sheet, block and lot number and acreage in square feet of the noncontiguous property.
- (2) The Zoning Officer is authorized to require such additional information as may be necessary to determine compliance with the Zoning Ordinance. Such may include, but is not limited to, a soil boring in the area of any proposed septage system disposal field, a wetland and wetland buffer map and information to determine compliance with any permitted use requirement of the Zoning Chapter.
- (3) The Zoning Officer is authorized to waive any of the aforementioned application requirements if the information is not necessary to determine compliance with the Zoning Chapter.
- (4) Within fourteen (14) days of receipt of an application, the Zoning Officer shall determine whether the application is complete and, if necessary, notify the applicant of any additional information which is necessary to complete the application.
- C. Permit decisions. Within, fourteen (14) days of determining an application to be complete, the Zoning Officer shall issue either a preliminary zoning permit or a refusal to issue a preliminary zoning permit.
- D. Preliminary zoning permit.
- (1) A preliminary zoning permit shall be issued if:
- (a) The application is consistent with the requirements of the Zoning Chapter or any necessary variance from those requirements has been obtained;
 - (b) No Waiver of Strict Compliance from the requirements of the Pinelands Comprehensive Management Plan is necessary or any such Waiver has been approved by the Pinelands Commission; and
 - (c) A duly authorized representative of the Pinelands Commission approves the Zoning Officer's determination and so signifies by signing the preliminary zoning permit.
- (2) A preliminary zoning permit shall expressly incorporate the plot plan being approved, shall specify any conditions which the Zoning Officer determines are necessary to ensure compliance with the Zoning Chapter and shall specify the expiration date of the permit.
- (3) The Zoning Officer shall provide copies of the application and the preliminary zoning permit to the Pinelands Commission within five (5) days of the issuance of the permit.
- E. Effect of preliminary zoning permit.
- (1) A preliminary zoning permit represents a determination that the application meets the requirements of the Zoning Chapter and the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1.1 et seq.
- (2) A preliminary zoning permit shall be valid for two (2) years and shall, during that period, confer the following rights and privileges:
- (a) The approved application shall not be subject to any substantive revisions of the Zoning Chapter of Dennis Township or the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1.1 et seq.

- (b) Any subsequent approvals necessary for the development of the single family dwelling on the property may be sought without the need for a certificate of filing from the Pinelands Commission.
 - (3) Any subsequent approvals to be sought, including but not limited to construction permits, shall be subject to the notice, review and decision requirements of Section 185-49, Subsections D. through G.
- F. Refusal to issue preliminary zoning permit.
- (1) The Zoning Officer shall issue a refusal to issue a preliminary zoning permit if any of the following are found to apply:
 - (a) A variance from the Zoning Chapter of Dennis Township is required;
 - (b) A variance from the Zoning Chapter of Dennis Township is not required but the Zoning Officer determines that the application does not meet any requirement of the Zoning Chapter that reflects a provision of the Pinelands Comprehensive Management Plan;
 - (c) A Waiver of Strict Compliance from the Pinelands Comprehensive Management Plan is required; or
 - (d) The duly authorized representative of the Pinelands Commission has not attested to the consistency of the application with the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1.1 et seq.
 - (2) A refusal to issue a preliminary zoning permit shall expressly reference the reasons why the refusal was issued. If the refusal is predicated solely upon the need to obtain a variance from the Zoning Chapter, the refusal shall also indicate that upon the applicant's submission of evidence of Planning Board or Board of Adjustment approval of the necessary variance, the Zoning Officer shall determine whether a preliminary zoning permit may be issued pursuant to Subsection D. above.
 - (3) When a refusal to issue a preliminary zoning permit is predicated solely upon the need to obtain a variance from the Zoning Chapter, the Zoning Officer shall provide a copy of the application and the refusal to the Pinelands Commission within five (5) days of the issuance.
 - (4) When a refusal to issue a preliminary zoning permit is predicated wholly or in part upon Subsection F(l)(b), (c) or (d) above, the Zoning Officer shall provide the original application and a copy of the refusal to the Pinelands Commission within five (5) days of the issuance. The Pinelands Commission shall thereafter process the application pursuant to the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1.1 et seq. and Section 185-49 of the Zoning Chapter of Dennis Township. In lieu of a preliminary zoning permit, a certificate of filing from the Pinelands Commission shall thereafter be required as a prerequisite to the issuance of a construction or other permit.
- G. Zoning officer vacancy. Should the position of Zoning officer become vacant for any reason, the application procedures set forth in Section 185-49.1 shall be of no force or effect and the procedures of Section 185-49 shall apply until the position has been filled.

§ 185-50. Compliance required.

No development in the Pinelands Area shall be carried out by any person unless it is in conformance with each of the standards set forth in this article.

§ 185-51. Permitted uses in wetlands.

No development in the Pinelands Area shall be permitted in a wetland or in a wetlands transition area except for the following uses:

- A. Horticulture of native Pinelands species.
- B. Berry agriculture in accordance with the requirements of Section 185-56 of this chapter.
- C. Beekeeping.
- D. Forestry in accordance with the requirements of Section 185-55 of this chapter.
- 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, provided that any development associated with those other uses does not result in a significant adverse impact on the wetland as set forth in Section 185-52 below.
- G. Private docks, piers, moorings and boat launches for the use of a landowner, provided that there is no significant adverse impact on the wetland as set forth in Section 185-52 hereof.
- 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 to all state and federal regulations.
 - (3) The development will not result in a significant adverse impact as set forth in Section 185-52 hereof.
- 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.
 - (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.

§ 185-52. Adverse impacts.

- A. No development, except for those uses which are specifically authorized in Section 185-51A through D, shall be carried out within three hundred (300) feet of any wetland unless the applicant has demonstrated that the proposed development will not result in a significant adverse impact on the wetland. **[Amended 2-24-97 by Ord. No. 97-01]**
- B. A significant adverse impact shall be deemed to exist where it is determined that one (1) or more of the following modifications of a wetland will have an irreversible effect on the ecological integrity of the wetland and its biotic components, including but not limited to threatened or endangered species of plants or animals:
 - (1) An increase in surface water runoff discharging into a wetland.

- (2) A change in the normal seasonal flow patterns in the wetland.
 - (3) An alteration in the water table in the wetland.
 - (4) An increase in erosion resulting in increased sedimentation in the wetland.
 - (5) A change in the natural chemistry of the ground- or surface water in the wetland.
 - (6) A loss of wetland habitat.
 - (7) A reduction in wetland habitat diversity.
 - (8) A change in wetland species composition.
 - (9) A significant disturbance of areas used by indigenous and migratory wildlife for breeding, nesting or feeding.
- C. Determinations under Subsection B. above shall consider the cumulative modifications of the wetland due to the development being proposed and any other existing or potential development which may affect the wetland.

§ 185-53. Development restricted.

- A. Development prohibited in the vicinity of threatened or endangered plants. No development shall be carried out by any person in the Pinelands Area unless it is designed to avoid irreversible adverse impacts on the survival of any local populations of threatened or endangered plants of the Pinelands designated in N.J.A.C. 7:50-6.27. **[Amended 2-24-97 by Ord. No. 97-01]**
- B. Protection of threatened or endangered wildlife required. 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.
- C. Protection of wildlife habitat. All development shall be carried out in the Pinelands Area in a manner which avoids disturbance to distinct 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.

§ 185-54. Clearing of vegetation; landscaping. [Amended 2-24-97 by Ord. No. 97-01]

- A. 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.
- B. 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.
- C. All applications for major development shall contain a landscaping or revegetation plan which incorporates the elements set forth in Subsection D. below.
- D. 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 C. above or required pursuant to Section 165-54B(2)(c) of the Site Plan Review Chapter 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 Land 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 play fields, golf courses and lawns associated with a residence or other principal nonresidential 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.

§ 185-55. Forestry. [Amended 2-24-97 by Ord. No. 97-01]

- A. Permit required. No forestry in the Pinelands Area of the township shall be carried out by any person unless a permit for such activity has been issued by the Township Zoning Officer. Notwithstanding this requirement, no such permits shall be required for the following forestry activities:
 - (1) Normal and customary forestry practices on residentially improved parcels of land that are five (5) acres or less in size;
 - (2) Tree harvesting provided that no more than one (1) cord of wood per five (5) acres of land is harvested in any one (1) year and that no more than five (5) cords of wood are harvested from the entire parcel in any one (1) year;
 - (3) Tree planting, provided that the area to be planted does not exceed five (5) acres in any one (1) 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;
 - (4) 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 (5) acres in any one (1) year; and
 - (5) Prescribed burning and the clearing and maintaining of fire breaks.
- B. Forestry application requirements. The information in Subsection B(1) or (2) below shall be submitted to the Township Zoning Officer prior to the issuance of any forestry permit:
 - (1) For forestry activities on a parcel of land enrolled in the New Jersey Forest Stewardship Program, a copy of the approved New Jersey Forest Stewardship Plan. This document shall serve as evidence of the completion of an application with the Pinelands Commission as well as evidence that the activities are consistent with the standards of the Comprehensive Management Plan. No certificate of filing from the Pinelands Commission shall be required.
 - (2) For all other forestry applications:
 - (a) The applicant's name and address and his interest in the subject parcel;
 - (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 description, including block and lot designation and street address, if any, of the subject parcel;

- (d) A description of all existing uses of the subject parcel;
- (e) A brief written statement generally describing the proposed forestry operation;
- (f) A USGS Quadrangle map, or copy thereof, and a copy of the municipal tax map sheet on which the boundaries of the subject parcel, the Pinelands management area designation and the municipal zoning designation are shown;
- (g) A forestry management plan that includes, as appropriate:
 - [1] A cover page for the plan containing:
 - [a] The name, mailing address and telephone number of the owner of the subject parcel;
 - [b] The municipality and county in which the subject parcel is located;
 - [c] The block and lot designation and street address, if any, of the subject parcel;
 - [d] The name and address of the forester who prepared the plan, if not prepared by the owner of the subject parcel; and
 - [e] The date the plan was prepared, subsequent revision dates and the period of time the plan is intended to cover;
 - [2] A clear and concise statement of the owner's objectives for undertaking the proposed forestry activities, including a description of the short- (five years) and long-term (20 years) objectives for all proposed silvicultural techniques that will be used to manage the parcel;
 - [3] A description of the existing conditions of the subject parcel and of each forest stand in which a proposed activity, prescription or practice will occur. These stand descriptions shall include photographs of each stand taken at eye level showing the location of all Pinelands Native Forest Types, as identified at N.J.A.C. 7:50-6.43, and shall be keyed to an activity map that shall include, as appropriate, the following information:
 - [a] The number of acres;
 - [b] The general condition and quality of each stand;
 - [c] The overall site quality, relative to the management goals and objectives identified in Subsection (2)(g)[2] above;
 - [d] An inventory and map of Pinelands Native Forest Types with Native Forest Types broken into "stands," including information on type, size and volume by species;
 - [e] The age of representative trees;
 - [f] The species composition, including overstory, understory, ground layer structure and composition;

- [g] The stand cohort composition;
 - [h] The percent cover;
 - [i] The basal area;
 - [j] The structure, including age classes, diameter breast height (DBH) classes and crown classes;
 - [k] The condition and species composition of advanced regeneration when applicable;
 - [l] A stocking table showing the stocking levels, growth rates and volume;
 - [m] Projections of intended future stand characteristics at 10-, 20-, and 40-year intervals;
 - [n] A description of the forestry activities, silvicultural prescriptions, management activities and practices proposed during the permit period and the acreage proposed for each activity. These may include, but are not necessarily limited to, a description of:
 - i. Stand improvement practices;
 - ii. Site preparation practices;
 - iii. Harvesting practices;
 - iv. Regeneration and reforestation practices;
 - v. Improvements, including road construction, stream crossings, landings, loading areas and skid trails;
 - vi. Herbicide treatments;
 - vii. Silvicultural treatment alternatives;
 - viii. If planting will occur to accomplish reforestation, the application shall include seed sources records, if such records are available;
 - ix. Implementation instructions; and
 - x. Measures that will be taken to prevent the potential spread of exotic plant species or Phragmites into wetlands; and
 - [o] A description, if appropriate, of the forest products to be harvested, including volume expressed in cords and board feet; diameter breast height (DBH) classes and average diameter; age; heights; and number of trees per acre; and
- [4] A map of the entire parcel which includes the following:
- [a] The owner's name, address and the date the map was prepared;

- [b] An arrow designating the north direction;
 - [c] A scale which is not smaller than one inch equals 2,000 feet or larger than one inch equals 400 feet;
 - [d] The location of all property lines;
 - [e] A delineation of the physical features such as roads, streams and structures;
 - [f] The identification of soil types (a separate map may be used for this purpose);
 - [g] A map inset showing the location of the parcel in relation to the local area;
 - [h] Clear location of the area and acreage in which each proposed activity, prescription or practice will occur. If shown on other than the property map, the map or maps shall note the scale, which shall not be smaller than one inch equals 2,000 feet or larger than one inch equals 400 feet, and shall be appropriately keyed to the property map; and
 - [i] A legend defining the symbols appearing on the map.
- (h) A letter from the Office of Natural Lands Management identifying any threatened or endangered plants or animals reported on or in the immediate vicinity of the parcel and a detailed description by the applicant of the measures proposed to meet the standards set forth in Sections 185-53A and 185-53B;
 - (i) A cultural resource survey documenting cultural resources on those portions of the parcel where ground disturbance due to site preparation or road construction will occur and a detailed description of the measures proposed by the applicant to treat those cultural resources in accordance with Section 185-63;
 - (j) A statement identifying the type, location and frequency of any proposed herbicide treatments and how such treatments will comply with the standards set forth in Subsection C(9)(b) below;
 - (k) A statement identifying the specific steps to be taken to ensure that trees or areas to be harvested are properly identified so as to ensure that only those trees intended for harvesting are harvested;
 - (l) Written comments from the New Jersey State Forester concerning the extent to which the proposed forestry activities are consistent with the guidelines provided in the New Jersey Forestry and Wetlands Best Management Practices Manual developed by the New Jersey Department of Environmental Protection, dated October 1995, as amended. Any such comments which indicate that the proposed activities are not consistent with said Manual must be addressed by the applicant in terms of their potential impact on the standards set forth in C. below;
 - (m) A Certificate of Filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34; and
 - (n) When prior approval for the forestry activities has been granted by the Zoning Officer or other municipal approval agency, a letter from the Pinelands Commission indicating that the prior approval has been reviewed pursuant to Section 185-49E.

- C. Forestry standards. Forestry operations shall be approved only if the applicant can demonstrate that the standards set forth below are met:
- (1) All forestry activities shall serve to maintain Pinelands native forest types, including those which are locally characteristic, except in those stands where other forest types exist;
 - (2) Any newly developed access to lands proposed for harvesting shall avoid wetland areas except as absolutely necessary to harvest wetlands species or to otherwise gain access to a harvesting site;
 - (3) The following actions shall be required to encourage the establishment, restoration or regeneration of Atlantic White Cedar in cedar and hardwood swamps:
 - (a) Clearcutting cedar and managing slash;
 - (b) Controlling competition by other plant species;
 - (c) Utilizing fencing and other retardants, where necessary, to protect cedar from overbrowsing;
 - (d) Utilizing existing streams as cutting boundaries, where practical;
 - (e) Harvesting during dry periods or when the ground is frozen; and
 - (f) Utilizing the least intrusive harvesting techniques, including the use of winches, corduroy roads and helicopters, where practical.
 - (4) All forestry activities and practices shall be designed and carried out so as to comply with the standards set forth in Sections 185-53A and 185-53B. The species accounts provided in the "Recommended Forestry Management Practices Report," Appendix I - Endangered Animals, dated March 2006, as amended and supplemented and available at the principal office of the Commission or at www.nj.gov/pinelands, may be utilized as a guide for meeting these standards;
 - (5) All forestry activities and practices shall be designed and carried out so as to comply with the standards for the land application of waste set forth in N.J.A.C. 7:50-6.79, except as expressly authorized in this section;
 - (6) All forestry activities and practices shall be designed and carried out so as to comply with the standards for the protection of historic, archaeological and cultural resources set forth in Section 185-63;
 - (7) A vegetated streamside management zone shall be maintained or established adjacent to streams, ponds, lakes and marshes, except that no streamside management zone shall be required when Atlantic White Cedar is proposed to be harvested, established, restored or regenerated. The streamside management zone shall be at least 25 feet in width. Where soils are severely erodible, slopes exceed 10 percent or streamside vegetation is not vigorous, the streamside management zone shall be increased up to a maximum of 70 feet to buffer the water body from adjacent forestry activities;
 - (8) Stream crossings, access roads, timber harvesting, skid trails, log decks, portable sawmill sites, site preparation, and reforestation shall be designed and carried out so as to:

- (a) Minimize changes to surface and ground water hydrology;
 - (b) Minimize changes to temperature and other existing surface water quality and conditions;
 - (c) Prevent unnecessary soil erosion, siltation and sedimentation; and
 - (d) Minimize unnecessary disturbances to aquatic and forest habitats.
- (9) The following standards shall apply to silvicultural practices for site preparation, either before or after harvesting:
- (a) In areas with slopes of greater than 10 percent, an undisturbed buffer strip of at least 25 feet in width shall be maintained along roads during site preparation to catch soil particles;
 - (b) Herbicide treatments shall be permitted, provided that:
 - [1] The proposed treatment is identified in the forestry application submitted to the Zoning Officer pursuant to Subsection B(2)(j) above;
 - [2] Control of competitive plant species is clearly necessary;
 - [3] Control of competitive plant species by other, non-chemical means is not practical;
 - [4] All chemicals shall be expressly labeled for forestry use and shall be used and mixed in a manner that is consistent with relevant State and Federal requirements; and
 - [5] In Pine-Shrub Oak Native Forest Types, herbicide treatments shall only be permitted as a method to temporarily suppress shrub-oak understory in order to facilitate pine regeneration. All such herbicide treatments shall be applied in a targeted manner so that there will be no significant reduction in tree or shrub-oak re-sprouting outside those areas subject to the herbicide treatment;
 - (c) Broadcast scarification and mechanical weeding shall be permitted in all Pinelands Native Forest Types;
 - (d) Disking shall be permitted, provided that:
 - [1] It shall not be permitted in Pine Plains Native Forest Types;
 - [2] Disking shall only be permitted in Pine-Shrub Oak Native Forest Types as a method to temporarily suppress shrub-oak understory in order to facilitate pine regeneration, and shall be limited as follows:
 - [a] Disking may occur one time during the first year of the establishment of a stand to assure the successful growth of pine seedlings and may be repeated one time during the second year of the growth of the stand only in areas where pine seedling establishment has not successfully occurred; and
 - [b] Only single-pass disking, which penetrates the soil no deeper than six inches, shall be permitted.

- [3] It shall not occur in wetlands, except as may be necessary to establish, restore or regenerate Atlantic White Cedar. When so used, disking shall be limited to shrub-dominated parcels and recently abandoned agricultural lands; and
 - [4] It shall follow land contours when slopes are discernible;
 - (e) Root raking shall be permitted, provided that:
 - [1] It shall not be permitted in Pine-Shrub Oak Native Forest Types or Pine Plains Native Forest Types;
 - [2] When used to establish, restore or regenerate Atlantic White Cedar, root raking shall be limited to shrub-dominated parcels and recently abandoned agricultural lands; and
 - [3] Root raking debris shall not be piled in wetlands;
 - (f) Bedding shall be permitted only in recently abandoned, cultivated wetlands where there are no established Pinelands Native Forest Types; and
 - (g) Drum chopping shall be permitted, provided that:
 - [1] It shall not be permitted in Pine Plains Native Forest Types except to create road shoulder fuelbreaks, which shall be limited to 25 feet in width, or to create scattered early successional habitats under two acres in size;
 - [2] It shall not be permitted in wetlands, except as may be necessary to establish, restore or regenerate Atlantic White Cedar. When so used, drum chopping shall be limited to shrub-dominated parcels and recently abandoned agricultural lands; and
 - [3] It shall adhere to the following procedures:
 - [a] No more than two passes shall be permitted except to create scattered early successional habitats under two acres in size;
 - [b] Drums shall remain unfilled when used during the dormant season;
 - [c] Chop up and down the slope on a parcel so the depressions made by the cleats and chopper blades run parallel to the contour of the land to help reduce the occurrence of channeled surface erosion;
 - [d] Chop so the depressions made by the cleats and chopper blades run parallel to a wetland or water body; and
 - [e] Avoid short-radius, 180-degree turns at the end of each straight pass.
- (10) The following standards shall apply to silvicultural practices for harvesting:
- (a) Clearcutting shall be permitted, provided that:
 - [1] It shall not be permitted in Pine Plains Native Forest Types;

- [2] It shall be limited to 300 acres or five percent of a parcel, whichever is greater, during any permit period;
 - [3] A 50-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any clearcut and the parcel boundaries;
 - [4] A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each 25-acre or larger clearcut from other 25-acre or larger clearcuts, coppice cuts and seed tree cuts that occur within a 15-year period. The buffer strip separating two 25-acre harvests shall be 50 feet in width and, for a larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;
 - [5] Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches diameter breast height (DBH) and six feet in height shall be left on the parcel for a minimum of five years; and
 - [6] The area of the parcel subject to the clearcut shall have contoured edges unless the boundary of the clearcut serves as a firebreak in which case straight edges may be used;
- (b) Coppicing shall be permitted in all Pinelands Native Forest Types, provided that:
- [1] It shall be limited to 500 acres in size or 10 percent of a parcel, whichever is greater, during any permit period;
 - [2] A 50-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any coppice cut and the parcel boundaries;
 - [3] A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each 25-acre or larger coppice cut from other 25-acre or larger clearcuts, coppice cuts and seed tree cuts that occur within a 15-year period. The buffer strip separating two 25-acre harvests shall be 50 feet in width and, for a larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;
 - [4] Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches DBH and six feet in height shall be left on the parcel for a minimum of five years; and
 - [5] The area of the parcel subject to the coppice cut shall have contoured edges unless the boundary of the coppice cut serves as a firebreak in which case straight edges may be used;
- (c) Seed tree cutting shall be permitted in all Pinelands Native Forest Types, provided that:
- [1] It shall be limited to 500 acres in size or 10 percent of a parcel, whichever is greater, during any permit period;
 - [2] A 50-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any seed tree cut and the parcel boundaries;

- [3] A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each 25-acre or larger seed tree cut from other 25-acre or larger clearcuts, coppice cuts and seed tree cuts that occur within a 15-year period. The buffer strip separating two 25-acre harvests shall be 50 feet in width and, for a larger harvest, shall increase in width by one foot for each acre of that harvest above 25, to a maximum of 300 feet in width;
 - [4] Where present on a parcel, a minimum of 18 dead snags per acre of at least 10 inches DBH and six feet in height shall be left on the parcel for a minimum of five years;
 - [5] The area of the parcel subject to the seed tree cut shall have contoured edges unless the boundary of the seed tree cut serves as a firebreak in which case straight edges may be used;
 - [6] Dominant residual seed trees shall be retained at a distribution of at least seven trees per acre; and
 - [7] Residual seed trees shall be distributed evenly throughout the parcel; and
- (d) Shelterwood cutting, group selection and individual selection shall be permitted in all Pinelands Native Forest Types.
- (11) The following standards shall apply to silvicultural practices for forest regeneration:
- (a) Natural regeneration shall be permitted in all Pinelands Native Forest Types and shall be required in the Pine Plains Native Forest Type, except as provided in Subsection (11)(b) below; and
 - (b) Artificial regeneration shall be permitted in all Pinelands Native Forest Types provided that:
 - [1] The use of non-native cuttings, seedlings or seeds shall not be permitted;
 - [2] The use of hybrid cuttings, seedlings or seeds shall be permitted if it can be demonstrated that the cutting is from a locally native, naturally occurring hybrid which will be planted within its natural range and habitat;
 - [3] Cuttings, seedlings or seeds shall be collected and utilized so as to ensure genetic diversity; and
 - [4] When used in Pine Plains Native Forest Types, artificial regeneration shall only be permitted to restore drastically disturbed sites if seeds or seedlings from the immediate vicinity have been collected from local, genetically similar sources.
- (12) Following site preparation and harvesting activities, slash shall either be retained in piles on the parcel, distributed throughout the parcel, removed from the parcel or burned.
- (13) Thinning shall be permitted in all Pinelands Native Forest Types, including that which serves to maintain an understory of native plants and/or manage stand composition, density, growth and spatial heterogeneity.

- (14) A copy of the approved municipal forestry permit shall be conspicuously posted on the parcel which is the site of the forestry activity.

D. Forestry permit procedures.

- (1) Applications for forestry permits shall be submitted to the Zoning Officer and shall be accompanied by an application fee of twenty-five dollars (\$25.).
 - (2) Within fourteen (14) days of receipt of an application, the Zoning Officer shall determine whether the application is complete and, if necessary, notify the applicant in writing of any additional information which is necessary to complete the application. Should the Zoning Officer fail to make such a determination within fourteen (14) days, the application shall be considered to be complete as of the fifteenth (15th) day following its submission.
 - (3) Within forty-five (45) days of determining an application to be complete pursuant to Subsection D(2) above, or within such further time as may be consented to by the applicant, the Zoning Officer shall issue a forestry permit if the activities proposed in the application comply with the standards in Subsection C. above or disapprove any application which does not meet the requirements of Subsection C. above. Any such notice of disapproval shall specifically set forth the deficiencies of the application.
 - (4) Upon receipt of a notice of disapproval pursuant to Subsection D(3) above, the applicant shall have thirty (30) days in which to correct the deficiencies and submit any necessary revisions to the application to the Zoning Officer for review. The Zoning Officer shall review the revised application to verify conformity with the standards in Subsection C. above and shall, within fourteen (14) days of receipt of the revised application, issue a forestry permit or disapprove the application pursuant to Subsection D(3) above.
 - (5) Failure of the Zoning Officer to act within the time period prescribed in Subsection D(3) and D(4) above shall constitute approval of the forestry application as submitted. At the request of the applicant, a certificate as to the failure of the Zoning Officer to act shall be issued by the municipality and it shall be sufficient in lieu of the written endorsement or other evidence of municipal approval required herein.
 - (6) In reviewing and issuing permits for forestry applications, the Zoning Officer shall also comply with the Pinelands Area notice and review procedures set forth in Sections 185-49D. through 185-49G.
 - (7) Forestry permits shall be valid for a period of ten (10) years. Nothing in this section shall be construed to prohibit any person from securing additional permits, provided that the requirements of this chapter and the Pinelands Comprehensive Management Plan are met.
- E. Administrative fees. Upon the issuance of a forestry permit pursuant to Subsection D(3) above, the applicant shall be required to pay of a sum of two hundred fifty dollars (\$250.) which shall serve as reimbursement for any administrative costs incurred by the municipality during the ten (10) year permit period. The applicant shall not be subject to any additional fees or escrow requirements for the duration of the forestry permit.
- F. Notification of harvesting. No harvesting shall be commenced until the applicant has provided the Zoning Officer with seventy-two (72) hours written notice of the intention to begin harvesting operations.

§ 185-56. Agricultural and fish and wildlife management activities.

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.

§ 185-57. Waste management. [Amended 2-24-97 by Ord. No. 97-01]

- A. No hazardous or toxic substances, including hazardous waters, 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.

§ 185-58. Water quality and treatment.

A. General.

- (1) All development shall be designed and carried out so that the quality of surface and ground water will be protected and maintained. Agricultural use shall not be considered development for purposes of this section.
- (2) Except as specifically authorized in this section, no development which degrades surface or ground water quality or which establishes new point sources of pollution shall be permitted.
- (3) No development shall be permitted which does not meet the minimum water quality and potable water standards of the State of New Jersey or the United States.

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 nonpoint sources, except those specifically regulated in subsections B(2) through B(6) below, provided that: **[Amended 2-24-97 by Ord. No. 97-01]**
 - (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 (2) parts per million nitrate/nitrogen. **[Amended 2-24-97 by Ord. No. 97-01]**
 - (c) All public wastewater treatment facilities are designed to accept and treat septage.
 - (d) All storage facilities, including ponds or lagoons, are lined to prevent leakage into groundwater.
- (2) The development of new wastewater treatment facilities which are designed to improve the level of nitrate/nitrogen attenuation of more than one (1) existing on-site wastewater treatment system may be exempted from the standards of Subsection B(1)(b) above, 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) above cannot be achieved due to limiting site conditions or that the costs to comply with the standard will result in excessive user fees. **[Amended 2-24-97 by Ord. No. 97-01]**
 - (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 existing from

the parcel or entering a surface body of water exceed five (5) parts per million nitrate/nitrogen.
[Amended 2-24-97 by Ord. No. 97-01]

- (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) above.
 - (b) There is no increase in the existing approved capacity of the facility.
 - (c) All discharged from the facility into surface waters are such that the nitrate/nitrogen levels of the surface waters at the discharge point do not exceed two (2) parts per million. In the event that nitrate/nitrogen levels in the surface waters immediately upstream of the discharge point exceed two (2) parts per million, the discharge shall not exceed two (2) parts per million nitrate/nitrogen.
- (4) **[Amended 2-24-97 by Ord. No. 97-01]** Individual on-site septic wastewater treatment systems which are not intended to reduce the level of nitrate/nitrogen in the waste water, provided that:
 - (a) The proposed development to be served by the system is otherwise permitted pursuant to the provisions of this chapter;
 - (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 (2) parts per million nitrate/nitrogen, calculated pursuant to the Pinelands dilution model dated December, 1993, as amended, subject to the provisions of Subsection B(5)(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 pursuant to Section 185-69 or N.J.A.C. 7:50-5.47;
 - (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 purposes, except for the development of an individual single family dwelling on a lot 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 (5) 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 N.J.A.C. 7:50-6.85;
 - (g) The technology has been approved for use 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 number of employees may not be utilized in calculating flow values for office users. 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 N.J.A.C. 7:14A-23.3(a), the flow value specified in N.J.A.C. 7:14A-23.3(a) shall be used in calculating flow.
- (5) **[Amended 2-24-97 by Ord. No. 97-01]** Individual on-site septic wastewater treatment systems which are intended to reduce the level of nitrate/nitrogen in the waste water, provided that:
 - (a) The standards set forth in Subsections B(4)(a) and B(4)(c) through B(4)(h) above are met;

- (b) If the proposed development is nonresidential, it is located in the PVR Zone; and
 - (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 ground water exiting from the entire contiguous parcel or entering a surface body of water will not exceed two (2) parts per million nitrate/nitrogen, calculated pursuant to the Pinelands dilution model dated December, 1993, as amended, subject to the provisions of Subsection B(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 lands that have been deed restricted pursuant to Section 185-69 or N.J.A.C. 7:50-5.47.
- (6) **[Added 2-24-97 by Ord. No. 97-01]** Surface water runoff, provided that:
- (a) The total runoff generated from any net increase in impervious surfaces by a ten (10) year storm of a twenty-four (24) 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 (2) year, ten (10) year and one hundred (100) year storm, each of a twenty-four (24) 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 (2) 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 ground water quality; and
 - (f) A four (4) 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) **[Added 12-9-2002 by Ord. No. 2002-07]** 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 paragraph;
 - (b) The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems are 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 (7)(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 pursuant to Section 61 or N.J.A.C. 7:50-5.47;

- (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 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 (5) 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 (5) 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 (1) 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 (5) year warranty and a minimum five (5) year maintenance contract consistent with those approved pursuant to N.J.A.C. 7:50-10.22(a)2v 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 (7)(i) above, 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, 2007.

C. Individual wastewater treatment facility and petroleum tank maintenance.

- (1) The owner of every on-site septic wastewater treatment facility in the Pinelands Area shall, as soon as a 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:
 - (a) Have the facility inspected by a technician at least once every three (3) years.

- (b) Have the facility cleaned at least once every three (3) years.
 - (c) Once every three (3) years, submit to the Local Board of Health a sworn statement that the facility has been inspected, cleaned and is functional, and setting forth the name of the person who performed the inspection and cleaning and the date of such inspection.
- (2) The owners of commercial petroleum storage tanks shall comply with the requirements of Chapter 102 of the Laws of 1986.

§ 185-59. Prohibited substances; storage of chemicals; use of herbicides.

- A. Use of the following substances is prohibited in the Pinelands Area to the extent that such use will result in direct or indirect introduction of such substances to any surface, or ground- or surface water to any land:
 - (1) Septic tank cleaners, except biodegradable products.
 - (2) Waste oil.
- B. 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.
- C. No person shall apply any herbicide to any road or public utility right-of-way within the Pinelands Area unless necessary to protect an adjacent agricultural activity.
- D. Water shall not be exported from the Pinelands except as otherwise provided in N.J.S.A. 58:1A-7.1.

§ 185-60. Scenic corridors; screening; location of utilities.

- A. Setbacks and screening requirements for scenic corridors. No development shall be located within two hundred (200) feet of the center line of a public paved road in the PR, PF8 and PF25 Districts unless environmental or other physical considerations make it impractical to do so; provided, however, that the development shall be set back as close to two hundred (200) feet as practicable and the site shall be landscaped so as to provide screening from the corridor, except in a cleared agricultural area. These requirements shall not apply to residential cluster developments in the PR, PF8 and PF25 Districts which comply with the standards of §185-70.1. **[Amended 2-24-97 by Ord. No. 97-01]**
- B. Notwithstanding the provisions of Subsection A. above, all structures within one thousand (1,000) feet of the center line of West Creek within the Pinelands Area shall be designed to avoid visual impacts as viewed from the river.
- C. Screening and storage of motor vehicles. Within the Pinelands Area, no person shall store more than ten (10) automobiles, trucks or other motor vehicles, whether or not they are in operating condition, on any lot, unless such motor vehicles are adequately screened from adjacent residential uses and scenic corridors with a six (6) foot high solid fence. All vehicles not in operating condition shall be stored only if the gasoline tanks of such vehicles are drained. These provisions shall not apply to vehicles which are in operating condition and which are maintained for agricultural purposes, nor for service stations which are proposed for use pursuant to Section 185-73 of this chapter.
- D. Location of utilities.
 - (1) New utility distribution lines and telephone lines to locations not served by such utilities as of the date of this chapter shall be placed underground, except for those lines which are located on or immediately adjacent to active agricultural operations.
 - (2) All electric transmission lines shall be located on existing towers or underground to the maximum extent practical.

- (3) Above-ground generating facilities, switching complexes, pumping stations and substations shall be screened in accordance with the vegetation requirements of Section 185-54.

§ 185-61. Fire management.

No development shall be carried out in the Pinelands Area in vegetated areas which are classified as moderate, high or extreme hazard as defined in Section 185-7 of this chapter, unless such development complies with the following standards:

- A. All dead-end roads will terminate in an area adequate to provide ingress and egress for fire-fighting 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 is provided around structures proposed for human use by the selective removal or thinning of trees, bushes, shrubs and ground cover 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 ground cover are to be selectively removed, mowed or pruned on an annual basis.
 - (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 ground cover are to be selectively removed, mowed or pruned 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 on an annual basis.
 - (b) No pine tree (*Pinus* species) is closer than twenty-five (25) feet to another pine tree.
 - (c) All dead plant material is removed.
- D. All structures will 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 material or materials treated with fire-retardant chemicals.
 - (3) Chimneys and stovepipes which are designed to burn solid or liquid fuels shall be equipped with screens over the outlets.
 - (4) Flat roofs are prohibited in areas where vegetation is higher than the roof.

§ 185-62. Recreation.

All recreation areas and facilities in the Pinelands Area shall be designed in accordance with the New Jersey Department of Environmental Protection's publication Administration Guidelines: Barrier Free Design Standard for Parks and Recreation Facilities.

§ 185-63. Historic, archaeological and cultural resources.

- 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(4) below.
- B. Authority to issue certificates of appropriateness.
 - (1) The Planning Board shall issue all certificates of appropriateness except as specified in Subsection B(2) below.
 - (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.
 - (2) Development not otherwise exempted from review pursuant to Section 185-49A of this chapter where a significant resource has been identified pursuant to Subsection E. below. **[Amended 2-24-97 by Ord. No. 97-01]**
- D. Applications for certificates of appropriateness shall include the information specified in N.J.A.C. 7:50-6.156(b).
- E. Cultural resource survey.
 - (1) A cultural resource survey shall accompany all applications for development in a Pinelands Village 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, available at the principal offices of the Pinelands Commission. **[Amended 2-24-97 by Ord. No. 97-01]**
 - (2) In general, the survey shall include:
 - (a) 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 project's potential environmental impacts.
 - (b) A thorough search of state, local and any other pertinent inventories to identify sites of potential significance.
 - (c) A review of the literature and consultation with professional and avocational archaeologists knowledgeable about the area.
 - (d) A thorough pedestrian survey and archaeological testing as necessary to provide reasonable evidence of the presence or absence of historic resources of significance.
 - (e) A list of personnel involved and qualifications of the person(s) involved and qualifications of the person(s) performing the survey.
 - (3) 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(4) below.
- (4) 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 (1) 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.
 - (b) 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.
 - (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.
 - (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) below.
 - (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 (2) years. If the resource is not designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154 or by the Township Committee pursuant to N.J.S.A. 40:55D-1 et seq. within that two (2) 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. **[Amended 2-24-97 by Ord. No. 97-01]**
- 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.
 - (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 CFR 66).

§ 185-64. Resource extraction.

- A. Except as otherwise authorized in this chapter, the extraction or mining of mineral resources other than sand, gravel, clay and ilmenite is prohibited.
- B. No resource extraction in the Pinelands shall be carried out by any person unless an application has been filed with and approved by the Planning Board. Said application shall contain the following information:
 - (1) The applicant's name and address, and his interest in the subject property.
 - (2) The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application.
 - (3) The legal description, including block and lot designation and street address, if any, of the subject property.
 - (4) A description of all existing uses of the subject property.
 - (5) A brief written statement generally describing the proposed development.
 - (6) A United States Geological Survey Quadrangle Map, or a 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 zoning designation are shown.
 - (7) A topographic map at a scale of one (1) inch equals two hundred (200) feet, showing the proposed dimensions, location and operations on the subject property.
 - (8) The location, size and intended use of all buildings.
 - (9) The location of all points of ingress and egress.
 - (10) A location map, including the area extending at least three hundred (300) feet beyond each boundary of the subject property, showing all streams, wetlands and significant vegetation, forest associations and wildlife habitats.
 - (11) The location of all existing and proposed streets and rights-of-way, including railroad rights-of-way.
 - (12) A soils map.
 - (13) A reclamation plan which includes:
 - (a) The method of stockpiling topsoil and overburden.
 - (b) Proposed grading and final elevations.
 - (c) Topsoil material application and preparation.
 - (d) The type, quantity and age of vegetation to be used.
 - (e) Fertilizer application, including method and rates.
 - (f) The planting method and schedules.
 - (g) A maintenance requirements schedule.
 - (14) A signed acknowledgement from both the owner and the applicant that they are responsible for any resource-extraction activities which are contrary to any provisions of this chapter or of the approved resource extraction plan done by any agent, employee, contractor, subcontractor or any other person authorized to be on the parcel by either the owner or the applicant.

- (15) A performance guaranty in accord with the requirements of the Subdivision Ordinance, guaranteeing performance of the requirements of Subsection D. below. The financial surety shall be equal to the cost of restoration of the area to be excavated during the two (2) year duration of any approval which is granted. The financial surety, which shall name the Commission and the Township of Dennis as the obligee, shall be posted by the property owner or his agent with the Township of Dennis.
 - (16) 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.
 - (17) When prior approval for the development has been granted by an approval agency, evidence of Pinelands Commission review pursuant to Section 185-49.
- C. Time limit on Board approval. Board approvals authorizing resource extraction shall be effective for a period of two (2) years. Additional approvals shall be considered by the Board only if the requirements of this section have been met.
- D. Resource extraction standards. Resource-extraction activities shall:
- (1) Be designed so that no area of excavation, sedimentation pond, storage area equipment or machinery or other structure or facility is closer than:
 - (a) Two hundred (200) feet to any property line.
 - (b) Five hundred (500) feet to any residential or non-resource-extraction-related commercial use which is in existence on the date the permit is issued.
 - (2) Be located on a parcel of land of at least twenty (20) acres.
 - (3) Provide that all topsoil that is necessary for restoration will be stored on the site, and will be protected from wind or water erosion.
 - (4) Be fenced or blocked so as to prevent unauthorized entry into the resource extraction operation through access roads.
 - (5) Provide ingress and egress to the resource extraction operation from public roads by way of gravel or porous paved roadways.
 - (6) Be designed so that the surface runoff will be maintained on the parcel in a manner that will provide for on-site recharge to groundwater.
 - (7) Not involve excavation below the seasonal high- water table, unless the excavation will serve as a recreational or wildlife resource or a water reservoir for public, agricultural or industrial uses or for any other use authorized in the zoning district in which the site is located, provided that in no case shall excavation have a depth exceeding sixty-five (65) feet below the natural surface of the ground existing prior to excavation, unless it can be demonstrated that a depth greater than sixty-five (65) feet will result in no significant adverse impact relative to the proposed final use or on off-site areas.
 - (8) Be carried out in accordance with an extraction schedule which depicts the anticipated sequence, as well as the anticipated length of time, that each of the twenty (20) acre units of the parcel proposed for extraction will be worked. This shall not preclude more than one twenty (20) acre unit from being worked at any one time, provided that there is a demonstrated need for additional units, restoration is proceeding on previously mined units and the area of clearing does not exceed that specified in Subsection D(9) below. **[Amended 2-24-97 by Ord. No. 97-01]**
 - (9) Not involve clearing adjacent to ponds in excess of twenty (20) acres or an area necessary to complete scheduled operations or will not involve unreclaimed clearing exceeding one hundred (100) acres or fifty percent (50%) of the area to be mined, whichever is less, for surface excavation at any time.

- (10) Involve restoration of disturbed areas at the completion of the resource-extraction operation in accordance with the following requirements:
- (a) Restoration shall be a continuous process, and each portion of the parcel shall be restored such that the ground cover is established within two (2) years and tree cover established within three (3) years after resource extraction is completed for each portion of the site mined.
 - (b) Restoration shall proceed in the same sequence and time frame set out in the extraction schedule required in the application.
 - (c) All restored areas shall be graded so as to conform to the natural contours of the parcel to the maximum extent practical. Grading techniques that help to control erosion and foster revegetation shall be utilized. The slope of surface of restored surfaces shall not exceed one (1) foot vertical to three (3) feet horizontal, except as provided in Subsection D(10)(f) of this section. **[Amended 2-24-97 by Ord. No. 97-01]**
 - (d) Topsoil shall be restored in approximately the same quality and quantity as existed at the time the resource-extraction operation was initiated. All topsoil removed shall be stockpiled and used for the next area to be restored, unless it is immediately reused for reclamation that is currently underway. **[Amended 2-24-97 by Ord. No. 97-01]**
 - (e) Drainage flows, including direction and volume, shall be restored to the maximum extent practical to those flows existing at the time the resource-extraction operation was initiated.
 - (f) Any body of water created by the resource extraction operation shall have a graded shoreline with a slope not less than three (3) feet above and three (3) feet below the projected average water table elevation. The shoreline both above and below the surface water elevation shall have a slope of not less than five (5) feet horizontal to one (1) feet vertical. This requirement shall apply to any water body or portion of a water body created after December 5, 1994. For any water body or portion of a water body created prior to December 5, 1994, this requirement shall apply to the extent that it does not require grading of areas which have not been disturbed by mining activities. Where grading would require such disturbance, a reduction in the distance of the graded shoreline above and below the average water table elevation shall be permitted. **[Amended 2-24-97 by Ord. No. 97-01]**
 - (g) All equipment, machinery and structures, except for structures that are usable for recreational purposes or any other use authorized in the area, shall be removed within six (6) months after the resource-extraction operation is terminated and restoration is completed.
 - (h) **[Amended 2-24-97 by Ord. No. 97-01]** Reclamation shall, to the maximum extent practical, result in the re-establishment of the vegetation association which existed prior to the extraction activity and shall include:
 - [1] Stabilization of exposed areas by establishing ground cover vegetation; and
 - [2] Re-establishment of the composition of the natural forest and shrub types that existed prior to the extraction activity through one of the following:
 - [a] The planting of a minimum of one thousand (1,000) one-year-old pitch pine seedlings or other native Pinelands tree species per acre in a random pattern;
 - [b] Cluster plating of characteristic Pinelands oak species, such as blackjack oak, bear oak, chestnut oak and black oak, and shrubs such as black huckleberry, sheep laurel and mountain laurel, at a spacing sufficient to ensure establishment of these species;
 - [c] A combination of the planting techniques set forth in paragraphs [a] and [b] above; or

- [d] The use of other planting techniques or native Pinelands species as may be necessary to restore the vegetation association which existed prior to the extraction activity.
- (i) Slopes beyond a water body's shoreline shall be permitted at the natural angle of repose to the bottom of the pond. **[Amended 2-24-97 by Ord. No. 97-01]**
- (11) Not result in a substantial adverse impact upon those significant resources depicted on the Special Areas Map appearing as Figure 7.1 in the Pinelands Comprehensive Management Plan.
- E. The letter of credit, surety bond or other guaranty of performance which secures restoration of each section shall be released after the Township of Dennis has determined that the requirements of Subsection D(1) through D(11) above are being met and the guaranty of performance is replaced with a maintenance guaranty for a period of two (2) years thereafter.

§ 185-65. 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. **[Amended 2-24-97 by Ord. No. 97-01]**
- 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 the PF8, PF25, PR or PV Districts 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.

§ 185-66. Pinelands development credits.

- A. Pinelands Development Credits may be allocated to certain properties in the township by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.61 et seq.
- B. Pinelands Development Credits may be used in the township in the following circumstances:
 - (1) When a variance for cultural housing is granted by the township.
 - (2) When a variance of density or lot area requirements for a residential or principal nonresidential use in the PV District is granted by the township, for all dwelling units or lots in excess of that otherwise permitted without the variance. **[Amended 2-24-97 by Ord. No. 97-01]**
 - (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.
- C. The requirements of N.J.A.C. 7:50-5.41 et seq. shall apply when Pinelands Development Credits are either allocated or used in the township. **[Amended 2-24-97 by Ord. No. 97-01]**

§ 185-67. Cultural housing. [Amended 2-24-97 by Ord. No. 97-01]

Residential dwellings on lots of three and two-tenths (3.2) acres may be permitted in the PF8, PF25 and PR Districts, provided that:

- A. The dwelling unit will be the 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 (5) 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 (5) years and that person or one (1) or more members of that person's immediate family has resided in the Pinelands for a total of at least twenty (20) different years, applicant's principal place of residence.

§ 185-68. Residential dwelling units.

Residential dwelling units on lots of one and zero-tenths (1.0) acre may be permitted in the PF8, PF25 and PR Districts, provided that:

- A. The applicant satisfies all of the requirements set forth above in Section 185-67.
- B. The lot to be developed existed as of February 8, 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 14, 1981.
- C. The applicant qualifies for and receives from the township a variance from the three and two-tenths (3.2) acre lot size requirement set forth in Section 185-67 above. **[Amended 2-24-97 by Ord. No. 97-01]**
- D. The applicant purchases and redeems twenty-five hundredths (0.25) Pinelands Development Credits.

§ 185-69. Density transfer program.

Single-family dwellings on lots of one and zero-tenths (1.0) acre existing as of January 14, 1981, shall be permitted in the PF8, PF25 and PR Zones, 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 the following:
 - (1) Five and zero-tenths (5.0) acres if development is proposed in the PR Zone.
 - (2) Twenty-five and zero-tenths (25.0) acres if development is proposed in the PF25 Zone.
 - (3) Eight and zero-tenths (8.0) acres if development is proposed in the PF8 Zone and all acquired noncontiguous lands are also located in the PF8 Zone.
 - (4) Twenty-three and zero-tenths (23.0) acres if development is proposed in the PF8 Zone and all acquired noncontiguous lands are located in the PF25 Zone.
- B. If development is proposed in the PR Zone, all lands acquired pursuant to Subsection A. above, which may or may not be developable, are located within the PR Zone.
- C. If development is proposed in the PF8 Zone, all lands acquired pursuant to Subsection A. above, which may or may not be developable, are located in either the PF8 or PF25 Zones.
- D. If development is proposed in the PF25 Zone, all lands acquired pursuant to Subsection A. above, which may or may not be developable, are located in the PF25 zone.
- E. All noncontiguous lands acquired pursuant to Subsections A. through D. above shall be permanently protected through recordation of a deed 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:
 - [1] 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 50 percent;
 - [2] 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;
 - [3] For those agricultural uses established after April 6, 2009 which do not meet the standards of Subsection (b)[2] 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
 - [4] The deed of restriction to be recorded pursuant to Subsection (b)[1] or [2] 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 Cape May 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 noncontiguous lands are combined and assigned to the land to be developed.
 - G. The lot proposed for development otherwise meets the minimum standards of Section 185-50 et seq. of this chapter.

§ 185-70. Public purpose uses.

All public purpose uses within the Pinelands Area shall conform to the provisions of this chapter, except those of Articles VI and XI, and N.J.A.C. 7:50-4.41 et seq.

§ 185-70.1 Residential Cluster Development in the PR, PF8 and PF25 Districts.

A. In the PR, PF8 and PF25 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:

(1) Permitted density:

- (a) In the PR Zone: one unit per 5 acres.
- (b) In the PF8 Zone: one unit per 8 acres.
- (c) In the PF25 Zone: one unit per 25 acres.

(2) 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(1) above, with a bonus applied as follows:

Parcel Size	PR and PF8 Zones	PF25 Zone
<50 acres	0	0
50-99.99 acres	15%	25%
100-149.99 acres	20%	30%
≥150 acres	25%	40%

(3) The residential cluster shall be located on the parcel such that the development area:

- (a) Is located proximate to existing roads;
- (b) Is located proximate to existing developed sites on adjacent or nearby parcels;
- (c) Is or will be appropriately buffered from adjoining or nearby non-residential land uses;
and
- (d) Conforms with the minimum environmental standards of N.J.A.C. 7:50-6.

(4) Development within the residential cluster shall be designed as follows:

- (a) 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;

- (b) The minimum lot and building requirements specified in Sections 185-27E and 28E for residential cluster development shall apply;
 - (c) 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 §185-58 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 (5)(b)[2] below, individual on-site septic wastewater treatment systems shall comply with the standards of §185-58. Community on-site waste water treatment systems serving two or more residential dwelling units which meet the standards of §185-58 shall also be permitted;
 - (d) 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
 - (e) 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 25 residential lots, whichever is greater.
- (5) The balance of the parcel located outside of the residential cluster development shall be owned and managed by a duly constituted homeowners' association in accordance with Section 185-73D(23)(b)[8], a non-profit conservation organization, Dennis Township or incorporated as part of one of the lots within the cluster development area.
- (a) All such land shall be permanently protected through recordation of a deed of conservation restriction. Such restriction shall be in favor of Dennis Township or another public agency or non-profit organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission; and
 - (b) The deed of restriction shall permit the parcel to be managed for:
 - [1] 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 Chapter 185; and

[2] Where agricultural use exists on a parcel proposed for cluster development, the following standards shall apply:

- [a] 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 50 percent;
- [b] 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;
- [c] For those agricultural uses established after April 6, 2009 which do not meet the standards of Subsection (b)[2][b] above, the deed of restriction shall permit the land to be managed only in accordance with (b)[1] above and shall not provide for continuation of any agricultural use on the parcel;
- [d] The deed of restriction to be recorded pursuant to Subsections (b)[2][a] or [b] 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 Cape May County or the State Agricultural Development Committee, evidence of their approval shall also be provided; and
- [e] For parcels which meet the standards of Subsections (b)[2][a] or [b] 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.

ARTICLE VII Exceptions and Modifications

§ 185-71. Area requirements.

Except as provided in Section 185-37 of this chapter, whenever title to two (2) or more contiguous lots is held by the same owner, regardless of whether or not each of said lots may have been approved as portions of a subdivision or acquired by separate conveyance or by other operation of law, and one (1) or more of said individual lots should, by reason of exceptional shallowness, topographic conditions, substandard area or yard space or similar measurement, not conform to the minimum lot area and dimensional requirements for the zone in which it is located, the contiguous lots of said owner shall be considered as a single lot, and the provisions of this chapter shall hold.

§ 185-72. Height limits.

Except for detached dwellings as permitted in this chapter, penthouses or roof structures for the housing of stairways, tanks, ventilation; fans, air-conditioning equipment or similar equipment required to operate and maintain the building, skylights, spires, cupolas, flagpoles, chimneys or similar structures may be erected above the height limits prescribed by this chapter, but in no case more than twenty-five percent (25%) more than the maximum height permitted for the use in the district, except that farm silos shall have no height restrictions. In the Pinelands Area, the height limits prescribed by this chapter shall not apply to 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. **[Amended 2-24-97 by Ord. No. 97-01]** All accessory uses are limited a maximum height of fifteen (15) feet.

§ 185-73. Conditional uses.

- A. Before a building permit or certificate of occupancy shall be issued for any conditional use as permitted by this chapter, application shall be made to the Planning Board. The Planning Board shall grant or deny said application within ninety-five (95) days of submission of a complete application by a developer to the Zoning Officer or within such further time as may be consented to by the applicant.
- B. The review by the Planning Board of a conditional use shall include any required site plan review pursuant to Article VI of this chapter. Public notice and a hearing shall be required as stipulated in the site plan ordinance.
- C. In all requests for approval of conditional uses, the burden of proof shall be on the applicant. The Planning Board shall give due consideration to all reasonable elements which could affect the public health, welfare, safety, comfort, and convenience, such as but not limited to the proposed use(s), the character of the area, vehicular travel patterns and access, pedestrian ways, landscaping, lighting, signs, drainage, sewage treatment, potable water supply, utilities and building and structure location(s) and orientation(s).
- D. Special requirements.
 - (1) Car washes, as accessories to service stations.
 - (a) All activities must be conducted within a totally enclosed building.
 - (b) Drainage from inside the building(s) shall feed into a sanitary sewer system. No dry well or septic tank will be permitted in connection with this use.

- (c) All of the area, yard, building coverage and height requirements of the respective zone and other applicable requirements of this chapter must be met.
 - (d) All water must be recycled.
 - (e) Car washes as accessory uses to service stations are limited to one bay.
- (2) Hotels and motels.
- (a) Hotels only are permitted as a conditional use in the OVCC, OVC and CVC District.
 - (b) Any hotel or motel that may be constructed on a lot or parcel of land must contain a minimum of at least twenty-five (25) units of accommodation, exclusive of a permanent, on-site superintendent's living quarters. The minimum number of units of accommodation in any single building shall be ten (10).
 - (c) Each unit of accommodation shall contain a minimum floor area of two hundred fifty (250) square feet. Ceilings shall be a minimum of eight (8) feet in height.
 - (d) Each unit of accommodation shall include a minimum of two (2) rooms, a bedroom and a separate bathroom.
 - (e) There shall be a residency limitation on all guests of thirty (30) days maximum. The foregoing residency limitation shall not apply to an employee living on the premises.
 - (f) All of the area, yard, building coverage and height requirements of the respective zone and other applicable requirements of this chapter must be met.
- (3) Public utility uses.
- (a) For purposes of this chapter, the term "public utility uses" shall include such uses as telephone dial equipment centers, power substations and other public utility services.
 - (b) The proposed installation in a specific location must be reasonably necessary for the satisfactory provision of service by the utility to the neighborhood or area in which the particular use is to be located.
 - (c) The design of any building in connection with such facilities must conform to the general character of the area and not adversely affect the safe, comfortable enjoyment or property rights in the zone in which it is located.
 - (d) Adequate fences and other safety devices must be provided as may be required. Fences, when used to enclose public utility facilities such as electrical power substations, shall be built in accordance with the applicable requirements of the New Jersey Board of Public Utility Commissioners and the National Electrical Safety Code in effect at the time of construction.
 - (e) Sufficient landscaping, including shrubs, trees and lawns, shall be provided and shall be periodically maintained. Within the Pinelands Area, the requirements of Section 185-54 shall apply.
 - (f) Adequate off-street parking shall be provided.
 - (g) All of the area, yard, building coverage and height requirements of the respective zone and other applicable requirements of this chapter must be met.
- (4) Service stations.
- (a) The minimum lot size for service stations shall be twenty thousand (20,000) square feet, and the minimum frontage shall be one hundred fifty (150) feet.
 - (b) No service station shall be located within five hundred (500) feet of any firehouse, school, playground, church, hospital, public building or institution.

- (c) All appliance, pits, storage areas and trash facilities, other than gasoline filling pumps or air pumps, shall be within a building. Gasoline filling pumps and air pumps shall be permitted within the required front yard space of service stations but shall be no closer than fifty (50) feet to any future street line. All lubrication, repair or similar activities shall be performed in a fully enclosed building, and no dismantled parts shall be displayed outside of an enclosed building.
 - (d) No junked motor vehicle or part thereof or motor vehicles incapable of normal operation upon the highway shall be permitted on the premises of any service station. It shall be deemed prima facie evidence of violation of this chapter if more than three (3) motor vehicles incapable of operation are located at any one (1) time upon any premises not within a closed and roofed building; excepting, however, that a number not exceeding six (6) motor vehicles may be located upon any service station premises outside of a closed or roofed building for a period of time not to exceed seven (7) days, and provided that the owners of said motor vehicles are awaiting their repair or disposition.
 - (e) Landscaping shall be provided in the front yard area equal to at least twenty-five percent (25%) of the front yard area, and such landscaping shall be reasonably distributed throughout the entire front yard area.
 - (f) The exterior display and parking of motor vehicles, trailers, boats or other similar equipment for sale shall not be permitted as part of a service station.
 - (g) No parking shall be permitted on unpaved areas.
- (5) Restaurants serving alcoholic beverages.
- (a) Restaurants serving alcoholic beverages shall have a minimum lot area of five (5) acres.
 - (b) On-premises alcoholic beverage services will be limited to restaurant establishments serving food. Restaurants may have an ancillary bar area, but only in conjunction with the restaurant as a place for restaurant patrons waiting for a table. No stand-alone or bar-only operations are permitted.
 - (c) There shall be a minimum of forty-five (45) dining room seats.
 - (d) The bar area shall contain no more than thirty percent (30%) of the number of seats in the dining area.
 - (e) All refrigeration/generation equipment shall be contained within the building.
 - (f) There shall be a specified area for collection of trash and recycling. The area shall be suitably enclosed. There shall be separate collection areas for trash and separate recycling areas for glass and plastic, cardboard and paper, and oil and grease.
 - (g) There shall be a specified exterior "wash down" or "cleanup area" for the cleaning of floor mats, furniture, etc.
 - (h) Each restaurant shall provide one truck berth, for loading and unloading, adjacent to the restaurant and in addition to parking areas. The truck berth shall be fourteen feet wide by sixty feet long (14' x 60').
 - (i) Each restaurant shall provide parking for patrons at a ratio of one (1) parking space for every three (3) seats in the restaurant, including both dining area and bar seats. Each restaurant shall also provide employee parking at a ratio of one (1) parking space for every ten (10) seats.
 - (j) Trash pickup/removal shall occur a minimum of two (2) times per week.
 - (k) No part of any on-site waste disposal system shall be placed in the buffer areas of the restaurant.

- (6) Improved and primitive campgrounds. **[Added 1-12-1998 by Ord. No. 97-18; amended 9-18-2002 by Ord. No. 2002-05]**
- (a) All provisions stipulated in the applicable ordinances (Chapter 75 of the Code of the Township of Dennis) shall be met.
 - (b) All provisions of Chapter XI, Campgrounds, of the New Jersey State Sanitary Code, as amended shall prevail.
 - (c) Site plan approval by the Planning Board shall be required prior to the issuance of a building permit or prior to the issuance of a certificate of occupancy should a building permit not be required. Prior to site plan approval, all necessary and appropriate permits from the State Department of Health and the State Department of Environmental Protection shall be furnished to the township.
- (7) Residential health care facilities.
- (a) For purposes of this chapter, the following terms shall have the meanings indicated:

RESIDENTIAL HEALTH CARE FACILITIES – facilities occupied by the elderly that provide rooms, meals, personal care and health monitoring services under the supervision of a professional nurse and that may provide other services, such as recreational, social and cultural activities, financial services and transportation. Rooms and baths may be either private or shared. Residential health care facilities may be independent, but are often developed in conjunction with long-term, bed-care facilities. Additional definitions include:

 - [1] Intermediate-care facilities. "Inter-mediate care facilities" are such facilities which provide, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designated to provide, but who, because of their mental or physical condition, require care and services, above the level of room and board, which can be made available to them only through institutional facilities such as these.
 - [2] Long-term-care facilities. "Long-term- care" facilities shall be deemed to include governmental medical institutions, extended-care facilities, skilled nursing homes and infirmary units of homes for the aged.
 - (b) Only those uses licensed by the State of New Jersey shall be permitted.
 - (c) In all zones, the conditional uses shall remain the same being minimum tract size shall be twenty (20) acres with a maximum of six (6) beds per acre, and the minimum frontage shall be three hundred fifty (350) feet, which shall be on an arterial road as designated in the Township Master Plan. **[Amended 8-25-1997 by Ord. No. 97-11]**
 - (d) Building coverage shall not exceed twenty percent (20%) of the tract area, and building height shall not exceed four (4) stories and forty (40) feet.
 - (e) Parking shall be provided at the minimum ratio of one and twenty-five hundredths (1.25) spaces per bed.
 - (f) Site plan approval by the Planning Board shall be required prior to the issuance of a building permit. Certification that all state requirements have been met shall be furnished to the township prior to granting site plan approval.
- (8) Day care centers. **[Amended 9-18-2002 by Ord. No. 2002-05]** Owner operated day care center, adult or child, or preschool or nursery school as a conditional use, there must be a principal owner occupied single family residence on the property and all of the following conditions are met:
- (a) The maximum number of students is five (5).

- (b) There is an onsite circular drive aisle for drop off and pick up.
 - (c) The outside play area is completely fenced.
- (9) Schools. All schools shall be a conditional use in an appropriate zone provided that they meet all requirements of the New Jersey Department of Education and/or any other State, County or Federal regulatory agency provided their having jurisdiction over the same. **[Amended 9-18-2002 by Ord. No. 2002-05]**
- (10) Inns.
- (a) Inns shall contain no more than twenty-five (25) units of accommodation, exclusive of a permanent, on-site superintendent's living quarters.
 - (b) Ceilings shall be a minimum of eight (8) feet in height for each unit of accommodation.
 - (c) There shall be a residency limitation on all guests of thirty (30) days maximum. The forgoing residency limitation shall not apply to an employee living on the premises.
 - (d) All of the area, yard, building coverage and height requirements of the respective zone shall be met.
- (11) Hotels with a conference center.
- (a) Hotels shall have a conference center facility with a minimum of twenty-five thousand (25,000) square feet of meeting room, business center and/or banquet room space.
 - (b) Hotels with a conference center shall also provide a restaurant, pool and/or other recreational facilities.
- (12) Retail with drive-through facilities.
- (a) Drive-through facilities shall be located in the rear or side yard; no drive-through facilities are permitted in the front yard.
- (13) Financial services with drive-through facilities.
- (a) Drive-through facilities shall be located in the rear or side yard; no drive-through facilities are permitted in the front yard.
- (14) Bed and breakfasts.
- (a) Bed and breakfast facilities shall be owner-occupied.
 - (b) There shall be a maximum of five (5) rooms for rent.
 - (c) Facilities shall provide a minimum of three hundred (300) square feet of common area for guests (i.e. living room, lounge, dining room, etc.).
 - (d) Bed and breakfast facilities shall provide one (1) off-street parking space per rented room; plus one (1) parking space for each employee.
- (15) Outdoor recreation facilities.
- (a) Outdoor recreation facilities shall be limited to miniature golf, driving range, waterslides, tennis courts, batting and basketball cages.
- (16) Liquor stores.
- (a) Liquor stores shall either be separate establishments or in conjunction with a supermarket. Where in conjunction with a supermarket, at least one thousand (1,000) square feet shall be devoted to the sales of liquor.
 - (b) There shall be no outside storage of any type.
 - (c) All cooling, refrigeration and generation equipment shall be contained within the building area.

(17) Assisted living facilities.

(a) Yard and bulk requirements for assisted living facilities shall be as follows:

Minimum lot area	4 acres
Minimum lot width	275 feet
Minimum lot depth	250 feet
Maximum impervious coverage	60%
Maximum building coverage	35%
Maximum building height	30 feet
Maximum front yard	25 feet
Minimum side yard	50 feet
Minimum rear yard setback	50 feet
Minimum building setbacks to tract boundary	50 feet
Maximum density	5 dwelling units per acre
Affordable housing units	A minimum of 20% of the housing units shall be affordable to low and moderate income households
Minimum open space:	25% percent
Minimum parking setback from tract boundaries	35 feet
Minimum landscape buffer	35 feet

(b) The tract shall have direct access to either an arterial or collector road.

(c) The tract must be located within an area proposed for a privately constructed and maintained community wastewater treatment facility. The sewage and water capacity provided shall be sufficient to accommodate the uses as approved by the Planning Board.

(d) Permitted Accessory Uses. The following accessory uses shall be permitted in conjunction with an assisted living residence as a principal use:

- [1] Linen service facilities.
- [2] Nursing services.
- [3] Housekeeping services.
- [4] Beautician services.
- [5] Meeting and social rooms.
- [6] Snack bars/ice cream parlors.
- [7] Medical offices for visiting doctors.
- [8] Indoor and outdoor recreation facilities.
- [9] Health care administrative and management facilities.

(e) Parking Requirements.

- [1] A minimum of one-half (1/2) space per each assisted living residential care suites plus one (1) space per employee for the largest employee shift.

- [2] No parking or standing shall be permitted in the required front yard except for emergency vehicles, drop-off/pick-up areas and visitor parking spaces.
 - [3] Required parking spaces may be provided by any combination of enclosed or open spaces but in no event shall the parking facilities be more than one hundred fifty (150) feet from the building that they are intended to serve.
 - [4] The arrangement and location of internal roads, garages and parking areas shall be subject to the approval of the Planning Board and shall be designed to insure safe and adequate circulation for senior citizen residents and their guests.
- (f) Design Standards.
- [1] The minimum size of a single occupancy residential unit, including bathroom, shall be two hundred eighty (280) square feet.
 - [2] The development shall be restricted to the effect that no unit shall be occupied by more than two (2) persons. At least fifty (50%) percent of all units shall be restricted to occupancy by one (1) person.
 - [3] Each development shall have an architectural theme designed to be attractive and compatible with surrounding land uses. All buildings shall be designed in accordance with the architectural guidelines contained in Section § 185-32.3. Architectural elevations and typical floor plans shall be submitted to the Planning Board for its review and approval as part of a submitted site plan application.
 - [4] An all-season landscape buffer shall be provided around the perimeter of the site, which shall be composed of seventy-five (75%) percent evergreens. This landscaped buffer shall include a mixture of shade trees, evergreens, ornamental trees and understory shrubs planted in a staggered fashion. At the time of installation, shade trees shall be a minimum three (3) inch caliper, evergreens shall be a minimum eight (8) feet in height, ornamental trees shall be a minimum of ten (10) feet in height and understory shrubs shall be a minimum of thirty-six (36) inches in height.
- (g) Assisted living residence shall include the following:
- [1] Outdoor recreational facilities such as shuffleboard courts, bocce courts or putting greens;
 - [2] Indoor recreation facilities with a minimum area of five hundred (500) square feet (for movies, board games etc.);
 - [3] Physical therapy facilities with a minimum area of two hundred (200) square feet;
 - [4] Library with a minimum area of two hundred (200) square feet;
 - [5] Congregate dining facilities with the minimum area of 3.33 square feet per person based upon the maximum number of permitted residents of the facility;
 - [6] Health care facilities and services including but not limited to security facilities, administrative offices, personal care services, storage and maintenance facilities used only to provide administrative services for the assisted living residence;
 - [7] Gift shops/convenience shops with personal hygiene aids, sundries and reading materials;
 - [8] Laundry rooms (one for each thirty (30) units with a minimum of one (1) per floor);
 - [9] A chapel with a minimum area of two hundred fifty (250) square feet;
 - [10] An indoor exercise area with a minimum area of four hundred (400) square feet;
 - [11] Food preparation and congregate dining facilities;

[12] Linen service and housekeeping facilities;

[13] Barber shop and beauty parlor (optional);

[14] Other uses as customarily associated with and subordinate to the principal permitted use; however, all support facilities, functions and services shall be designed and available only for the use and benefit of resident users of the assisted living residence and their guests.

(h) Architectural standards for assisted living residences must be consistent with the ultimate purpose of achieving independent, self-reliant and pleasant living arrangements for senior citizens and physically disabled persons and should take into account the desires and needs of older persons for privacy and participation in social and community activities. Provisions should be made to accommodate the limitations that sometimes accompany advanced years and disabilities so the independent living can be sustained. Such provisions shall include but not be limited to the following:

[1] Ramps shall be provided leading to all structures.

[2] Grab bars shall be provided besides toilets, and bathtubs or shower stalls.

[3] Dwelling units shall be designed and constructed so as to be free of architectural barriers, which should prohibit or limit access to or utilization of the dwelling units by physically handicapped or disabled individuals.

[4] The use of stairways shall be minimized.

[5] Trash and recycling facilities shall be provided in accordance with Section 185-40.

(18) Golf course and related auxiliary facilities.

(a) Golf courses shall meet the following bulk standards:

[1] Minimum lot size 50 acres

[2] Minimum lot frontage and width 600 feet

[3] Minimum lot depth 1,000 feet

[4] Minimum front, side (each) and rear yard setbacks 200 feet

[5] Maximum coverage, principal building: 1.0%

(b) Accessory buildings shall meet the following bulk standards:

[1] Minimum side (each) and rear yard setbacks 50 feet

[2] Minimum distance to principal building 50 feet

[3] Maximum coverage, accessory buildings 0.5%

(c) Permitted accessory uses. The following uses shall be permitted in conjunction with a golf course facility as a principal use:

[1] Club house, which may include banquet facilities, exercise/fitness facilities and/or offices

[2] Golf lodge, which is a facility that provides transient sleeping accommodations with all rooms having access to an interior hallway; the facility provides other ancillary uses, such as a restaurant, fitness facilities, etc.

[3] Restaurant and banquet facilities

[4] Maintenance buildings

[5] Pro shop

[6] Cart storage buildings

[7] Restroom buildings

[8] Refreshment stands

[9] Driving range

[10] Practice putting green

[11] Swimming pool

[12] Tennis courts

- (19) Center residential clusters.
- (a) The purpose of this section is to provide a method of developing residential dwellings which will preserve desirable open spaces, conservation areas and floodplains by permitting the reduction of lot sizes and certain other regulations hereinafter stated without increasing the number of lots in the total area to be developed. Center residential cluster development is permitted as a conditional use in the CVR and OVCR Districts.
- (b) All center residential cluster developments shall meet the following requirements:
- [1] Center residential cluster development shall have a privately constructed and maintained wastewater treatment facility.
 - [2] The minimum size of a tract of land proposed for development under the cluster development provisions of this section shall be five (5) acres, including the areas of existing streets and water areas within the tract boundary lines, provided that they total no more than five percent (5%) of the tract area.
 - [3] Total residential units permitted shall be calculated by subtracting ten percent (10%) of the site area as an allowance for streets and multiplying the remaining land by two (2).
 - [4] Area and yard requirements for residential units developed as part of a center residential cluster development shall follow the bulk standards for the respective zone the tract lies within. However, a minimum of forty percent (40%) of the tract shall be permanent, deed-restricted open space.
 - [5] A cluster subdivision plan shall be submitted to the Board.
 - [6] All land area not included in lots and not utilized for street rights-of-way shall be delineated on the plat submitted to the Board and shall be offered to the township.
 - [7] All lands not accepted by the township shall be owned and maintained by a homeowners' association. In any case, all streets within the development shall be dedicated to the township; however, the township shall not be responsible for the maintenance of said streets until officially accepting their dedication.
 - [8] The lands offered to the township shall be subject to review by the Board, which, in its review and evaluation of the suitability of such land, shall be guided by the Master Plan of the township, by the ability to assemble and relate such lands to an overall plan and by the accessibility and potential utility of such lands. The Board may request an opinion from other public agencies or individuals as to the advisability of the township's accepting any lands to be offered to the township.
 - [9] Every parcel of land offered to and accepted by the township shall be conveyed to the township by deed at the time final plan approval is granted by the township. The deed shall contain such restrictions as may reasonably be required by the Board to effectuate the provisions of this chapter pertaining to the use of such areas. Should the subdivision consist of a number of development stages, the Board may require that acreage proportionate in size to the stage being considered for final approval be donated to the township simultaneously with the granting of final subdivision approval for the particular stage even though these lands may be located in a different section of the overall development.
- (c) A homeowners' association, established for the purpose of owning and maintaining common lands and facilities, including conservation, open space, floodplain, recreation and park areas and other lands which would otherwise be dedicated to the township, shall be in accordance with the following provisions:
- [1] Membership in any created homeowners' association by all property owners shall be mandatory. Such required membership in any created homeowners' association and the responsibilities upon the members shall be in writing between the association and the individual in the form of a covenant, with each member agreeing to his liability for his pro rata share of the association's costs and providing that the township shall be a party beneficiary to such covenant, entitled to enforce its provisions.

- [2] Executed deeds shall be tendered to the township simultaneously with the granting of final subdivision approval, stating that the prescribed use(s) of the lands in the common ownership shall be absolute and not subject to reversion for possible future development.
- [3] The homeowners' association shall be responsible for liability insurance, municipal taxes, maintenance of land and any facilities that may be erected on any land deeded to the homeowners' association and shall hold the township harmless from any liability.
- [4] The assessment levied by the homeowners' association may become a lien on the private properties in the development. The duly created homeowners' association shall be allowed to adjust the assessment to meet changing needs, and any deeded lands may be sold, donated or in any other way conveyed to the township for public purposes only.
- [5] The homeowners' association initially created by the developer shall clearly describe in its bylaws the rights and obligations of any homeowner and tenant in the center residential cluster development, along with the covenant and model deeds and the Articles of Incorporation of the association, prior to the granting of final approval by the township.
- [6] Part of the development proposals submitted to and approved by the township shall be provisions to ensure that control of the homeowners' association will be transferred to the individual lot owners in the development based on a percentage of the dwelling units sold and/or occupied, together with assurances in the bylaws that the homeowners' association shall have the maintenance responsibilities for all lands to which it holds title.
- [7] No certificate of occupancy shall be issued for any building or part thereof until all streets, drainage, parking facilities and water and sewer facilities servicing said structure are properly completed and functioning.

(20) Mixed-use buildings with residential units.

- (a) No residential units shall be located on the ground floor.
- (b) Mixed-use buildings shall provide off-street parking for both the residential use, based on New Jersey Residential Site Improvement Standards, and non-residential use, based on the standards contained in Section 185-38.
- (c) A maximum of two (2) units per acre shall be permitted.

(21) Home businesses.

- (a) The principal use shall be a single-family residence with an on-site resident operating a business on the property.
- (b) The home business shall not exceed fifty percent (50%) of the first floor area of the dwelling or shall be accommodated within one (1) accessory structure.
- (c) There shall be no permanent outside storage or display, however, temporary outside display shall be permitted. Displays shall not be permitted outside overnight.
- (d) Home businesses shall be limited to the following types of uses:
 - [1] Antique shops
 - [2] Craft shops, where crafts are made on the premises
 - [3] Artists' studios
 - [4] Book and music shops
 - [5] Cafes
 - [6] Professional offices, such as an accountant, engineer, etc.
- (e) Home business uses shall provide off-street parking for both the residential use, based on New Jersey Residential Site Improvement Standards, and the home business use, which shall provide one (1) parking space per two hundred (200) square feet of business floor area.
- (f) Signage is permitted for home businesses within both the VC and VR Districts, which may consist of either a wall sign or hanging sign in accordance with the standards in Section 185-43.

(22) Small wind energy systems and solar energy systems. [Added 5-5-09 by Ord. No. 2009-01]

- (a) The primary purpose of a wind or solar energy system will be to provide power for the principal use of the property whereon said system is to be located and shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a wind or solar energy system designed to meet the energy needs of the principal use. For the purposes of this section, the sale of excess power shall be limited so that in no event an energy system is generating more energy for sale than what is otherwise necessary to power the principal use on the property.
- (b) Wind and solar energy systems shall only be permitted as an accessory use on the same lot as the principal use.
- (c) All applications for wind energy systems shall be presented to the Plan Review Committee for review for completion and compliance with the section.
- (d) Minor site plan approval will be required before a permit for a wind energy system can be issued by the Zoning Officer.
- (e) Small wind energy systems.

[1] Wind turbines are permitted in all residential, agricultural, forest and preservation districts subject to the following requirements:

- [a] Wind turbines shall not be permitted in any front yard.
- [b] Minimum setbacks: All wind turbines shall be set back from all property lines a distance equal to one hundred percent (100%) of the height of the structure including the blades.
- [c] Maximum height. Freestanding wind turbines shall not exceed a height of one hundred fifty (150) feet. The maximum height shall include the height of the blades at its highest point.
- [d] No more than one (1) wind turbine shall be permitted per property.
- [e] Wind turbines shall not be permitted as rooftop installation.
- [f] Wind turbines on residential property shall have a nameplate capacity of ten (10) kilowatts or less.

[2] Wind turbines shall be permitted in a nonresidential zoning district subject to the bulk requirements for that district and the following:

- [a] The maximum height for a wind turbine shall not exceed one hundred fifty (150) feet, including the height of the blades at its highest point.
- [b] Minimum setbacks: All wind turbines shall be set back from all property lines a distance equal to one hundred (100%) percent of the height of the structure including the blades.
- [c] Wind turbines shall not be permitted in a front yard.
- [d] No more than one (1) wind turbine shall be permitted per property.
- [e] Wind turbines shall not be permitted as a rooftop installation.

[3] Noise: All wind energy systems shall comply with the following:

- [a] Between a residential use or zone sound levels of the wind energy system shall not exceed fifty (50) dBA at the closest neighboring, occupied structure.
- [b] In all other cases at a common property line sound levels of the wind energy system shall not exceed sixty-five (65) dBA. These levels may be exceeded during short-term events, such as utility outages and/or severe windstorms.

- [c] Wind turbines shall be designed with an automatic brake or other similar device to prevent over-speeding and excessive pressure on the lower structure.
 - [d] Wind energy systems shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
 - [e] All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 - [4] The tower shall be designed and installed so as not to provide step bolts, a ladder, or other publicly accessible means of climbing the tower, for a minimum height of eight (8) feet above the ground.
 - [5] All moving parts of the wind energy system shall be a minimum of twenty (20) feet above ground level.
 - [6] The blades on the wind energy system shall be constructed of a corrosive resistant material.
 - [7] All guy wires or any part of the wind energy system shall be located on the same lot as the energy system.
 - [8] No wind energy system shall be painted with any type of paint that will reflect sunlight on or toward adjoining properties.
- (f) Solar energy systems.
- [1] Solar panels shall be permitted as a rooftop installation in any zoning district. In no event shall the placement of the solar panels result in a total height including building and panels than what is permitted in the zoning district which they are located for the principal building.
 - [2] Solar panels shall be permitted as ground arrays in accordance with the following:
 - [a] All ground arrays shall be set back a distance of twenty (20) feet from all property lines in a residential zoning district or in conformance with the bulk standards for accessory structures in commercial districts as provided herein.
 - [b] Ground arrays shall not be permitted in a front yard.
 - [c] Ground arrays shall be located so that any glare is directed away from an adjoining property.
 - [d] Ground arrays shall not exceed a height of fifteen (15) feet.
- (g) Wind and solar energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. In no case shall any identification be visible from a property line.
- (h) The design of wind or solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
- (i) All applications for a wind or solar energy system shall conform to the provisions of Section 185-54 with respect to tree removal. Any trees to be removed in excess of that permitted under the exemptions of the tree removal and protection ordinance shall be accompanied by a plan demonstrating the need to remove the trees and replacement of the trees in accordance with the provisions of Section 185-54 of the chapter. An applicant shall locate a wind or solar energy system so that tree removal is not required to the extent practical.
- (j) The installation of a wind or solar energy system shall conform to the National Electric Code as adopted by the NJ Department of Community Affairs.
- (k) The installation of a wind or solar energy system is subject to all Atlantic City Electric Company requirements for interconnection.

(l) The maximum standards for building height set forth in Chapter 185 shall not apply to wind and solar energy systems with regard to height. Wind and solar energy systems shall conform to the height restrictions provided in this section.

(m) Abandonment.

[1] A small wind energy system or solar energy system that is out of service for a continuous 12-month period will be deemed to have been abandoned.

[2] The Zoning Officer may issue a "Notice of Abandonment" to the owner. The notice shall be sent via regular and certified mail return receipt requested to the owner of record.

[3] Any abandoned system shall be removed at the owner's sole expense within six months after the owner receives the "Notice of Abandonment" from the municipality. If the system is not removed within six (6) months of receipt of notice from the Township notifying the owner of such abandonment, the Township may remove the system as set forth below.

[4] When an owner of a wind or solar energy system has been notified to remove same and has not done so six (6) months after receiving said notice, then the Township may remove such system and place a lien upon the property for the cost of the removal. If removed by the owner, a demolition permit shall be obtained and the facility shall be removed. Upon removal, the site shall be cleaned, restored and revegetated to blend with the existing surrounding vegetation at the time of abandonment.

(23) Cluster single-family residential development.

(a) The purpose of this section is to provide a method of developing single-family detached dwellings which will preserve desirable open spaces, conservation area, floodplains, school sites, recreation and park areas and lands for other public purposes by permitting the reduction of lot sizes and certain other regulations hereinafter stated without increasing the number of lots in the total area to be developed. Cluster single-family development is permitted as a conditional use in the R-3 and R-10 Districts.

(b) All cluster single-family residential developments shall meet the following requirements:

[1] The minimum size of a tract of land proposed for development under the cluster development provisions of this chapter shall be ten (10) acres in the R-3 District or twenty (20) acres in the R-10 District, including the areas of existing streets and water areas within the tract boundary lines, provided that they total no more than five percent (5%) of the tract area.

[2] Total lots permitted shall be calculated by subtracting fifteen percent (15%) of the site area as an allowance for streets and dividing the remaining land by three (3) acres in the R-3 Districts and by ten (10) acres in the R-10 District.

[3] Area and yard requirements for lots developed as part of a cluster single-family residential development shall be as follows:

Requirement	Detached Dwellings in R-3 District	Detached Dwellings in R-10 District
Principal Building		
Minimum Lot Area (square feet)	40,000 s.f.	60,000 s.f.
Minimum Lot Frontage	100 ft.	125 ft.
Minimum Lot Width	100 ft.	125 ft.
Minimum Lot Depth	200 ft.	250 ft.
Minimum Side Yard, each	25 ft.	30 ft.
Minimum Front Yard	50 ft.	75 ft.
Minimum Rear Yard	50 ft.	75 ft.
Accessory Building		
Minimum Distance to Side Line	15 ft.	30 ft.
Minimum Distance to Rear Line	15 ft.	20 ft.
Minimum Distance to Other Building	20 ft.	30 ft.
Maximum Coverage		
Impervious	35%	25%
Principal Building	20 %	10 %
Accessory Building	2 %	2 %

[4] All land area not included in lots and not utilized for street rights-of-way shall be delineated on the plat submitted to the Board and shall be offered to the township. A portion of this land area, such portion equivalent to a minimum of twenty percent (20%) of the total tract of land proposed for development, shall be specifically set aside for recreation or park areas, school sites or other public purposes and shall be designed in accordance with the requirements stipulated in Subsection C(5) below. All lands not accepted by the township shall be owned and maintained by a homeowners' association. In any case, all streets within the development shall be dedicated to the township; however, the township shall not be responsible for the maintenance of said streets until officially accepting their dedication.

[5] At least thirty percent (30%) in the R-3 District and seventy (70%) percent in the R-10 District of the total tract of land proposed for development shall be specifically set aside for recreation or park areas, school sites or other public purposes and shall be designed as follows:

[a] The minimum contiguous acreage of each parcel shall be one (1) acre in the R-3 District and one and a half (1.5) acres in the R-10 District.

- [b] Lands set aside for recreation purposes shall be improved by the developer, including equipment, walkways and landscaping, in order to qualify the lands for acceptance by the township.
 - [c] All land areas shall be optimally related to the overall plan and design of the development and improved to best suit the purpose(s) for which intended.
- [6] The lands offered to the township shall be subject to review by the Board, which, in its review and evaluation of the suitability of such land, shall be guided by the Master Plan of the township, by the ability to assemble and relate such lands to an overall plan and by the accessibility and potential utility of such lands. The board may request an opinion from other public agencies or individuals as to the advisability of the township's accepting any lands to be offered to the township.
- [7] Every parcel of land offered to and accepted by the township shall be conveyed to the township by deed at the time final plan approval is granted by the township. The deed shall contain such restrictions as may reasonably be required by the Board to effectuate the provisions of this chapter pertaining to the use of such areas. Should the subdivision consist of a number of development stages, the Board may require that acreage proportionate in size to the stage being considered for final approval be donated to the township simultaneously with the granting of final subdivision approval for the particular stage even though these lands may be located in a different section of the overall development.
- [8] A homeowners' association, established for the purpose of owning and maintaining common lands and facilities, including conservation, open space, floodplain, recreation and park areas and other lands which would otherwise be dedicated to the township, shall be in accordance with the following provisions:
- [a] Membership in any created homeowners' association by all property owners shall be mandatory. Such required membership in any created homeowners' association and the responsibilities upon the members shall be in writing between the association and the individual in the form of a covenant, with each member agreeing to his liability for his pro rata share of the association's costs and providing that the township shall be a party beneficiary to such covenant, entitled to enforce its provisions.
 - [b] Executed deeds shall be tendered to the township simultaneously with the granting of final subdivision approval, stating that the prescribed use(s) of the lands in the common ownership shall be absolute and not subject to reversion for possible future development.
 - [c] The homeowners' association shall be responsible for liability insurance, municipal taxes, maintenance of land and any facilities that may be erected on any land deeded to the homeowners' association and shall hold the township harmless from any liability.
 - [d] The assessment levied by the homeowners' association may become a lien on the private properties in the development. The duly created homeowners' association shall be allowed to adjust the assessment to meet changing needs, and any deeded lands may be sold, donated or in any other way conveyed to the township for public purposes only.
 - [e] The homeowners' association initially created by the developer shall clearly describe in its bylaws the rights and obligations of any homeowner and tenant in the cluster development, along with the covenant and model deeds and the Articles of

Incorporation of the association, prior to the granting of final approval by the township.

[f] Part of the development proposals submitted to and approved by the township shall be provisions to ensure that control of the homeowners' association will be transferred to the individual lot owners in the development based on a percentage of the dwelling units sold and/or occupied, together with assurances in the bylaws that the homeowners' association shall have the maintenance responsibilities for all lands to which it holds title.

[9] No certificate of occupancy shall be issued for any building or part thereof until all streets, drainage, parking facilities and water and sewer facilities servicing said structure are properly completed and functioning.

(24) Single-family detached dwellings in the PR, PF8 and PF25 Zones which are not clustered in accordance with Section 185-70.1, 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 PR Zone: 5.0 acres.
- [2] In the PF8 Zone: 8.0 acres.
- [3] In the PF25 Zone: 25.0 acres.

§ 185-74. Cape May Tributaries and Bays East Overlay Zone

- A. Purpose – to protect the water quality of the watersheds within the Township and to comply with the established standards for Wastewater Management Plans in the State of New Jersey. Specifically, the State requires that municipalities adopt ordinances that address the carrying capacity of Land.
- B. Background.
 - (1) The quality and quantity of ground water available directly affects the health and welfare of the population because ground water is the primary source of potable water for a significant number of Township residents.
 - (2) Contamination of ground water by nitrates introduced by on-site disposal systems (i.e., septic systems) can result in a high concentration of nitrates.
 - (3) Fertilization contributes to nitrate groundwater contamination.
 - (4) Additional pollutants, such as chemicals, pesticides and animal waste can be introduced into the ground water.
 - (5) Rainwater penetration of the aquifer is necessary to dilute groundwater contamination.
 - (6) The New Jersey Department of Environmental Protection, and the Pinelands Commission promote and promulgate the use of Nitrate Dilution Models for land use purposes.
 - (7) It is desirable and necessary to regulate development, processes and activities that threaten Dennis Township's groundwater.

- (8) The nitrate dilution ordinance provides for a limitation on the nitrate loading based on the available dilution of each lot being subdivided that proposes the use of an onsite subsurface sewage disposal system.
- C. Applicability - Lands that are being considered for subdivision within the Cape May Bays and Tributaries East Overlay Zone, as identified in the Township Master Plan and reflected on the zoning map will require that the Planning and/or Zoning Board apply the site specific Nitrate Dilution Model to the proposed subdivision.
- (1) This article is not intended to regulate the development of existing individual lots.
 - (2) Further, this article is not intended to modify the underlying zoning area requirements for individual lots; rather it required to address the standards established by NJDEP for Wastewater Management. This ordinance shall be considered an overlay to the existing underlying zone.
- D. The proposed on-site sewage disposal systems would continue to be required to be designed in accordance with "Standards for Individual Subsurface Sewage Disposal Systems" (N.J.A.C. 7:9A- Chapter 199) and continue to be under the jurisdiction of the Cape May County Health Department and NJDEP where applicable.
- E. Nitrate Dilution Model.
- (1) A nitrate dilution model and analysis shall be provided as part of subdivision approval applications requiring septic systems to ensure that the number of units allowed, regardless of underlying zoning, supports conformance with the groundwater standards when considering the available dilution on site. The goal of the analysis is to meet anti-degradation for groundwater for 2.0 mg/l.
 - (2) If the designated minimum lot area for the zone cannot meet the standards established for septic disposal systems pursuant to N.J.A.C. 7:9A, then the minimum lot area shall be adjusted to a larger size and configuration as is necessary in order to meet said standards.
 - (3) The Nitrate Dilution Analysis shall utilize NJDEP's Recharge-Based Nitrate-Dilution Model for New Jersey V6.0 (Hoffman, J.L. and Canace, R.J., 2004 A Recharge-Based Nitrate Dilution Model for New Jersey: N.J. Geological Survey Open-File Report 04-1, 27), as supplemented or amended, for residential subdivisions, and the Recharge-Based Nitrate-Dilution Model for Small Commercial Establishments in NJ V.2, as supplemented or amended, for commercial/institutional subdivisions, or another method that has received approval from the NJDEP.
- F. Requirements.
- (1) Any proposed subdivision to be served by individual on-site disposal systems (septic) within the Cape May Bays and Tributaries East Overlay Zone must meet the groundwater standard for nitrate (2 mg/l).
 - (2) 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 2.0 parts per million nitrate/nitrogen, calculated pursuant to a Recharge-Based Nitrate-Dilution Model for New Jersey V6.0, as may be amended from NJDEP from time to time. 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. Any contiguous parcel under consideration must be deed restricted to prohibit any further development that would generate additional nitrate loading.
 - (3) Approval of all individual subsurface sewage disposal systems under N.J.A.C. 7:9A remain under the jurisdiction of the appropriate County Health Department and/or NJDEP.

- G. Administration - The administration of the ordinance requirements must be handled by a combination of individuals. The Planning Board shall be responsible to track the number of systems and their acreages for compliance with the results of the individual model.
- (1) Application procedure - Planning Board – Whenever an application is submitted to the planning board for subdivision review and the proposed method of sewage disposal is an individual onsite system, the applicant shall submit an approval from NJDEP that each system meets the requirements for nitrate dilution. This application shall include the proposed use, the number of residential units. No application shall be deemed complete by the Planning Board unless an approval from NJDEP is received.

ARTICLE VIII Planning Board

§ 185-75. Establishment of Planning Board, and powers thereunder and procedures to be followed therein.

[Amended 4-16-2012 by Ord. No. 2012-04]

- A. The Township of Dennis hereby exercises the option provided by N.J.S.A. 40:55D-25c, and accordingly, the Zoning Board of Adjustment is hereby terminated; provided, however, in accordance with N.J.S.A. 40:55D-72.1, that any application for development submitted to the Zoning Board of Adjustment pursuant to lawful authority before the effective date of this chapter may be continued at the option of the applicant, and the Board of Adjustment shall have every power which it possessed before the effective date of the ordinance in regard to the application.
- B. When necessary for the purposes of implementing this chapter and the election to have the Planning Board exercise, to the same extent and subject to the same restrictions, all the powers of a Board of Adjustment, the term Planning Board shall be substituted for the term Zoning Board of Adjustment or equivalent in each and every instance where Zoning Board of Adjustment or equivalent appears in any code, ordinance, resolution, rule, regulation or amendments thereto of the Township of Dennis.
- C. Where the substitution of Planning Board for Zoning Board of Adjustment or equivalent results in an apparent duplication, redundancy, or conflict in any code, ordinance, resolution, rule or regulation, the same shall be liberally construed and interpreted in accordance with the intent and purpose of N.J.S.A. 55D-25c as adopted herein, whereby the Planning Board replaces and to the same extent and subject to the same restrictions exercises all the powers of the Zoning Board of Adjustment.
- D. The Class I and the Class III members shall not participate in the consideration of applications for development which involve relief pursuant to subsection d. of section 57 of P.L. 1975, c. 291 (C.40:55D-70).
- E. There shall be four (4) alternate members appointed to the newly empowered Planning Board in accordance with law.
- F. All other provisions of this Code applicable to the Planning Board shall remain in full force and effect.
- G. All other provisions of this Code and of general law delineating the powers and responsibilities of the Zoning Board of Adjustment are hereby deemed to refer to the Planning Board where applicable as the Planning Board exercises its zoning adjustment authority.

§ 185-76. Public notice of hearing. [Added 4-26-99 by Ord. No. 99-07]

- A. Pursuant to N.J.S.A. 40:55D-70a. and b., the Zoning Board of Adjustment shall have the power to hear appeals from determinations by the Zoning Officer and to interpret the Zoning Map or Zoning Ordinance, upon receiving a proper and complete submission by an applicant for such type of relief.
- B. All such applications shall require a public hearing. Public notice of any such hearing shall be required as authorized by N.J.S.A. 40:55D-12a.

§ 185-77. (Reserved for Future Use.)

§ 185-78. (Reserved for Future Use.)

§ 185-79. (Reserved for Future Use.)

§ 185-80. Conflicts of interest.

No member of the Planning Board or Zoning Board of Adjustment shall act on any matter in which he has, either directly or indirectly, any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto.

§ 185-81. Meetings.

- A. Meetings of both the Planning Board and Zoning Board of Adjustment shall be scheduled no less often than once a month, and any meeting so scheduled shall be held as scheduled unless cancelled for lack of applications for development to process.
- B. Special meetings may be provided for at the call of the Chairman or on the request of any two (2) Board members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements.
- C. No action shall be taken at any meeting without a quorum being present.
- D. All actions shall be taken by majority vote of the members present at the meeting, except as otherwise required by a provision of N.J.S.A. 40:55D-1 et seq.
- E. All meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Act, Ordinance 231 of the Laws of 1975.

§ 185-82. Records.

- A. Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Planning Board or Zoning Board of Adjustment and of the persons appearing by attorney, the action taken by the Planning or Zoning Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during the normal business hours at the office of the Township Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceedings concerning the subject matter of such minutes.
- B. A verbatim recording shall be made of every hearing. The recording of the proceedings shall be made by either stenographer, mechanical or electronic means. The municipality shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense.

§ 185-83. Notice of decisions.

Any decisions of the Planning Board or Zoning Board of Adjustment when acting upon an application for development and any decision of the governing body when acting upon an appeal shall be given notice in the following manner:

- A. A copy of the decision shall be mailed to the applicant or appellant or, if represented, then to his attorney without charge, and for a reasonable charge to any interested party who has requested it, not later than ten (10) days after the date of the decision.

- B. A brief notice of the decision shall be published in the official newspaper of the municipality if there is one or in a newspaper of general circulation in the municipality. Such publication shall be arranged by and paid for by the applicant and shall be published within two (2) weeks from the date of the decision.
- C. A copy of the decision and all submitted documents of record shall be filed with the Township Clerk.
- D. For decisions relating to the Pinelands Area, notice shall be given to the Pinelands Commission pursuant to Section 185-49 of this chapter.

§ 185-84. Appeal from grant of use variance.

Pursuant to the requirements of N.J.S.A. 40:55D-17, no appeal may be filed to the governing body of the Township of Dennis from the grant of a use variance by the Zoning Board of Adjustment.

ARTICLE IX Administration and Enforcement

§ 185-85. Powers and duties of Zoning Officer.

- A. It shall be the duty of the Zoning Officer of the Township of Dennis to administer and enforce the provisions of this chapter. No structure shall be erected until a building permit is obtained from the Zoning Officer, and no structure or lot shall be used in violation of this chapter. It shall be the duty of the Zoning Officer to keep a record of all applications and all building permits which are either issued or denied, with notations of any conditions involved, which data shall form a part of the township public records. A monthly report of building permits issued shall be filed with the Tax Assessor.
- B. It shall be the duty of the Zoning Officer to inspect the structures and land in the township. When any violation of this chapter shall be found by the Zoning Officer, or when any purported violation shall be brought to his attention, it shall be mandatory upon the Zoning Officer to make an investigation. In the event that said inspector determines that a violation of this chapter does in fact exist, it shall be mandatory upon the Zoning Officer to serve written notice of said violation by registered mail or personal service upon the owner, and copies of such notice shall be delivered to the Township Clerk. In the event that the owner shall fail to abate said violation within ten (10) days of the service of such notice, it shall then be mandatory upon the Zoning Officer to report such fact, in writing, to the Township Clerk, and to furnish a copy of such report to the Township Committee.

§ 185-86. Administration and enforcement within Pinelands Area.

Within the Pinelands Area, no person shall carry out development without obtaining approval from an approval agency in accordance with the procedures set forth in Section 185-49.

§ 185-87. Building permits and procedures.

- A. Every application for a building permit shall be accompanied by three (3) sets of plans drawn in ink or a blueprint showing:
 - (1) The actual shape and dimensions of the lot to be built upon.
 - (2) The exact location, size and height of all existing and proposed structure(s).
 - (3) The existing or intended use of each structure.
 - (4) The number of dwelling units the structure is designed to accommodate.
 - (5) The number and location of off-street parking spaces and off-street loading areas.
 - (6) Within the Pinelands Area, wetlands delineation and soil borings and such other information with regard to the structures, lot and neighboring lots as may be necessary to determine and provide for the enforcement of this chapter; the Building Code and all other applicable codes and ordinances of the township.
- B. The Zoning Officer shall not consider the submitted application for a building permit to construct the proposed structure(s) until he has received a written report from the Planning Board or Zoning Board of Adjustment stating that the subdivision or site plan in which said structure is located has been approved or until the legal time period for action by the Board has expired. Within the Pinelands Area, the Zoning Officer shall not issue a building permit until the requirements of Section 185-49 have been met.
- C. A building permit shall be granted or denied within ten (10) days from the date of a complete application, unless additional time is agreed upon in writing by the applicant. One (1) copy of such plans shall be

returned to the owner when such plans shall have been approved or denied by the Zoning Officer, together with such permit as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey of the lot by a licensed land surveyor in the State of New Jersey. The lot and the location of the structure(s) thereon shall be staked out on the grounds before construction is started.

- D. All building permits granted shall remain valid for a period of one (1) year. If the applicant has not completed twenty-five percent (25%) of the work required, as determined by the Township Engineer and based on cost, a subsequent permit shall be required and additional fee be payable. No permit shall remain effective for greater than two (2) years from the date of issuance of the initial permit with respect to the project regardless of the percentage of work completed.

§ 185-88. Existing building permits.

Nothing in this chapter shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which any building permit has been granted before the enactment of this chapter, provided that construction from such plans shall have been started within six (6) months after the enactment of this chapter and shall be continuously and diligently pursued to completion; otherwise said permit shall be void.

§ 185-89. Certificates of occupancy.

- A. No land shall be occupied or used and no structure hereafter erected or altered shall hereafter be occupied, transferred or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Zoning Officer. It shall be the duty of the Zoning Officer to issue a certificate of occupancy only when he is satisfied that the structure or part thereof and the proposed use conform to this chapter and all other applicable codes and ordinances of the township.
- B. A certificate of occupancy shall be granted or denied in writing within ten (10) days from the date that a written notification is filed with the Zoning Officer that construction is completed, unless additional time is agreed upon by the applicant in writing. A fee as provided in Article II of Chapter 98, Fees, shall be charged for the issuance of each certificate of occupancy.
- C. Should the Zoning Officer decline to issue a certificate of occupancy, his reasons for doing so shall be so stated on two (2) copies of the application, and one (1) copy shall be returned to the applicant.
- D. Upon notice being served of any condition found to exist in violation of any provision(s) of this chapter, the Building Code or any other applicable code or ordinance of the Township with respect to any land use or structure, the certificate of occupancy for such land use or structure shall thereupon, without further notice, be null and void, and a new certificate of occupancy shall be required for any further use of such structure or land.
- E. A monthly report of the certificates of occupancy issued shall be filed with the Tax Assessor. A record of all certificates of occupancy shall be kept in the office of the Zoning Officer and copies shall be furnished on request to any person having a proprietary or tenancy interest in the structure or land affected. The charge for each copy shall be as provided in Article II of Chapter 98, Fees, except that there shall be no charge to a municipal agency.

§ 185-90. Violations and penalties.

- A. Any person, firm or corporation that shall violate any provisions of this chapter shall, upon conviction thereof by any court authorized by law to hear and determine the matter, be fined such sum not exceeding one thousand (\$1,000.00) dollars, as such court, in its discretion, may impose or, if the party so convicted is a natural person, such person may be imprisoned for such term not exceeding ninety (90) days, as such court, in its discretion, may impose, or be fined a sum not exceeding one thousand (\$1,000.00) dollars, as such court, in its discretion, may impose, or such natural person may be both imprisoned and fined not exceeding the maximum limits set forth herein, as such court, in its discretion may impose.
- B. Each day that such violation exists shall constitute a separate offense.
- C. The owner of any building or structure, lot or land or part thereof and/or the tenant or occupant of any building or structure, lot or land or part thereof where anything in violation of this chapter shall be placed or shall exist or be suffered, allowed or permitted to exist and any architect, builder, developer, contractor, agent, person or corporation engaged in connection therewith and who assists in the commission of any such violation shall each be guilty of a separate violation and, upon conviction thereof, shall each be liable to the fine or imprisonment, or both, specified above.

§ 185-91. Action by township.

In case any building or structure is erected, constructed, reconstructed, altered, moved or converted or any building, structure or land is used in violation of or contrary to the provisions of this chapter, the township may institute an action to enjoin or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, conversion or use.

ARTICLE X Amendments

§ 185-92. Procedures.

This chapter may be amended from time to time by the Township Committee after the appropriate referrals, notices, hearings and other requirements of law and, where appropriate, in compliance with N.J.A.C. 7:50-3.45.

SCHEDULE A
Area and Yard Requirements in PF8 and PF25 Districts
(Section 185-28)
Township of Dennis Zoning

Requirement	Detached Dwellings PF8 Districts	Detached Dwellings PF25 Districts	Clustered Detached Dwellings	Churches in PF8 or PF25 Districts
Principal Building				
Minimum lot area (acres) ⁵	8	25	1.0 ¹	8
Minimum lot frontage (feet)	150 ²	200 ³	100	150
Minimum lot width (feet)	150	200	100	150
Minimum lot depth (feet)	200	300	150	200
Minimum side yard (feet)	30	40	20	50
Minimum front yard (feet)	200 ⁴	200 ⁴	50	200 ⁴
Minimum rear yard (feet)	100	100	60	100
Accessory Building				
Minimum distance to side line (feet)	50	50	20	50
Minimum distance to rear line (feet)	50	50	20	50
Minimum distance to other building (feet)	20	20	10	50
Maximum Coverage				
Principal building (percent)	3	1	5	3
Accessory building (percent)	1	1	2	1

NOTES:

1. In accordance with Section 185-70.1.
2. May be reduced to fifty (50) feet for eight-acre flag lot.
3. May be reduced to fifty (50) feet for twenty-five-acre flag lot.
4. May be reduced to one hundred (100) feet in agricultural areas or where environmental limitations require reduction. This requirement does not apply to those roads which provide for internal circulation within residentially developed areas.
5. Notwithstanding the minimum lot areas set forth herein, no such minimum lot area for a nonresidential use within the PF8 or PF25 Zones shall be less than that needed to meet the water quality standards of § 185-58B(4), whether or not the lot may be served by a centralized sewer treatment or collection system.

Dennis Township
Schedule B – Bulk and Area Requirements for Zone Districts

Zone	Use	Minimum Lot Area	Maximum Residential Density	Minimum Lot Width	Minimum Lot Depth	Minimum Building Setbacks [1]			Build-to-Line: Front Yard		Maximum Building Coverage	Maximum Impervious Coverage	Maximum Building Height	Minimum Open Space
						Side Yard	Front Yard	Rear Yard	Primary Street	Secondary Street				
R-3 [10]	Single-Family	3 ac	0.33 du/ac	150'	300'	35'	100'	100'			10%	15%	30' / 2.5 stories	
	Lot Averaging Cluster [3]	60,000 s.f.	0.33 du/ac	175'	250'	30'	75'	75'			10%	15%	30' / 2.5 stories	
	Church / Cemetery	40,000 s.f.	0.33 du/ac	100'	200'	25'	50'	50'			20% [2]	35% [2]	30' / 2.5 stories	50%
R-10 [10]	Single-Family	10 ac	0.10 du/ac	200'	400'	50'	100'	100'			10%	7%	30' / 2.5 stories	
	Church / Cemetery	60,000 s.f.	0.10 du/ac	125'	250'	30'	75'	75'			10% [2]	25% [2]	30' / 2.5 stories	70%
	Conservation/Single-Family	60,000 s.f.	0.10 du/ac	200'	200'	50'	50'	50'			10%	30%	55'	
C		25 ac	0.04 du/ac	400'	600'	50'	100'	100'			2%	3%	30' / 2.5 stories	
VR [11]	Single-Family / Church	35,000 s.f.		100'	200'	30'	-	70'	Varies [9]	30' min.	10%	60%	30' / 2.5 stories	
OVR [11]	Single-Family	35,000 s.f.		100'	200'	30'	-	70'	40'	40'	35%	60%	30' / 2.5 stories	
VC [11]	Mixed-Use	35,000 s.f.		100'	200'	20'	-	55'	0' min. – 8' max.	0' min. – 4' max.	35%	60%	30' / 2.5 stories	10' min. buffer from all non-street property lines
OVCR [11]	Multi-Family [5]	1 ac [6]	2 du/ac	150' [7]	275' [8]	35'	-	80'	25'	25'	35%	60%	30' / 2.5 stories	
OVC [11]	Mixed-Use	1 ac	2 du/ac	150'	200'	30'	-	55'	0' min. – 8' max.	0' min. – 4' max.	35%	60%	30' / 2.5 stories	
OVCC [11]	Mixed-Use	1 ac	3 du/ac	150'	200'	30'	-	55'	0' min. – 8' max.	0' min. – 4' max.	35%	60%	30' / 2.5 stories	
CR [11]	Single-Family	35,000 s.f.		100'	200'	30'	-	70'	40'	40'	35%	60%	30' / 2.5 stories	
CVR [11]	Multi-Family [5]	1 ac [6]	2 du/ac	150' [7]	275' [8]	35'	-	80'	25'	25'	35%	60%	30' / 2.5 stories	10' min. buffer from all non-street property lines
CVC [11]	Mixed-Use	1 ac	2 du/ac	150'	200'	30'	-	55'	0' min. – 8' max.	0' min. – 4' max.	35%	60%	30' / 2.5 stories	
B	Commercial	60,000 s.f.		150'	200'	25'	75'	50'			35%	50%	30'	
M [12]	Marina	5 ac		200'	400'	50'	70'	70'			25%	50%	40'	
PV	Single-Family / Church	3.2 ac		100'	250'	15'	200'	50'			5%		30'	
PR	Single-Family / Church	5 ac	0.20 du/ac	150'	200'	30'	200'	75'			3%		30' / 55'	
PFS	Single-Family Cluster	3.2 ac	0.20 du/ac	100'	150'	30'	200'	60'			5%		30'	
PF25														
See Schedule A														
See Schedule A														
See Section §185-74. Of the Zoning Code for the applicable standards.														

BULK CHART NOTES:

- [1] It should be noted that the VR, OVR, VC, OVCR, OVC, OVCC, CR, CVR and CVC Zones also have encroachment setbacks. Refer to Zone Standards within the ordinance text for these requirements.
- [2] Maximum lot coverage and impervious coverage shall be related to individual lots within cluster developments.
- [3] Cluster standards - Provide lot yield qualifying plan; min. contiguous uplands = 15Ksf/lot; min. lot size 1 acre; max. lot size 6 acres; open space deed restricted and dedicated to public entity or home owners association.
- [4] Cluster standards - Provide lot yield qualifying plan; min. contiguous uplands = 15Ksf/lot; min. lot size 1.5 acre; max. lot size 6 acres; open space deed restricted and dedicated to public entity or home owners association.
- [5] The OVCR and CVR Zone assumes that there is sewer or a package treatment plant. Where no sewer/package treatment plant exists, the OVR Zone bulk standards and permitted uses shall be followed.
- [6] This is the minimum **tract** size.
- [7] This is the minimum **tract** width.
- [8] This is the minimum **tract** depth.
- [9] Front (Primary Street) build-to-line is an average of the front yard setbacks of homes within 200' of property.
- [10] Density Cluster is recommended for the R-10 and R-3 zones.
- [11] Refer to Zone Standards within the ordinance text for additional bulk requirements.
- [12] Intent herein is that the easterly section of Lot 4, Block 274 should be considered to encompass a minimum of 5 acres within the Marina Zone.

¹ Editor's Note: The map is on file in the Township Administrative Offices.

In addition, Sections 1 and 2 of Ordinance No. 90-194, adopted 8-13-90, provided as follows:

"Section 1. Amendments to the Zoning Map delineating Airport Hazard Zones as plotted by the Municipal Engineer, as required by the Air Safety and Hazardous Zoning Act of 1983, and hereby approved.

Section 2. The Township Committee of the Township of Dennis hereby adopts by reference and attachment the standards of the Air Safety and Hazardous Zoning Act of 1983, codified at N.J.A.C. 16:62-1.1 et seq. and incorporates said standards as part of the Township Master Plan and Zoning Ordinances."