

MASTER PLAN REEXAMINATION REPORT



TOWNSHIP OF DENNIS CAPE MAY COUNTY

A handwritten signature in cursive script, reading "Randall Scheule". The signature is written in black ink on a white background.

Randall E. Scheule, PP/AICP

The original of this document has been signed
and sealed as required by NJS 45:14A-12.

November 2022

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TOWNSHIP OF DENNIS

MASTER PLAN REEXAMINATION REPORT

Background

Adoption of the Municipal Land Use Law (MLUL) in 1975 required for the first time that zoning ordinances must be compatible with an adopted master plan. This action placed the master plan in a pre-eminent position and vested additional powers in the planning boards to exercise their jurisdiction over the adoption of master plans. The law holds governing bodies accountable by requiring that ordinances be compatible with the master plan and, further requires the governing body to refer proposed zoning ordinances to the planning board for master plan consistency review.

While the master plan serves as a basis for the zoning ordinance, it does not have operative significance until the zoning ordinance has embodied master plan provisions in ordinance form. The reexamination report is essentially the planning board's checklist of things that should be addressed prior to the next reexamination of the master plan and development regulations. It lists those sections of the master plan or development regulations that should be amended or at least studied.

The reexamination report is not the master plan. The master plan is the planning board's formal statement of land use policy. The reexamination is only a commentary on the master plan. Even though the reexamination report may recommend specific changes to the master plan and development regulations, those changes do not occur automatically when the reexamination report is adopted. Changes to the master plan require adherence to the statutory amending process including a public hearing. The reexamination report does not require a public hearing. However, when the reexamination report recommends rezoning, a public hearing with proper notice exempts the community from the notice requirements contained in NJSA 40:55D-63.

Municipal master plans generally comprise a report or statement of land use and development proposals, with maps, diagrams and text, presenting, at least the following two elements:

- (1) A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based;

(2) A land use plan element that takes into account physical features, identifying the existing and proposed location, extent, and intensity of development for residential and nonresidential purposes, and states the relationship of the plan to any proposed zone plan and zoning ordinance, and a statement of strategy concerning:

- (a) smart growth which, in part, shall consider potential locations for the installation of electric vehicle charging stations,
- (b) storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure, and
- (c) environmental sustainability.

In addition, the MLUL identifies a number of other plan elements that may be incorporated into a comprehensive master plan document, including: housing, circulation, open space, recreation, community facilities, and historic preservation. These elements are not obligatory.

Introduction

The origin of formal planning in Dennis Township can be traced back to October 27, 1994 when the first Master Plan was adopted. This plan includes Land Use, Housing, Transportation, Infrastructure, Community Facilities, Recreation, Conservation and Historic Preservation elements. Subsequent Dennis Township planning documents are listed below:

- Master Plan Reexamination Report, February 28, 2002
- Stormwater Management Plan, March 2005
- Plan Endorsement Petition, February 2006
- Natural Resource Inventory, May 2010
- Master Plan - Land Use Plan, December 2012
- Master Plan Reexamination Report, December 2012
- Community Forestry Management Plan, December 2015
- Subdivision of Land Ordinance (Chapter 165)
- Zoning Ordinance (Chapter 185)

This Reexamination Report represents a continuing effort to ensure that the Township's planning policies and land use goals remain effective and up-to-date. This report documents the Consolidated Land Use Board's findings and recommendations consistent with the "New Jersey Municipal Land Use Law" (NJS 40:55D-89) and represents an update to the 2012 Reexamination Report. While the report does not

radically depart from previous studies, it nevertheless acknowledges and recommends actions to address a number of land use issues intended to advance community land use goals.

Statutory Requirements

The relevant State Statute (NJS 40:55D-89) requires that the Reexamination Report address the following:

- A. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- B. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- C. The extent to which there have been significant changes in assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- D. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- E. The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c. 79 (C.40A:12A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

A. The Major Problems and Objectives Related to Land Development in Dennis Township at the Time of the Adoption of the Last Reexamination Report.

As part of the overall reexamination analysis, the MLUL requires an identification of the major land use problems and objectives that were outlined in the most recently adopted master plan or reexamination report. The major problems and objectives

related to land development in Dennis Township at the time of the adoption of the December 2012 Reexamination Report are identified below.

1. Goals and Policies – The 1994 Master Plan identifies nine Goals and associated Policy Statements. The 2012 Master Plan updated the 1994 goals and policy statements to reflect the new direction towards “center-based” development and to further protect lands outside of the Township Centers. A comparison of Master Plan Goals is provided in Table 1.

Table 1

1994 Master Plan Goals	2012 Master Plan Goals
Goal #1 - To provide for an appropriate variety of land uses responsive to the development potential of Dennis Township.	Goal #1 - To provide for an appropriate variety of land uses responsive to the development potential of Dennis Township.
Goal #2 – To promote appropriate population densities within well-planned residential neighborhoods.	Goal #2 - To guide development into compact Centers along the Route 9 corridor.
Goal #3 – To protect sensitive environmental areas from inappropriate development.	Goal #3 - To maintain and expand existing Village Centers.
Goal #4 – To provide comprehensive protection for a broad range of natural resources.	Goal #4 - To protect the historic, archaeological and cultural resources of the Township.
Goal #5 – To protect the historic, architectural and cultural resources of the Township.	Goal #5 - To protect sensitive environmental areas from inappropriate development and to provide comprehensive protection for a broad range of natural resources.
Goal #6 – To provide for safe and efficient movement of traffic within and through the Township.	Goal #6 - To provide for safe and efficient movement of traffic within and through the Township.

Goal #7 – To promote resort-related development as a major local component of the resort economy of the County.	Goal #7 - To promote resort-related development as a major local component of the resort economy of the County.
Goal #8 – To promote and enhance public access to the waterways.	Goal #8 - To promote and to enhance public access to the waterways.
Goal #9 – To preserve the Township’s historic villages and to promote appropriate cultural and historic activities there.	Goal #9 - To provide for a wide range of housing choices.
	Goal #10 - Provide recreational facilities that meet the needs of current and future Township residents.
	Goal # 11 - Establish and maintain the level of community facilities and public services and infrastructure required to satisfy the needs of present and future residents.

B. The Extent to Which Such Problems and Objectives Have Been Reduced or Have Increased Subsequent to the 2012 Reexamination Report.

The extent to which the problems and objectives identified in Section A above – from the 2012 Reexamination Report - have been reduced or have increased is described in Table 2.

Table 2
Status of Problems and Objectives

Status of Recommendations
“Bed and breakfast” amendment not implemented.
“Residential business” zone not implemented.
“Home occupations” and “home businesses” have been implemented.
Establish a “maximum number of parking spaces” not implemented.
Establish “maximum impervious coverage” adopted in R3, R10, not in Pinelands zones.

“Sale of alcoholic beverages” in Clermont Center implemented
“Campgrounds” maintained as conditional use per §185-73D(6).
Efforts to promote “resort-related development” not documented.
Revision to permit “stone or other permeable surface in lieu of paving” not implemented.
“Natural Resource Inventory” not adopted as a component of the Master Plan.
“Historic preservation ordinance and Historic Preservation Commission,” not implemented.
To mitigate “seasonal traffic impacts,” continue to oppose extension of Route 55 – ongoing.
The Township will attempt to identify and take advantage of “affordable housing” opportunities when possible and in areas appropriate for such uses.
Maintaining the integrity and sufficiency of the “groundwater resources” is ongoing. There are no current plans for public sewers.

C. The Extent to Which There Have Been Significant Changes in the Assumptions, Policies and Objectives Forming the Basis for the Master Plan or Development Regulations as Last Revised

There are a number of substantive changes at the state and local level that have occurred since the adoption of the 2012 Reexamination Report. This section discusses legislative and regulatory changes that may affect land use and development policies in the Township.

Municipal Land Use Law

Solar Panels.

The MLUL (NJS 40:55D-38.1) was amended in 2014 to specify that an ordinance requiring approval by the planning board of either subdivision of site plans, or both, shall not include solar panels in any calculation of impervious surface or impervious cover.

Statement of Strategy.

Legislation (S2873/A4185) was adopted on January 8, 2018 which requires any new land use element to incorporate a statement of strategy concerning the following issues:

1. Smart growth which, in part, shall consider potential locations for the installation of electric vehicle charging stations;
2. Storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure, and;
3. Environmental sustainability.

A law passed in January 2018 requires the Land Use element of a municipality's Master Plan Land Use Element to address "smart growth which in part, shall consider potential locations for the installation of electric vehicle charging stations, storm resiliency with respect to energy supply, flood-prone areas, and environmental infrastructure, and environmental sustainability issues."

Electric Vehicles.

Bill S-606 was signed into law by Governor Murphy on November 6, 2019 is intended to encourage municipalities to plan for electric vehicle infrastructure by amending the MLUL to require the inclusion of existing and proposed locations of public electric vehicle charging infrastructure as a component of the land use element of the master plan. The new law also requires that a circulation plan element, an optional element of the master plan, to similarly identify the existing and proposed locations of public electric vehicle charging infrastructure. In addition, a green buildings and environmental plan element, also an optional master plan element, must "consider, encourage and promote the development of public electric vehicle charging infrastructure in locations appropriate for their development..." Similar information is now required a part of the master plan reexamination report and any redevelopment plan. The Township should review these policy requirements accordingly and consider how it's various master plan components should address this emerging technology.

Climate Change-related Hazard Vulnerability Assessment.

Effective February 4, 2021 New Jersey municipalities must plan for climate change in updates of their master plans. The law (A-2785/S-2607) requires a climate change-related hazard vulnerability assessment which shall consider environmental effects and extreme weather-related events associated with climate change, including, but not limited to, temperature, drought, and sea-level rise; and contain measures to mitigate reasonably anticipated natural hazards, including, but not limited to, coastal storms, shoreline erosion, flooding, storm surge, and wind.

Municipalities must now identify critical facilities such as roads and utilities that might be affected by a natural disaster; make plans to sustain normal life in the face of anticipated natural hazards, and integrate climate vulnerability with existing plans such as emergency management or flood-hazard strategies.

The law also requires local planners to “rely on the most recent natural hazard projections and best available science provided by the New Jersey Department of Environmental Protection” when master plans are updated. Additionally, pursuant to 40:55D-93, each time the municipal master plan is reexamined, the storm water control ordinance and storm water management plan must also be reexamined and revised as needed.

Performance Guarantees.

The MLUL was amended on January 16, 2018 providing an update to performance and maintenance guarantee regulatory controls. Prior to the adoption of this amendment, municipalities were permitted to require developers to post performance guarantees to ensure that certain types of improvements were included. The amendment stipulates that municipalities may only require developers to post performance guarantees that cover improvements being dedicated to a public entity. However, municipalities may require a performance guarantee for privately owned perimeter buffer landscaping. The several types of improvements that were previously subject to performance guarantees but have since been exempted include culverts, storm sewers, erosion control and sedimentation control devices and landscaping, among other on-site improvements.

The MLUL now authorizes municipalities to require two additional types of guarantees including temporary certificate of occupancy guarantees, and safety and stabilization guarantees. The former authorizes municipalities to require developers to furnish a guarantee in favor of the municipality in an amount equal to 120% of the cost of installation of improvements which are required to be completed prior to the issuance of a permanent certificate of occupancy. The latter provides the municipality a source of funding to return property to a safe and stable condition or to implement measures to protect the public from access to an unsafe or unstable condition.

The new law also alters municipal inspection fees. Under current law, a developer must reimburse a municipality for reasonable inspection fees incurred for the inspection of improvements with a cap except for extraordinary circumstances of 5% of the cost of improvements. This law eliminates the inspection fee limitation if

required inspection costs are determined to exceed the 5% amount and even authorizes those inspections to occur without the additional funds being placed in escrow. This part of the bill will increase a developer's cost and removes the "extraordinary circumstances" standard that needs to be met in order to for a municipality to exceed the 5% cap on inspection fees.

While the new law, by its terms, took effect immediately, there are many questions regarding what this means in practice. The new law requires municipalities to adopt an ordinance prior to requiring any of the guarantees. It appears clear that as of the effective date of the amendments, municipalities can only require new performance guarantees calculated upon the cost those improvements specified in the amended act. Since performance guarantees are not among the "general terms and conditions" protected under vesting provisions of the MLUL, the applicability of the new law to any particular project is not affected by the date of board approval.

While replacing existing guarantees may raise practical difficulties, it appears clear that the amount of any existing performance guarantees should be adjusted at the time of any renewal and guarantees for future phases of a development of a multi-phased project must be calculated under the new law notwithstanding that a different law applied to earlier phases. Particular circumstances may require negotiation with the municipality to reach a workable accommodation that balances the cost differential between guarantees required under the prior law.

Permit Extension Act

On September 6, 2008 the Permit Extension Act at N.J.S.A. 40:55D-136.1 et seq. was signed into law. The purpose of the Act was to revive and extend State, county and local government approvals in an effort to provide the regulated community, developers, property owners, and the real estate sector with relief in recognition of the ongoing economic downturn. In 2010, 2012, and 2014 the Act was amended to further extend some approvals.

The Permit Extension Act signed by Governor Murphy on July 1, 2020 extends the term of certain permits and approvals by at least 6 months from the COVID-19 Extension Period, which is defined in the Act as the time period beginning on March 9, 2020, and continuing for as long as the public health emergency declared by the Governor in response to COVID-19 is in effect.

On July 1, 2020, Governor Murphy signed the [Permit Extension Act of 2020](#) (“PEA”) into law. The PEA extends certain governmental permits, approvals, and deadlines for the duration of the “COVID-19 Extension Period.” The Extension Period begins on March 9, 2020 and continues until the end of the COVID-19 public health emergency. The PEA also provides an additional 6 months of tolling.

The PEA applies to numerous environmental permits and other governmental approvals, including, approvals of soil erosion and sediment control plans, waterfront development permits, CAFRA permits and center designations, septic approvals, approvals for applications pursuant to the Municipal Land Use Law (“MLUL”), etc.

For the PEA to apply, the approval must have been in effect on March 9, 2020. Within 30 days of the PEA’s enactment, state agencies, such as the New Jersey Department of Environmental Protection, must publish a notice of the tolling approvals in the New Jersey Register. In addition, the approvals subject to extension under the PEA must be “registered with” the agency within 30 days of the notice in the New Jersey Register.

As to the MLUL, the PEA extends the 45-day period for a municipal completeness certification under [N.J.S.A. 40:55D-10.3](#) to the later of: 120 days after March 9, 2020 or 60 days after the application is submitted to the municipal agency. This extension applies to applications awaiting certification as of March 9, 2020 and applications submitted during the COVID-19 Extension Period.

In addition, the time periods for a municipal agency to grant or deny any application for development under the MLUL is extended by 120 days for applications awaiting a completeness certification or pending before a municipal agency as of March 9, 2020. As to applications submitted during the COVID-19 Extension Period, the time period is extended to the later of: 120 days after March 9, 2020 or 60 days after the application is certified as complete by the municipal agency.

Local Redevelopment and Housing Law (LRHL)

In 2013, an amendment to the Local Redevelopment Housing Law was approved by the State Legislature which permits the option of designating a redevelopment area with or without condemnation powers. Specifically, the amendment notes the following (amended section is underlined):

“The governing body of a municipality shall assign the conduct of the investigation and hearing to the planning board of the municipality. The resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a "Non - Condemnation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a "Condemnation Redevelopment Area").

The LRHL amendment also establishes additional notice requirements when designating an area in need of redevelopment, provides guidelines regarding challenges to condemnation redevelopment designations, and allows for additional options for designating an area in need of rehabilitation.

Stormwater Management

Title 7:8 of the New Jersey Administrative Code was revised in 2016 to amend the general requirements for stormwater management plans and stormwater control ordinances. The revised set of regulations require the use of decentralized green infrastructure practices and provide a more objective review process for projects. Every NJ municipality must update its stormwater ordinance to reflect and comply with the new NJDEP rules.

Previous regulations required the use of nonstructural stormwater management strategies to “the maximum extent practicable.” The new rules eliminate this subjective language and instead provide a clearly articulated, mathematically-based set of standards for stormwater design compliance.

A second, but equally important, component to the new rule is the change in permitted stormwater modeling criteria. Infiltration of captured stormwater through best management practices (BMPs) is now permitted in engineering calculations. This change will result in smaller stormwater BMPs, thus maximizing developable area on a site.

Beyond the use of green infrastructure and the impact of receiving credit for stormwater infiltration, the rules introduce additional changes that will impact development. Guidance is provided on both small and large scale BMPs. New tables

clarify the applicability of different BMPs when used to meet the requirements for groundwater recharge, water quality, and quantity standards. Additional engineering calculation methods relevant to green stormwater infrastructure design are also incorporated into the new rules.

State Strategic Plan

In October of 2011, the Draft State Strategic Plan (SSP) was developed as an update to the current State Development and Redevelopment Plan (SDRP). The intent of the SSP is to increase focus on policies aimed to foster job growth, support effective regional planning, and preserve the State's critical resources. The four overarching goals that serve as the blueprint of the Plan are summarized as follows:

- Goal 1: Targeted Economic Growth. Enhance opportunities for attraction and growth of industries of statewide and regional importance;
- Goal 2: Effective Planning for Vibrant Regions. Guide and inform regional planning so that each region of the State can experience appropriate growth according to the desires and assets of that region;
- Goal 3: Preservation and Enhancement of Critical State Resources. Ensure that strategies for growth include preservation of the State's critical natural, agricultural, scenic, recreation, and historic resources.
- Goal 4: Tactical Alignment of Government. Enable effective resource allocation, coordination, cooperation, and communication amongst governmental agencies on local, regional, and state levels.

Unlike the existing SDRP, the SSP did not contain any mapping. Thus far in its draft form, the SSP appears to have a greater emphasis on the State's overall economic framework and provide information and goals for New Jersey's various industry clusters. When and if the SSP is formally adopted, the Township should examine Master Plan consistency with the SSP.

Vacant and Abandoned Properties

The New Jersey Land Bank Law was signed into law on July 10, 2019. This legislation allows municipalities to designate a land bank entity to obtain vacant, abandoned and neglected properties for productive reuse purposes. It is intended to provide municipalities with a tool to revitalize and reuse properties for the public benefit. The 2012 Master Plan indicates 2,365 acres of vacant land accounting for 11.7% of all upland areas.

Under the New Jersey Land Bank Law, municipalities will be allowed to designate a non-profit organization or a public entity as the municipality's land bank entity. The public entities which a municipality may designate as a land bank entity include redevelopment entities, county improvement authorities, and departments and agencies of the municipality itself. Land bank entities will be permitted to acquire properties on its own and act as a municipality's agent to purchase liens at a tax sale, carry out lien foreclosures, and take individual abandoned properties.

In addition, land bank entities will further be required to develop and maintain an online, publicly accessible database of current and former land bank properties. The community advisory board must issue an annual report on the accuracy, integrity, accessibility, and comprehensiveness of the land bank entity's online database.

Electronic Waste Management Act

As of 2011, the New Jersey Department of Environmental Protection requires that televisions, computers, electronic tables, e-book readers, and monitors be recycled at designated recycling collection points. These electronic devices are no longer able to be discarded in the regular waste stream as most contain lead, mercury, cadmium, nickel, zinc, brominated flame retardants, and other potentially hazardous materials.

State Agriculture Development Committee

Farmland Preservation Plans

Recent amendments to the SADC's PIG regulations at NJAC 2:76-17A.4(b) effective August 3, 2020, require the municipal planning board, in consultation with the municipal agricultural advisory committee to review and readopt the comprehensive farmland preservation plan at least every 10 years. The readopted plan shall, at a minimum, provide updates to the elements required at NJAC 2:76-17A.4(a)2, 3, 4, and 7 and to the project area inventory described at NJAC 2:76-17A.5.

Rural Microenterprise Activity on Preserved Farmland

The State Agriculture Development Committee has adopted amendments January 25, 2018 at NJAC 2:76-22.1 through 22.12 and 22.14, and new rules at NJAC 2:76-22.12 and 22A to implement legislation (P.L. 2015, c. 275) that allows a farmer who owns a qualifying preserved farm to apply for a special permit to conduct a rural microenterprise within certain parameters. Rural microenterprises are certain types of appropriately scaled businesses or activities that are compatible with the agricultural use of the farm. The Act also promotes and incentivizes the preservation

of historic and culturally significant agricultural structures.

Winery Special Occasion Events on Preserved Farmland

On October 26, 2017 SADC approved for adoption proposed rules at NJAC 2:76-27 to implement P.L. 2014, c.16 that allows special occasion events to be held at wineries located on preserved farms under certain circumstances. The rules formalize existing procedures for implementing the winery pilot program that was established pursuant to the legislation. The rules also establish the standards for verifying compliance with the legislation's income limit, including audit procedures. The rules became effective on November 20, 2017 upon publication in the New Jersey Register.

Agricultural Management Practice for On-Farm Direct Marketing Facilities, Activities and Events; and Revised Right to Farm Procedural Rules

On January 31, 2014 SADC approved for adoption proposed rules that establish an agricultural management practice (AMP) for On-Farm Direct Marketing Facilities, Activities and Events, NJAC 2:76-2A.13, and revise the Right to Farm procedural rules, NJAC 2:76-2.3, 2.4, 2.5, 2.7, 2.8, 2.9 and 2.10.

The AMP establishes performance-based standards for commercial farms seeking to qualify for right-to-farm protection for on-farm direct marketing facilities, activities and events that are used to facilitate and provide for direct farmer-to-consumer sales, such as farm stands, farm stores, community-supported agriculture and pick-your-own operations, and associated activities and events that fit within the scope of the Right to Farm Act. The intent of the AMP is to provide statewide standards on which farmers, municipalities, CADBs and the public can rely, while also providing flexibility to commercial farm owners and operators.

The rule proposal also includes procedural changes to streamline the Right-to-Farm process, i.e., the site-specific agricultural management practice (SSAMP) process and the Right to Farm complaint process. The proposed amendments clarify the roles of CADBs and the SADC in the Right to Farm review process in a manner consistent with the Right to Farm Act. The proposal also includes a new rule, NJAC 2:76-2.8, to identify hearing requirements for CADBs and the SADC when they are considering SSAMP requests and RTF complaints. The proposed rules became effective on April 7, 2014, upon publication in the New Jersey Register.

Council on Affordable Housing

In May 2008, COAH adopted revised Third Round regulations which were published and became effective on June 2, 2008. Coincident to this adoption, COAH proposed amendments to the rules they had just adopted, which subsequently went into effect in October 2008. These 2008 rules and regulations were subsequently challenged, and in an October 2008 decision the Appellate Division invalidated the Growth Share methodology, and also indicated that COAH should adopt regulations pursuant to the Fair Share methodology utilized in Rounds One and Two. A 2010 Appellate Division case, which was affirmed by the New Jersey Supreme Court in 2013, invalidated the third iteration of the Third Round regulations and sustained the invalidation of growth share. As a result, the Court directed COAH to adopt new regulations pursuant to the methodology utilized in Rounds One and Two.

COAH failed to adopt its newly revised Third Round regulations in October 2014. The Fair Share Housing Center, who was a party in the 2008, 2010 and 2013 cases, responded by filing a motion in aid of litigants' rights with the New Jersey Supreme Court. The Court heard the motion in January 2015, and issued its ruling on March 20, 2015. The Court ruled that COAH was effectively "moribund", and consequently returned primary jurisdiction of affordable housing issues back to the trial courts where it had originally been prior to the creation of COAH in 1985. This decision is commonly referred to as the Mt. Laurel IV.

Mt. Laurel IV created a process for municipalities to file a declaratory judgment seeking a judgment that their HE&FSP was constitutionally compliant, and receive temporary immunity from affordable housing builders remedy lawsuits while they prepare a new or revised HE&FSP. While the Supreme Court's decision did set up a process for municipalities to address their Third Round obligation, it did not assign those specific obligations.

Subsequently, the New Jersey Supreme Court issued an additional decision on January 17, 2017 regarding the "gap period." Commonly referred to as the Mt. Laurel V decision, the Supreme Court found that the "gap period," defined as 1999-2015, generated an affordable housing obligation which must be addressed under the Present Need obligation. Accordingly, the municipal affordable housing obligation is now functionally comprised of four (4) parts, which include: Present Need (rehabilitation), Prior Round (1987-1999), Gap Present Need (1999-2015) and Prospective Round (2015-2025).

The 2012 Reexamination Report indicates a Housing Plan element was part of the 1994 Master Plan. The Township is mindful of its affordable housing obligations under the Mount Laurel doctrine, regularly examines opportunities for the development of affordable housing and is committed to producing affordable housing voluntarily. Unfortunately, the Township's lack of infrastructure constrains its ability to achieve these goals as the Township lacks any available public infrastructure that would support multifamily development. Despite those limitations it is expressly a goal of the Master Plan to attempt to identify and take advantage of affordable housing opportunities when possible and in areas appropriate for such uses.

Local Redevelopment and Housing Law (LRHL)

In 2013, an amendment to the Local Redevelopment Housing Law was approved by the State Legislature which permits the option of designating a redevelopment area with or without condemnation powers. Specifically, the amendment notes the following (amended section is underlined):

“The governing body of a municipality shall assign the conduct of the investigation and hearing to the planning board of the municipality. The resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter referred to as a "Non - Condemnation Redevelopment Area") or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a "Condemnation Redevelopment Area").

The LRHL amendment also establishes additional notice requirements when designating an area in need of redevelopment, provides guidelines regarding challenges to condemnation redevelopment designations, and allows for additional options for designating an area in need of rehabilitation.

State Development and Redevelopment Plan

The State Development and Redevelopment Plan (State Plan) was created pursuant to the State Planning Act of 1985 (NJS 52:18A-196 et seq.) in order to create statewide planning objectives relative to land use, housing, economic development, transportation, natural resource conservation, agriculture, and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.

A large portion of Dennis Township is designated as PA5 (Environmentally Sensitive Planning Area) due to coastal or tidal wetlands, Wildlife Management Areas, and other state or federal lands. The bulk of the Township's development areas, which are located along the Route 9 Corridor, are designated as PA3 (Fringe Planning Area.) The central portion of the municipality has large isolated areas designated PA4 (Rural Planning Area), which contains much of the Township's residential development. These areas are surrounded by environmentally sensitive lands and linked together by major roads such as Route 47 and Route 83.

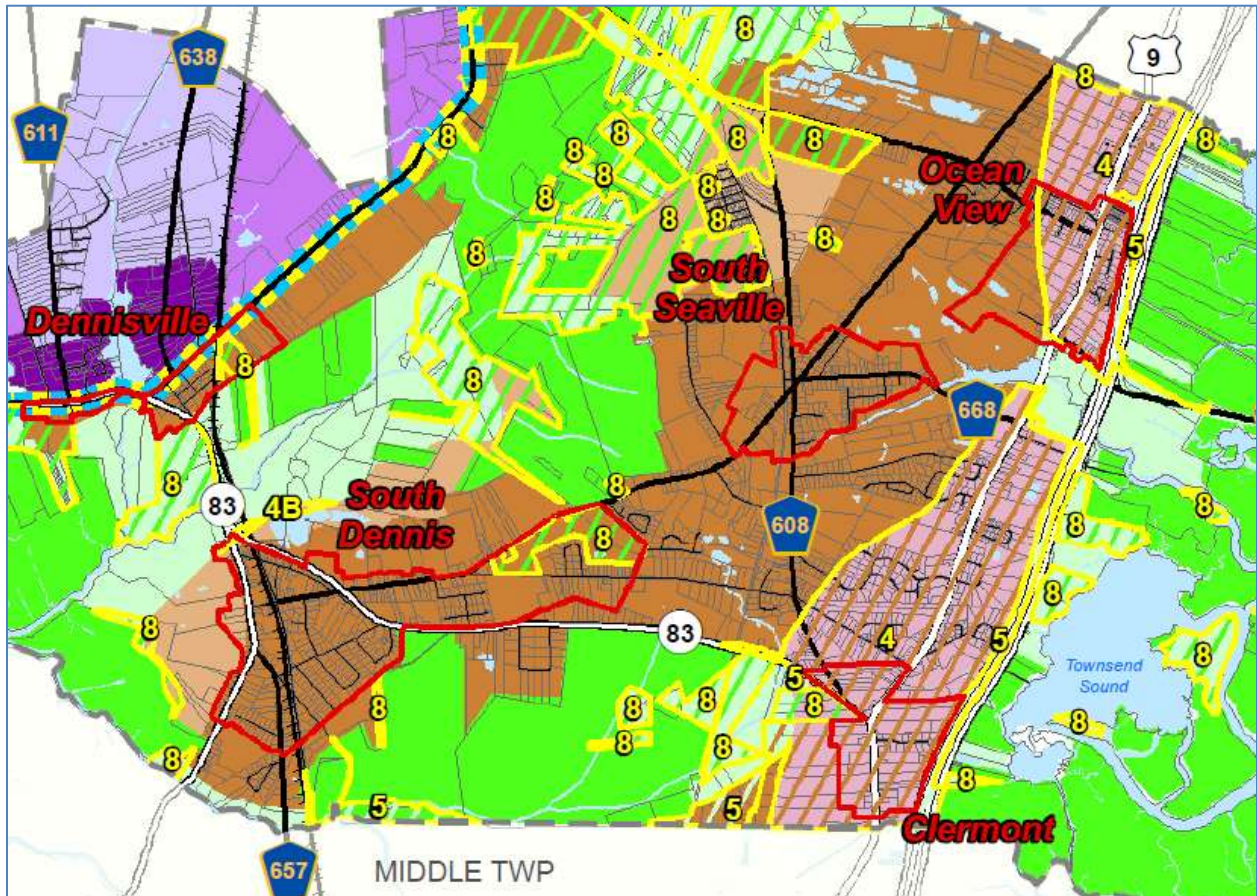
Approximately 60 percent of Dennis Township is located within the Coastal Zone, where the NJDEP regulates development under CAFRA. The Coastal Zone is divided into centers and planning areas where the intensity of development is regulated by the Coastal Zone Management Rules. These rules limit impervious coverage in the Environmentally Sensitive and Rural Planning Areas to 3%, and 5% in the Fringe Planning Area.

Prior to Plan Endorsement, six CAFRA Centers were identified in the NJDEP regulations as follows:

- Ocean View and Clermont in the Coastal Fringe Planning Area
- Dennisville, South Seaville, Eldora and South Dennis in the Coastal Rural Planning Area

The NJ Department of State Office of Planning Advocacy (OPA) website indicates Dennis Township's five Village Centers (Clermont, Dennisville, Ocean View, South Dennis and South Seaville) were endorsed on May 15, 2013, and are due to expire on May 15, 2023. Expiration of the centers would be detrimental to the Township in terms of development projects requiring CAFRA permits, due to the more restrictive impervious coverage limits associated with the State Planning Areas designations.

The following exhibit from the 2012 Master Plan indicates the location of the five Centers relative to the underlying State Plan Area designations.



The Planning and Implementation Agreement (PIA) is a written agreement between the SPC and the Township that sets forth the planning, implementation measures needed to successfully implement the Township’s action items agreed to in their endorsement. The PIA ensures implementation of the plan is consistent with State Plan goals, policies and strategies. The municipality’s endorsement will be contingent upon fulfilling the obligations in the PIA (below). See N.J.A.C. 5:85- 7.17 to 7.19.

Should the Township determine that extension of the Centers is appropriate, a Biennial Report including the status of the Planning and Implementation Agreement; a list of Planning and Zoning Board actions in the past 5 years; and any planning documents produced in the past 10 years should be prepared.

Dennis Township PIA			
Item No.	Subject	Action Item	Due Date
1	Capital Improvement Plan	The Township shall prepare a new Capital Improvement Program aligned with its planned development. This shall be an action item in the PIA.	Next Capital Improvement plan is due in 2017
[There is no Item No. 2]			
3	Coastal Consistency Statement	The Township shall prepare a statement that addresses natural resource protection and coastal management demonstrating consistency of local plans and ordinances with the goals of the Coastal Zone Management Program.	May be done before the SPC
4	Cape May County Wastewater Management Plan	The WQMP must be completed by the County, but the Township must comply with the "Responsibility of Municipalities" obligations listed in section N.J.A.C. 7:15-5.8 of the Water Quality Management Rules. Municipalities must provide documentation that water supply capacity exists for the amount of growth detailed in the Master Plan. This documentation must identify existing and proposed water supply sources. Municipalities must identify local water conservation measures required to ensure efficient use of available resources and methods to be used to promote wastewater reuse. Stream corridor protection ordinances must be in place.	Ongoing
5	Septic Management Plan	Prepare a septic management plan in accordance with N.J.A.C. 7:15-5.25(e)3; which states, "Demonstrate that areas to be served by individual subsurface sewage disposal systems are subject to a mandatory maintenance program, such as an ordinance, which ensures that all individual subsurface sewage disposal systems are functioning properly. This shall include requirements for periodic pump out and maintenance, as needed."	Ongoing
6	Green Buildings & Sustainability Plan	Prepare and adopt a Green Buildings and Environmental Sustainability Plan. Consider working toward certification in Sustainable New Jersey to be eligible for future funding.	2022

7	Historic Site Survey	Update the Township Historic Site Survey to determine State and National Register eligibility. Consider Sustainable New Jersey as a future funding source.	2015
8	Update Master Plan & Zoning ordinance per FEMA maps	Review required changes in the Master Plan and Zoning Ordinance as a result of the new FEMA maps. NOTE: The maps for the Delaware Bay side of South Jersey which includes Dennis Township have not as yet been published.	2015
9	Master Plan update	Update the Master Plan in 2022.	2022
10	Lake Management Study	Consider a management study for Magnolia Lake in Ocean View which has declined due to eutrophication and received further damage during Hurricane Sandy. Consider NOAH as a source of funding. NOTE: The Lake is privately owned but an easement with Open Space funding could be considered.	2015

State Strategic Plan

In October of 2011, the Draft State Strategic Plan (SSP) was developed as an update to the current State Development and Redevelopment Plan (SDRP). The intent of the SSP is to increase focus on policies aimed to foster job growth, support effective regional planning, and preserve the State's critical resources. The four overarching goals that serve as the blueprint of the Plan are summarized as follows:

- Goal 1: Targeted Economic Growth. Enhance opportunities for attraction and growth of industries of statewide and regional importance;
- Goal 2: Effective Planning for Vibrant Regions. Guide and inform regional planning so that each region of the State can experience appropriate growth according to the desires and assets of that region;
- Goal 3: Preservation and Enhancement of Critical State Resources. Ensure that strategies for growth include preservation of the State's critical natural, agricultural, scenic, recreation, and historic resources.
- Goal 4: Tactical Alignment of Government. Enable effective resource allocation, coordination, cooperation, and communication amongst governmental agencies on local, regional, and state levels.

Unlike the existing SDRP, the SSP does not contain any mapping. Thus far in its draft form, the SSP appears to have a greater emphasis on the State's overall economic framework and provide information and goals for New Jersey's various industry clusters. When and if the SSP is formally adopted, the Township should examine how its Master Plan is consistent with the SSP.

Marijuana Legalization

On February 22, 2021 the Governor signed bill A21 "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act"; legalizes personal use cannabis for certain adults, subject to State regulation; decriminalizes small amount marijuana and hashish possession; removes marijuana as Schedule I drug. The comprehensive newly signed laws address Licensing of Cannabis Businesses and updating Certain Medical Cannabis Alternative Treatment Centers' Permitted Operations.

Dennis Township Ordinance 2021-03, adopted June 8, 2021 prohibits establishment of the six marketplace classes of cannabis business. Ordinance 2021-04, adopted May 25, 2021 prohibits marijuana smoking in public places.

Airbnb

Airbnb, Inc. is a privately held global company headquartered in San Francisco that operates an online marketplace and hospitality service which is accessible via its websites and mobile apps. Members can use the service to arrange or offer lodging, primarily homestays, or tourism experiences. The company does not own any of the real estate listings, nor does it host events; as a broker, it receives commissions from every booking. Some cities have restrictions on subletting for a short period of time.

Airbnb is criticized for its impacts on housing affordability other transient lodging facilities. As of the beginning of 2018, several studies found that rental prices in many areas increased due to Airbnb, as landlords kept properties off the longer-term rental market and instead get higher rental rates for short-term housing via Airbnb.

New Jersey Governor Phil Murphy has signed a bill into law that imposes the same lodging taxes on short-term rentals that hotels and motels pay. The change means operators of short-term rentals that are booked through companies such as Airbnb, VRBO, HomeAway, or others are now required to add these taxes to guests' bills and remit them to the state. The new law allows municipalities the option to impose new

taxes and fees on short-term rentals. Short-term rental operators must register with the state for tax purposes before they can start collecting lodging taxes from guests.

Sustainable Jersey

Sustainable Jersey is a nonprofit, nonpartisan organization that is helping municipalities build a better world for future generations by supporting community efforts to reduce waste, cut greenhouse gas emissions, and improve environmental equity. It provides tools, training and financial incentives to support and reward communities as they pursue sustainability programs.

New Jersey is the first state in the United States to have a comprehensive sustainability program for communities that links certification with strong state and private financial incentives, and a fully-resourced program of technical support and training. Currently, 422 of New Jersey's 565 municipalities are participating in the municipal sustainability certification program.

In October 2014, Sustainable Jersey for Schools was launched in partnership with New Jersey School Boards Association and other statewide educational organizations to certify public schools.

Community Profile

To enhance the relevance of the Dennis Township's master plan reexamination, the Planning Board has reviewed and evaluated information describing the Dennis Township's demographics. The following section identifies relevant aspects of this review.

The 2010 United States census counted 6,467 people, 2,370 households, and 1,792 families in the township. There were 2,672 housing units at an average density of 43.9 per square mile. The racial makeup was 96.75% (6,257) White, 0.79% (51) Black or African American, 0.19% (12) Native American, 0.56% (36) Asian, 0.03% (2) Pacific Islander, 0.32% (21) from other races, and 1.36% (88) from two or more races. Hispanic or Latino of any race were 1.81% (117) of the population.

Of the 2,370 households, 29.5% had children under the age of 18; 60.8% were married couples living together; 9.5% had a female householder with no husband present and 24.4% were non-families. Of all households, 19.6% were made up of individuals and 8.6% had someone living alone who was 65 years of age or older. The average

household size was 2.68 and the average family size was 3.07. 21.4% of the population were under the age of 18, 8.6% from 18 to 24, 20.9% from 25 to 44, 34.1% from 45 to 64, and 15.0% who were 65 years of age or older. The median age was 44.5 years.

The Census Bureau's 2006–2010 American Community Survey showed that (in 2010 inflation-adjusted dollars) median household income was \$84,205 and the median family income was \$84,400. The per capita income was \$30,545. About 5.4% of families and 7.6% of the population were below the poverty line, including 12.0% of those under age 18 and 5.4% of those age 65 or over.

In 2020, the census counted 6,285 people (6,467 in 2010), 2,285 households (2,370 in 2010), and 2,684 housing units (2,672 in 2010). The racial makeup was 97.3% White, 0.4% Black or African American, 0.5% Asian, 1.7 from two or more races, Hispanic or Latino of any race were 1.8% of the population. The average household size was 2.64, 21.3% of the population were under the age of 18, and 19.6% were 65 years of age or older. The median household income was \$97,526 and the per capita income was \$39,497. About 5% of the population were below the poverty line.

Data from the Department of Community Affairs Construction Reporter indicates that between 2012 and 2021, there were 22 dwelling units, and 43,802 square feet of office space added in the Township.

Climate Change

The Global Change Research Act of 1990 mandates that the U.S. Global Change Research Program (USGCRP) deliver a report to Congress and the President no less than every four years. The Fourth National Climate Assessment (NCA4) fulfills that mandate in two volumes. Volume II draws on the foundational science described in Volume I, the *Climate Science Special Report (CSSR)*. Where possible, NCA4 Volume II provides examples of actions underway in communities across the United States to reduce the risks associated with climate change, increase resilience, and improve livelihoods.

This assessment was written to help inform decision-makers, utility and natural resource managers, public health officials, emergency planners, and other stakeholders by providing a thorough examination of the effects of climate change on the United States.

The *Climate Science Special Report* (CSSR), published in 2017, provides a detailed analysis of how climate change is affecting the physical earth system across the United States and provides the foundational physical science upon which much of the assessment of impacts in this report is based. The CSSR integrates and evaluates current findings on climate science, analyzes trends in climate change, and projects major trends to the end of this century. As an assessment and analysis of the physical science, the CSSR provides important input to the development of other parts of NCA4 and their primary focus on the human welfare, societal, economic, and environmental elements of climate change. The full CSSR can be accessed at science2017.globalchange.gov.

The impacts of climate change are already being felt in communities across the country. More frequent and intense extreme weather and climate-related events, as well as changes in average climate conditions, are expected to continue to damage infrastructure, ecosystems, and social systems that provide essential benefits to communities.

Rising water temperatures, ocean acidification, retreating arctic sea ice, sea level rise, high-tide flooding, coastal erosion, higher storm surge, and heavier precipitation events threaten our oceans and coasts. These effects are projected to continue, putting ocean and marine species at risk, decreasing the productivity of certain fisheries, and threatening communities that rely on marine ecosystems for livelihoods and recreation. Lasting damage to coastal property and infrastructure driven by sea level rise and storm surge is expected to lead to financial losses for individuals, businesses, and communities, with the Atlantic and Gulf Coasts facing above-average risks.

Actions to plan for and adapt to more frequent, widespread, and severe coastal flooding, such as shoreline protection and conservation of coastal ecosystems, would decrease direct losses and cascading impacts on other sectors and parts of the country. More than half of the damages to coastal property are estimated to be avoidable through well-timed adaptation measures.¹

America's trillion-dollar coastal property market and public infrastructure are threatened by the ongoing increase in the frequency, depth, and extent of tidal flooding due to sea level rise, with cascading impacts to the larger economy. Higher

¹ FOURTH NATIONAL CLIMATE ASSESSMENT - USGCRP, 2018: *Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment, Volume II* [Reidmiller, D.R., C.W. Avery, D.R. Easterling, K.E. Kunkel, K.L.M. Lewis, T.K. Maycock, and B.C. Stewart (eds.)]. U.S. Global Change Research Program, Washington, DC, USA, 1515 pp. doi: 10.7930/NCA4.2018.

storm surges due to sea level rise and the increased probability of heavy precipitation events exacerbate the risk. Actions to plan for and adapt to more frequent, widespread, and severe coastal flooding would decrease direct losses and cascading economic impacts.

Fisheries, tourism, human health, and public safety depend on healthy coastal ecosystems that are being transformed, degraded, or lost due in part to climate change impacts, particularly sea level rise and higher numbers of extreme weather events. Restoring and conserving coastal ecosystems and adopting natural and nature-based infrastructure solutions can enhance community and ecosystem resilience to climate change, help to ensure their health and vitality, and decrease both direct and indirect impacts of climate change.

Campgrounds

The 2012 Master Plan indicates there are fourteen active campgrounds in the Township containing a total of 5,657 campsites on nearly 870 acres of land. These campgrounds represent a significant portion of the local economy. The R3 Zone permits improved campgrounds as principal use; the Conservation Zone permits primitive campgrounds as conditional use. A number of campgrounds are located in zones where they are not permitted which necessitates additional variance approvals when facility improvements are proposed.

D. Specific Changes Recommended for the Master Plan and Development Regulations.

In consideration of the land use problems and changes pertaining to the master plan and development regulations, the following specific changes to the master plan and development regulations are recommended.

Table 3
Recommended Changes to the Master Plan and Zoning Ordinance

	Topic	Recommendation
1	<u>Master Plan Goals and Objectives</u>	<ul style="list-style-type: none"> ▪ <u>Revise Goal #1 objective</u> as follows: Concentrate future commercial and residential development within the Centers as areas to direct growth and to concentrate future infrastructure and services. ▪ <u>Revise Goal #2 objective</u> as follows:

		Provide appropriate design controls for commercial development within and outside of the Centers to encourage good design and to ensure an attractive compatible appearance with the Township’s vision and historic character.
2	<u>Definitions</u>	<p>Add the following:</p> <ul style="list-style-type: none"> ▪ <u>Microbrewery</u> – A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district. ▪ <u>Sidewalk Café</u> – An area of designated size used as a seating area with tables and chairs for the contiguous restaurant without a solid roof cover. This seating may be in addition to the indoor seating or it may be the only seating available for the restaurant.
3	<u>Building Height</u>	<ul style="list-style-type: none"> ▪ <u>Redefine Building Height as follows:</u> The vertical dimension measured from the average elevation of the finished lot grade at the midpoint of the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs. Conventional accessory structures, such as chimneys, spires, aerials and elevator enclosures, shall not be included in building height calculation. ▪ <u>Increase residential building height</u> from 25 feet to 35 feet and 3 stories.
4	<u>Accessory Buildings</u>	<ul style="list-style-type: none"> ▪ Define “flat roof” and limit flat roof height to 15 feet. ▪ Limit pitched-roof accessory building height as follows: <ul style="list-style-type: none"> ○ Up to 15’ with minimum 20’ setback ○ 16’-20’ with minimum 25’ setback ○ 21’-25’ with minimum 40’ setback ▪ Increase permitted height for farm buildings to 50 feet. ▪ Revise §185-31.C (Accessory buildings) to include the above controls for flat and pitched roof accessory buildings. Remove reference to Article IV. ▪ Article IV - Remove accessory building height controls and add reference to §185-31.C as amended. ▪ Section 185-72 - Delete the following: All accessory uses are limited to a maximum height of 15 feet.

		<ul style="list-style-type: none"> With respect to coverage, an ordinance setting limits based on lot area may provide an appropriate mechanism to control the size of accessory buildings. 																					
5	<u>Fences and Walls</u>	<ul style="list-style-type: none"> Revise 185-33.B as follows: B. On any lot in any district, no wall or fence shall be erected or altered so that said wall or fence shall be over four feet in height in front yard areas, and six feet in height in side yard and rear yard areas except that: [Amended 12-4-07 by Ord. No. 2007-13] <p>(1) A privacy fence may be constructed on the property line. The maximum height of a fence of this nature shall be six 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.</p> <ul style="list-style-type: none"> Define 'Privacy Fence' Require finished side of fence to face outward Add reference to fences for pools (§185-44.C) 																					
6	<u>Lot Coverage</u>	<ul style="list-style-type: none"> Revise definition of "Impervious Surface" to apply to the non-Pinelands zones in the Township. Revise Impervious Coverage and Principal Building Coverage as follows: <table border="1" data-bbox="662 1203 1325 1535"> <thead> <tr> <th>Zone</th> <th>Impervious Coverage</th> <th>Principal Building Coverage</th> </tr> </thead> <tbody> <tr> <td>VC</td> <td>75</td> <td>50</td> </tr> <tr> <td>CVC</td> <td>75</td> <td>50</td> </tr> <tr> <td>OVCC</td> <td>75</td> <td>50</td> </tr> <tr> <td>OVC</td> <td>75</td> <td>50</td> </tr> <tr> <td>Business</td> <td>70</td> <td>50</td> </tr> <tr> <td>Marina</td> <td>60</td> <td>35</td> </tr> </tbody> </table>	Zone	Impervious Coverage	Principal Building Coverage	VC	75	50	CVC	75	50	OVCC	75	50	OVC	75	50	Business	70	50	Marina	60	35
Zone	Impervious Coverage	Principal Building Coverage																					
VC	75	50																					
CVC	75	50																					
OVCC	75	50																					
OVC	75	50																					
Business	70	50																					
Marina	60	35																					
7	<u>Signs in Commercial Centers</u>	<ul style="list-style-type: none"> Amend Business District §185-25C(5) as follows: Fences and signs in accord with §185-33 and §145-43, respectively. Amend Marina District §185-29C as follows: (10) Fences and signs in accord with §185-33 and §145-43, respectively. <u>Amend §185-43 as follows.</u> 																					

		<p>B. Permitted signs. The following signs are permitted for uses as specified in Article IV of this chapter for the various zoning districts:</p> <p>(7) Industrial and manufacturing plants, wholesale distribution centers and warehouses: one sign not exceeding 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 25 feet, shall be set back from the street rights-of-way and driveways at least 50 feet and shall be set back from any property line a minimum of 10 feet. [Amended 1-12-1998 by Ord. No. 97-18]</p> <p>(8) Industrial parks: one freestanding sign along each arterial or collector road which the tract in question abuts, provided that there exists at least 250 feet of unbroken frontage. Such sign shall not exceed a height of 25 feet, shall be set back from the street rights-of-way and driveways at least 50 feet, shall be set back from any property line a minimum of 10 feet and shall not exceed an area of 32 square feet. [Amended 1-12-1998 by Ord. No. 97-18]</p> <p>C. Permitted signs in the OVCC, OVC and CVC Districts. The following signs in addition to those listed in §145-43B, are permitted for uses in the OVCC, OVC and CVC Districts:</p> <ul style="list-style-type: none"> ▪ Revise the ordinance to address digital signs
8	<p><u>Small Wind and Solar</u></p>	<p><u>Revise §185-73.D(22)(f)(2) as follows:</u></p> <p>[2] Solar panels shall be permitted as ground arrays in accordance with the following:</p> <p>[a] All ground arrays shall be set back a distance of 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.</p> <p>[b] Ground arrays shall not be permitted in the required front yard.</p> <p>[c] Ground arrays shall be located so that any glare is directed away from an adjoining property.</p> <p>[d] Ground arrays shall not exceed a height of 15 feet.</p>
9	<p><u>Cellular Communication Facilities</u></p>	<ul style="list-style-type: none"> ▪ Expand the Pinelands area definition of “Local Communications Facility” to apply Township-wide, or establish a new definition for cellular communication facilities in the non-Pinelands area.

		<ul style="list-style-type: none"> ▪ Add a new term/definition: Co-Location – The use of a single tower on the ground by more than one provider and/or the installation of several local communications facilities on an existing building or structure by more than one provider of wireless local communications. ▪ Include cellular communication facilities with appropriate standards as a conditional use on properties/buildings owned by the Township of Dennis.
10.	<p><u>Electric Vehicle Parking Spaces</u></p>	<ul style="list-style-type: none"> ▪ Permit electric vehicle (EV) charging stations as a permitted accessory use-structure in all zones. ▪ In all zones where motor vehicle service stations are permitted, allow EV charging stations as part of their fueling operations. ▪ Update the ordinance to confirm that conversion of a traditional gas pump fueling station to an EV fueling station should not trigger site plan review unless a change is made to site circulation or additional stations are added. ▪ Update the parking ordinance as necessary to clarify that parking spaces equipped to charge EV should be counted toward the overall parking onsite when the space does not restrict other vehicles from parking within the space. ▪ Consider potential allowance for parking lots with EV charging stations as a permitted use. ▪ Address potential compatibility concerns with Private EVSE charging stations and collection of fees in residential areas.
11.	<p><u>Nonconforming Residential Uses in Commercial Zones</u></p>	<ul style="list-style-type: none"> ▪ Define legally-existing residential uses in commercial zones as of a certain date as permitted uses. ▪ Establish/reference zoning controls (VR recommended) that will apply to the commercially-zoned residential properties. ▪ Revise Accessory Uses in the commercial zones to include the following: <ul style="list-style-type: none"> (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.

		<p>(5) Signs in accordance with the standards in Section 185-43.</p> <p>(6) Fences and walls in accordance with the standards in Section 185-33.</p> <p>(7) Residential agriculture.</p> <p>(8) Home businesses, as a conditional accessory use, only in Dennisville.</p> <p>(9) Small wind energy systems and solar energy systems in accordance with the standards in Section 185-73D(22).</p> <p>(10) Decks, patios, terraces, etc.</p>
12.	<p><u>District Regulations</u></p>	<ul style="list-style-type: none"> ▪ §185-16 Village Residential – Remove: <ul style="list-style-type: none"> ○ Building Placement (Build-to-Line only) ○ Parking (Location only) ○ Encroachments ○ Associated illustrations and Notes ▪ §185-17 Village Commercial – Remove: <ul style="list-style-type: none"> ○ Building Placement (Build-to-Line) ○ Building Placement (Building Form – Primary and Secondary Street BTL only) ○ Parking (Location only) ○ Encroachments ○ Associated illustrations and Notes ▪ §185-18 Clermont Residential District – Remove: <ul style="list-style-type: none"> ○ Building Placement (Build-to-Line only) ○ Parking (Location only) ○ Encroachments ○ Associated illustrations and Notes ▪ §185-19 Clermont Village Center District – Remove: <ul style="list-style-type: none"> ○ Building Placement (Build-to-Line) ○ Building Placement (Building Form – Primary and Secondary Street BTL only) ○ Parking (Location only) ○ Encroachments ○ Associated illustrations and Notes ▪ §185-20 Clermont Village Residential District – <ul style="list-style-type: none"> ○ Convert Building Placement (Build-to-Line) to minimum setback requirements ○ Remove Parking (Location only) ○ Remove Encroachments ○ Remove associated illustrations and Notes ▪ §185-21 Ocean View Residential District –

		<ul style="list-style-type: none"> ○ Convert Building Placement (Build-to-Line) to minimum setback requirements ○ Remove Parking (Location only) ○ Remove Encroachments ○ Remove associated illustrations and Notes ▪ §185-22 Ocean View Center Core District – Remove: <ul style="list-style-type: none"> ○ Building Placement (Build-to-Line) ○ Building Placement (Building Form – Primary and Secondary Street BTL only) ○ Parking (Location only) ○ Encroachments ○ Associated illustrations and Notes ▪ §185-23 Ocean View Center District – Remove: <ul style="list-style-type: none"> ○ Building Placement (Build-to-Line) ○ Building Placement (Building Form – Primary and Secondary Street BTL only) ○ Parking (Location only) ○ Encroachments ○ Associated illustrations and Notes ▪ §185-23 Ocean View Center Residential District – Remove: <ul style="list-style-type: none"> ○ Convert Building Placement (Build-to-Line) to minimum setback requirements ○ Remove Parking (Location only) ○ Remove Encroachments ○ Remove associated illustrations and Notes ▪ In all the above districts: <ul style="list-style-type: none"> ○ Revise Building Height to 35 Feet and 3 Stories. ○ Revise Impervious Coverage and Building Coverage as indicated in Recommendation No. 6 above.
13.	<u>Performance Guarantees</u>	Revise Article VII (Performance Guaranty; Inspections; Certificate of Occupancy) to comply with Municipal Land Use Law (MLUL).
14.	<u>Application Checklists</u>	Prepare/adopt application checklists for all application types in accord with the MLUL; revise existing ordinance sections as necessary.
15.	<u>Stormwater Management</u>	Revise municipal stormwater ordinances, prepare and adopt stormwater management plan as required by NJAC 7:8.
16.	<u>Commercial Buildings</u>	<ul style="list-style-type: none"> ▪ Define “storage facility” and add to permitted uses in Commercial Centers. ▪ Add controls to §185-32 to improve the visual compatibility of commercial buildings.

17.	<u>Affordable Housing</u>	Despite limitations associated with a lack of infrastructure that would support multifamily development, it is expressly a goal of the Master Plan to attempt to identify and take advantage of affordable housing opportunities when possible and in areas appropriate for such uses.
18.	<u>Campgrounds</u>	Identify campgrounds that are nonconforming in terms of use and (1) advise owners regarding ability to apply for a 'certificate of nonconformity', (2) revise the ordinance to permit campgrounds where appropriate, and/or revise the ordinance to recognize existing campgrounds as conforming uses.

E. Recommendations of the Planning Board Concerning the Incorporation of Redevelopment Plans into the Land Use Element of the Master Plan

In 1992, the Local Redevelopment and Housing Law (LRHL) was enacted into law. The LRHL replaced a number of former redevelopment statutes, including the Redevelopment Agencies Law, Local Housing and Redevelopment Corporation Law, Blighted Area Act, and Local Housing Authorities Law, with a single comprehensive statute. At the same time, the MLUL was also amended to require, as part of a master plan reexamination, that the issues raised in the LRHL be addressed.

The LRHL provides the statutory authority for municipalities to designate areas in need of "redevelopment or rehabilitation," prepare and adopt redevelopment plans, and implement redevelopment projects. Specifically, the governing body has the power to initially cause a preliminary investigation to determine if an area is in need of redevelopment or rehabilitation, determine that an area is in need of redevelopment or rehabilitation, adopt a redevelopment plan, and/or, determine that an area is in need of rehabilitation.

A planning board has the power to conduct, when authorized by the governing body, a preliminary investigation and make a recommendation as to whether an area is in need of redevelopment. The planning board is also authorized to make recommendations concerning a redevelopment plan, and prepare a plan as determined to be appropriate. The board may also make recommendations concerning a determination if an area is in need of rehabilitation.

The LRHL establishes eight statutory criteria to determine if an area qualifies as being in need of redevelopment. While properties may often qualify for more than one

of the criteria, the LRHL establishes that only one is needed for that area to be determined in need of redevelopment.

The statute defines redevelopment to include: "clearance, replanning, development and redevelopment; the conservation and rehabilitation of any structure or improvement, the construction and provision for construction of residential, commercial, industrial, public or other structures and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for streets, parks, playgrounds, or other public purposes, including recreational and other facilities incidental or appurtenant thereto, in accordance with a development plan."

It is noteworthy that the statute specifically states that a redevelopment area may include lands which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is necessary for the effective redevelopment of an area. At this time, the Planning Board does not recommend investigating any areas within the Township for redevelopment area designation.