

Chapter 335

ZONING

GENERAL REFERENCES

Planning Board — See Ch. 89.

Land use procedures — See Ch. 215.

Air safety and hazardous zoning — See Ch. 128.

Lighting nuisances — See Ch. 227.

Bulkheading and shoreline stabilization — See Ch. 153.

Satellite antennas — See Ch. 281.

Uniform construction code — See Ch. 159.

Site plan review — See Ch. 285.

Excavations and soil mining — See Ch. 175.

Subdivision of land — See Ch. 297.

Flood hazard areas — See Ch. 185.

Trees — See Ch. 313.

Land development fees, escrow deposits and inspection fees — See Ch. 211.

ARTICLE I
Title and Purpose

§ 335-1. Short title.

This chapter shall hereafter be cited or referred to, for purposes of amendment or otherwise, as the "Comprehensive Zoning Ordinance of the Township of Lacey."

§ 335-2. Purpose. [Amended 2-14-1991 by Ord. No. 5-91]

The purpose of this chapter shall be to regulate zoning in the Township of Lacey pursuant to the provisions of N.J.S.A. 40:55D-1 et seq., and the Pinelands Comprehensive Management Plan.

ARTICLE II

Definitions; Interpretation of Boundaries**§ 335-3. Word usage and definitions.**

A. Usage. Words used in the present tense include the future. The singular number includes the plural, and the plural, the singular. The word "building" includes the word "structure." The word "zone" includes the word "district," and the term "such as" introduces a typical construction rather than an entirely exclusive or individual design. The word "shall" is always mandatory.

B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY USE or ACCESSORY BUILDING [Amended 2-14-1991 by Ord. No. 5-91] — A subordinate use or building, the purpose of which is customarily incidental to that of the principal use or building and located on the same lot, whether such "accessory building" is attached to or detached from the principal building. Within the Pinelands Area, an "accessory use or building" shall mean a structure or use which:

- (1) Is subordinate to and serves a principal building or a principal use, including but not limited to the production, harvesting and storage as well as washing, grading and packaging of unprocessed produce grown on site;
- (2) Is subordinate in area, extent and purpose to the principal structure or principal building or a principal use served;
- (3) Contributes primarily to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served; and **[Amended 3-27-1997 by Ord. No. 97-14]**
- (4) Is located on the same parcel as the principal structure or principal use served, except as otherwise expressly authorized by the provisions of this chapter. **[Amended 3-27-1997 by Ord. No. 97-14]**

AGRICULTURAL USE — Land which is devoted to the production for sale of plants and animals useful to man, including but not limited to forages and sod crops, grain and feed crops, dairy animals and dairy products, poultry and poultry products, livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and raising of any or all such animals, bees and apiary products, fur animals, trees and forest products, or land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government. **[Added 9-18-1980 by Ord. No. 25-80]**

ALTERATIONS — A change in the structural parts of an existing building; or an enlargement, whether by extension of a side or by increasing in height; or the moving from one location to another.

AMUSEMENT CENTER — A building where the public may enter, which building is operated solely as an amusement center and housing for four or more of any or all of the types of amusement games, machines or devices as described in this chapter under the definition of "game room" and such other amusement games, machines or devices in which the public may participate for a fee. Amusement centers do not include motion-picture

theaters, bowling alleys, roller-skating rinks, ice-skating rinks, bookstores, massage parlors and the like.**[Added 7-24-1997 by Ord. No. 97-30]**

APARTMENT — A dwelling unit in a building having two or more dwelling units, which dwelling units have common facilities, conveniences or services, such as entranceways, hallways, basements, attics, heating systems, plumbing or other similar shared facilities within the building.**[Added 9-18-1980 by Ord. No. 25-80]**

ARCADE — A building where the public may enter, which building is operated solely as an arcade center and housing for four or more of any or all of the types of arcade games, machines or devices as described in this chapter under the definition of "game room" and such other arcade games, machines or devices in which the public may participate for a fee. Arcade centers do not include motion-picture theaters, bowling alleys, roller-skating rinks, ice-skating rinks, bookstores, massage parlors and the like.**[Added 7-24-1997 by Ord. No. 97-30]**

ARTIFICIAL REGENERATION — The establishment of tree cover through direct or supplemental seeding or planting.**[Added 9-22-2011 by Ord. No. 2011-19]**

ASSISTED LIVING CARE FACILITIES — A facility designed and operated for independent residential living and providing a coordinated array of supportive personal and health services to residents of said facility, available 24 hours per day. Residents in the assisted living care facilities shall be a minimum of 55 years of age or older.**[Added 3-12-1998 by Ord. No. 98-06]**

AUTOMOBILE BODY SHOP — A building or portion of a building in which body work or refinishing work performed on motor vehicles is the principal purpose.**[Added 7-24-1997 by Ord. No. 97-30]**

AUTOMOBILE REPAIR SHOP — See "motor vehicle repair garage."**[Added 7-24-1997 by Ord. No. 97-30]**

AUTOMOBILE SERVICE STATION — See "motor vehicle service station."**[Added 7-24-1997 by Ord. No. 97-30]**

BASEMENT — That portion of a building partly underground, having more than 1/2 of its height above ground.**[Amended 12-22-1998 by Ord. No. 98-49]**

BED-AND-BREAKFAST — A private single-family residence that is year-round owner occupied, which provides overnight lodging as a subordinate use and provides breakfast only for registered guests and their visitors before 12:00 noon each day and containing not more than eight sleeping rooms for guest use.**[Added 7-24-1997 by Ord. No. 97-30]**

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.**[Added 9-22-2011 by Ord. No. 2011-19]**

BOATYARD — Any waterfront facility wherein docking accommodations and dryland storage accommodations for any watercraft, such as powerboats, sailboats or rowboats, are offered on a rental basis and where facilities for the building, rebuilding and general repair of boats and marine equipment are provided. A "boatyard" shall, unless otherwise provided, be deemed to include all auxiliary and accessory services, such as chandlery, gasoline sales and rental business activities related to the primary use.

BROADCAST SCARIFICATION — A silvicultural practice involving the dragging of cut trees or other objects across a parcel to remove or reduce aboveground shrub cover,

debris, leaf litter and humus without disturbance to mineral soil horizons and associated roots.**[Added 9-22-2011 by Ord. No. 2011-19]**

BUILDABLE AREA — That portion of any lot lying within front, rear and side setback lines.

BUILDING — Any structure, either temporary or permanent, enclosed with exterior walls or fire walls and built, erected and framed of component structural parts designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind. When used herein, "building" and "structure" shall be interchangeable, except where the context clearly indicates otherwise.**[Amended 9-18-1980 by Ord. No. 25-80; 2-14-1991 by Ord. No. 5-91]**

BUILDING HEIGHT, ACCESSORY — The vertical distance of a building measured from the average grade on all sides to the highest point of any roof.**[Amended 7-27-2006 by Ord. No. 2006-38; 2-9-2012 by Ord. No. 2012-06]**

BUILDING HEIGHT, PRINCIPAL — The vertical distance of a building measured from the average crown of the road at the front of house to the highest point of the roof in the case of a flat roof, to the deckline of a mansard roof and to the mean height of the roof above the highest habitable area for a gable, hip or gambrel roof.**[Amended 7-27-2006 by Ord. No. 2006-38]**

BUILDING LINE — A line formed by the vertical projection to the ground of the exterior surface of the building on any side. In the case of a cantilevered section of a building, the vertical projection will coincide with the surface nearest the property line. All yards are measured between the property line and the building line nearest that property line.

BUILDING, PRINCIPAL — A building within which is conducted the main or principal use of the lot on which said building is situated, and for residential uses, a building that is in compliance with the heating requirements of the BOCA National Property Maintenance Code as adopted by Lacey Township.**[Amended 12-22-1998 by Ord. No. 98-49]**

CHILD-CARE CENTER **[Added 7-24-1997 by Ord. No. 97-30]** — Any facility which is maintained for the care, development or supervision of six or more children who attend the facility for less than 24 hours a day. In the case of a center operating in a sponsor's home, children who reside in the home shall not be included when counting the number of children being served. This term shall include, but shall not be limited to, day-care centers, drop-in centers, nighttime centers, recreation centers sponsored and operated by a county or municipal government recreation or park department or agency, day nurseries, nursery and play schools, cooperative child centers, centers for children with special needs, centers serving sick children, infant-toddler programs, school age child-care programs, employer supported centers, centers that had been licensed by the Department of Human Services prior to the enactment of the Child Care Center Licensing Act, P.L. 1983, c. 492 (N.J.S.A. 30:5B-1 et seq.) and kindergartens that are not an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth, seventh or eighth. This term shall not include:

- (1) A program operated by a private school which is run solely for educational purposes. This exclusion shall include kindergartens, prekindergarten programs or child-care centers that are an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth, seventh or eighth.

- (2) Centers or special classes operated primarily for religious instruction or for the temporary care of children while persons responsible for such children are attending religious services.
- (3) A program of specialized activity or instruction for children that is not designed or intended for child-care purposes, including but not limited to Boy Scouts, Girl Scouts, 4-H Clubs and Junior Achievement and single activity programs such as athletics, gymnastics, hobbies, art, music and dance and craft instruction, which are supervised by an adult, agency or institution.
- (4) Youth camps required to be licensed under the New Jersey Youth Camp Safety Act, P.L. 1973, c. 375 (N.J.S.A. 26:12-1 et seq.). To qualify for an exemption from licensing under this provision, a program must have a valid and current license as a youth camp issued by the Department of Health. A youth camp sponsor who also operates a child-care center shall secure a license from the Department of Human Services for the center.
- (5) Day training centers operated by or under contract with the Division of Developmental Disabilities within the Department of Human Services.
- (6) Programs operated by the Board of Education of the local public school district that is responsible for their implementation and management.
- (7) A program such as that located in a bowling alley, health spa or other facility in which each child attends for a limited time period while the parent is present and using the facility.
- (8) A child-care program operating within a geographical area, enclave or facility that is owned or operated by the federal government.
- (9) A family day-care home that is registered pursuant to the Family Day Care Provider Registration Act, P.L. 1987, c. 27 (N.J.S.A. 30:5B-16 et seq.).
- (10) Privately operated infant and preschool programs that are approved by the Department of Education to provide services exclusively to local school districts for handicapped children pursuant to N.J.S.A. 18A:46-1 et seq.

CLEAR-CUTTING — 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. Clear-cutting 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.**[Added 9-22-2011 by Ord. No. 2011-19]**

CLUSTER DEVELOPMENT — A development of single-family detached dwellings which will preserve desirable open spaces, conserve floodplains and provide recreational parks and lands for purposes compatible with the residential uses by the reduction of lot sizes and by use of certain other regulations.

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.**[Added 9-22-2011 by Ord. No. 2011-19]**

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.**[Added 9-22-2011 by Ord. No. 2011-19]**

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.**[Added 9-22-2011 by Ord. No. 2011-19]**

DWELLING, ATTACHED — One dwelling unit in a line of two or more attached dwelling units, with each dwelling unit from ground to roof and having individual outside access.**[Added 9-18-1980 by Ord. No. 25-80; amended 7-27-2000 by Ord. No. 00-40]**

DWELLING, MULTIPLE — A building containing more than two dwelling units.**[Added 9-18-1980 by Ord. No. 25-80]**

DWELLING, ONE-FAMILY — A building containing one dwelling unit.**[Added 6-8-1995 by Ord. No. 95-23]**

DWELLING, QUADRAPLEX — A building containing four dwelling units, with each dwelling unit having its own individual outside access.**[Added 7-27-2000 by Ord. No. 00-40]**

DWELLING, SINGLE-FAMILY — A detached building containing one dwelling unit.**[Added 9-18-1980 by Ord. No. 25-80]**

DWELLING, TWO-FAMILY — A building containing two dwelling units.**[Added 9-18-1980 by Ord. No. 25-80; amended 6-8-1995 by Ord. No. 95-23]**

DWELLING UNIT — A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.**[Amended 6-8-1995 by Ord. No. 95-23]**

EFFICIENCY UNIT — A dwelling unit consisting of a kitchen, bathroom and combined living room/sleeping room area with no separate bedrooms.**[Added 9-18-1980 by Ord. No. 25-80]**

ESSENTIAL SERVICES — The erection, construction, alteration or maintenance by a public utility or municipal agency of transmission, distribution or collection systems necessary for the furnishing of adequate service by such utility or agency to the use on the same lot and/or surrounding neighborhood or for the public health, safety or general welfare.

FAMILY — One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit who are living together as a stable and permanent living unit, being a traditional family unit or the functional equivalency thereof.**[Added 12-22-1998 by Ord. No. 98-49]**

FAMILY DAY-CARE HOME **[Added 7-24-1997 by Ord. No. 97-30]** — Any private residence approved by the Division of Youth and Family Services or an organization with which the division contracts for family day care in which child care services are regularly provided to no less than three and no more than five children for no less than 15 hours per week. A child being cared for under the following circumstances is not included in the total number of children receiving child-care services:

- (1) The child being cared for is legally related to the provider; or
- (2) The child is being cared for as part of a cooperative agreement between parents for the care of their children by one or more of the parents, where no payment for the care is being provided.

FAMILY, SINGLE — A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit. For purposes of this chapter, "family" does not include any society, club, fraternity, sorority, association, lodge, federation, or like organizations; or any group of individuals who are in a group living arrangement as a result of criminal offenses. **[Amended 2-9-2012 by Ord. No. 2012-06]**

FARMING — Agricultural activity or the raising of livestock, poultry or other animals, for gain, conducted on a plot of not less than six acres of land.

FENCE — See-through and solid fences and walls composed of nonliving materials. **[Added 9-10-1980 by Ord. No. 25-80; amended 10-25-1984 by Ord. No. 57-84]**

FLOOD FRINGE — That portion of the flood hazard area outside of the floodway. **[Added 9-18-1980 by Ord. No. 25-80]**

FLOOD HAZARD AREA — The floodway and any additional portions of the floodplain, the improper development and general use of which would constitute a threat to the safety, health and general welfare. This shall constitute the total area inundated by the flood hazard design flood. **[Added 9-18-1980 by Ord. No. 25-80]**

FLOODPLAIN — The relatively flat area adjoining the channel of a natural stream, which area has been or may be hereafter covered by floodwater. Natural streams include both tidal and nontidal streams. **[Added 9-18-1980 by Ord. No. 25-80]**

FLOODWAY — The channel of a natural stream and portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream. This shall constitute the portions of the floodplain needed for the passage of the floodway design flood without an appreciable rise in the water surface profile. **[Added 9-18-1980 by Ord. No. 25-80]¹**

FLOOR AREA RATIO — The total enclosed floor area of a building divided by the total gross area of the property.

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, clear-cutting, 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: **[Added 9-22-2011 by Ord. No. 2011-19]**

- (1) Removal of trees located on a parcel of land one acre or less on which a dwelling has been constructed;

1. Editor's Note: The former definition of "floor area," which immediately followed this definition, was repealed 12-22-1998 by Ord. No. 98-49.

- (2) Horticultural activities involving the planting, cultivating or harvesting of nursery stock or Christmas trees;
- (3) Removal of trees necessitated by the development of the parcel as otherwise authorized by this chapter;
- (4) Removal of trees necessary for the maintenance of utility or public rights-of-way;
- (5) Removal or planting of trees for the personal use of the parcel owner; and
- (6) Removal of trees for public safety.

FOREST STAND — A uniform group of trees of similar species, composition, size, age and similar forest structure.**[Added 9-22-2011 by Ord. No. 2011-19]**

GAME ROOM — A place or room within an existing building where the public may enter, wherein there are located four or more amusement games, machines or devices of the type commonly known and designated as "pinball," "console cathode ray tube game machines," "electronic or video game machines," "electric crane," "bagatelle," "baseball" and any other game, machine or device similar to the above operated by the use of coins or tokens and for the purpose of amusement or entertainment of the user.**[Added 7-24-1997 by Ord. No. 97-30]**

GARAGE, PRIVATE — A building intended for or used as storage for the motor vehicles of the families resident upon the premises.**[Added 9-18-1980 by Ord. No. 25-80]**

GARAGE, PUBLIC — A garage conducted as a business. The rental of storage space for more than two motor vehicles not owned on the premises shall be deemed a public garage.**[Added 9-18-1990 by Ord. No. 25-80; amended 7-24-1997 by Ord. No. 97-30]**

GARDEN APARTMENT — A building containing three or more apartments, such building having a maximum height of three stories (with a maximum of 45 feet in height).**[Added 9-18-1980 by Ord. No. 25-80; amended 7-27-2000 by Ord. No. 00-40]**

GENERAL DEVELOPMENT PLAN — A plan outlining general, rather than detailed, development intentions in accordance with N.J.S.A. 40:55D-45.1. It describes the basic parameters of major development proposal, rather than giving full engineering details. As such, it allows general intentions to be proposed and discussed without the extensive costs involved in submitting a detailed proposal. The general development plan allows the Planning Board to grant approval to provide the increased flexibility desirable to promote mutual agreement between the applicant and the Planning Board on the basic scheme of a planned development and setting forth any variations from the ordinary standards for preliminary or final approval and as permitted by N.J.S.A. 40:55D-39c.**[Added 7-27-2000 by Ord. No. 00-40]**

GAS STATION — See "motor vehicle service station."**[Added 7-24-1997 by Ord. No. 97-30]**

GOLF COURSE — An area of 75 or more acres containing at least nine holes, together with the necessary and usual accessory uses and structures, such as, but not limited to, clubhouse facilities, dining and refreshment facilities, swimming pools, tennis courts and the like, provided that the operation of the facilities is incidental and subordinated to the operation of the golf course.**[Added 9-18-1980 by Ord. No. 25-80]**

GROSS DENSITY — The total number of dwelling units divided by the total horizontal area included within the lot lines, expressed in terms of dwelling units per acre.**[Added 7-27-2000 by Ord. No. 00-40]**

GROSS FLOOR AREA — The total enclosed floor area of a building.**[Amended 12-22-1998 by Ord. No. 98-49]**

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.**[Added 9-22-2011 by Ord. No. 2011-19]**

HABITABLE FLOOR AREA — That livable area enclosed by the exterior foundation walls, excluding garages, open porches, porticoes, patios, breezeways and other similar attachments.²

HORTICULTURAL USE — Land which is devoted to the production for sale of fruits of all kinds, including grapes, nuts and berries, vegetables and nursery, floral, ornamental and greenhouse products or devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government.**[Added 9-18-1980 by Ord. No. 25-80]**

HOSPITAL — An institution where the sick or injured receive medical or surgical care.**[Added 9-18-1980 by Ord. No. 25-80]**

HOTEL/MOTEL — Any building containing six or more guest rooms, intended or designed to be occupied, or which are rented or hired out to be occupied, for sleeping purposes by guests.**[Amended 6-8-1995 by Ord. No. 95-23]**

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.**[Added 9-22-2011 by Ord. No. 2011-19]**

IMPERVIOUS LOT COVERAGE — The total area within the building line, including any accessory and appurtenant structures on a lot, plus the area of all other impervious surfaces divided by the lot area.**[Added 3-26-1992 by Ord. No. 92-18]**

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.**[Added 3-26-1992 by Ord. No. 92-18; amended 9-22-2011 by Ord. No. 2011-19]**

INDEPENDENT LIVING FACILITIES — A facility designed and operated for independent residential living and providing a coordinated array of supportive personal and health services to residents of said facility. Residents in the independent living care

2. Editor's Note: The former definition of "habitable space," added 6-8-1995 by Ord. No. 95-23, which immediately followed this definition, was repealed 12-22-1998 by Ord. No. 98-49. The former definition of "home occupations," amended 4-27-1995 by Ord. No. 95-16, which followed this definition was repealed 6-28-2001 by Ord. No. 01-37.

facilities shall be a minimum of 55 years of age or older.**[Added 7-27-2000 by Ord. No. 00-40]**

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.**[Added 9-22-2011 by Ord. No. 2011-19]**

INDUSTRIAL OR OFFICE PARK — A total tract comprehensively planned, designed and approved for industrial or office uses, whether or not the buildings are erected in one development stage or over a period of time, but where the streets, utilities and lots are set forth on a plan for the entire tract prior to construction of any portion of the tract. As development takes place in accordance with the approved plans, changes may be made in the plans for the undeveloped section to accommodate subsequent land needs in the undeveloped sections, provided that the modifications conform to logical extension of installed segments of streets, drainage, utilities or other facilities.**[Added 9-18-1980 by Ord. No. 25-80]**

JUNKYARD — An area used for the storage of abandoned motor vehicles or parts thereof or other scrap materials, or for the dismantling or demolition of automobiles or other vehicles, or for the buying, selling, storing or trading of discarded metal, glass, paper, cordage or other fixtures.

LOT — A piece, parcel or plot of land occupied or designed to be occupied by a building and its accessory buildings or by a dwelling group and its accessory buildings, together with such open spaces as are arranged and designed to be used in connection with such buildings.

LOT AREA — The total horizontal area included within the lot lines, expressed in terms of square feet. Any portion of a lot included in a street right-of-way shall not be included in calculating the lot area.

LOT DEPTH — The shortest perpendicular distance between the front lot line and a line drawn parallel to the front lot line through the midpoint of the rear lot line, provided that, in triangular lots having no rear lot line, the distance shall be measured to the midpoint of a line parallel to the front lot line, which shall be not less than 10 feet in length measured between its intersections with the side lot lines.

LOT FRONTAGE — That portion of a lot extending along a street line.

LOT WIDTH — The horizontal lot distance between the side lot lines, measured at right angles to the lot depth. Required lot width shall be measured at the building setback line or a line parallel to the front property line that is beyond the setback line and meets the required width for the zone, which line shall become the minimum front setback line.**[Amended 12-22-1998 by Ord. No. 98-49]**

MANUFACTURING — The fabrication, assembly or processing of goods or materials, or the storage of bulk goods, where such activities create no hazard from fire or explosion and produce no toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, offensive noise or vibration, glare, flashes, or objectionable effluent.

MARINA — Any waterfront facility where berthing spaces for any and all watercraft or boats are offered for rental by the operator. A marina shall be deemed to include automobile parking facilities; sanitary facilities; motor fuel sales; and boat sales, repairs, maintenance and service, excluding, however, facilities for the construction of new boats. For the purpose of this chapter, the rental of one or more berthing spaces to other than the

residents of the property contiguous to the same shall be deemed to constitute a marina, and the same shall conform to all provisions of this chapter pertaining to marinas.

MINING — An extractive process involving the removal of soil, earth, sand, clay, gravel, humus, peat or other organic and mineral materials. In the Pinelands Area, see the definition of "resource extraction."³**[Added 9-18-1980 by Ord. No. 25-80; amended 2-14-1991 by Ord. No. 5-91]**

MOBILE HOME — A dwelling unit manufactured in one or more sections, designed for long-term occupancy, containing living and sleeping accommodations, a flush toilet, a tub or shower, bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems, and designed to be transported on its own wheels after fabrication or on a flat bed or on other trailers, arriving at the site where it is to be occupied as a complete dwelling, usually including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations. For purposes of this chapter, travel trailers and campers are not considered mobile homes.**[Added 9-18-1980 by Ord. No. 25-80]**

MOBILE HOME PARK — Any plot of ground upon which two or more mobile homes used for dwelling or sleeping purposes are located.**[Added 9-18-1980 by Ord. No. 25-80]**

MOBILE HOME SPACE — A plot of ground within a mobile home park designed for the accommodation of one mobile home. A mobile home space shall be measured using plot width, which shall be the perpendicular distance between side plot lines, and plot depth, which shall be the actual distance along the side plot line and need not be perpendicular to the street.**[Added 9-18-1980 by Ord. No. 25-80]**

MOTOR VEHICLE REPAIR GARAGE — A building or portion of a building in which the maintenance, overhauling or replacement of automobile parts is conducted as a business for profit. Such use shall not include any auto body refinishing of any nature. The term "motor vehicle repair garage" shall include "automobile repair shop."**[Added 7-24-1997 by Ord. No. 97-30]**

MOTOR VEHICLE SERVICE STATION — Any area of land, including structures thereon, which is used for the retail sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories.**[Added 7-24-1997 by Ord. No. 97-30]**

MULTIPLE COMMERCIAL STRUCTURE — An integral commercial building complex, including less than eight occupants serving the needs of a neighborhood or regional area, with a planned integrated development embracing building, off-site parking areas, pedestrianways and plazas, landscaping, lighting and the like.**[Added 7-24-1997 by Ord. No. 97-30]**

NATURAL REGENERATION — The establishment of a plant or plant age class from natural seeding, sprouting, suckering or layering.**[Added 9-22-2011 by Ord. No. 2011-19]**

NET DENSITY — The total number of dwelling units divided by the total horizontal area included within a portion of the site to be utilized for a specific use when developed as a part of a planned unit residential development (PURD), expressed in terms of dwelling units per acre.**[Added 7-27-2000 by Ord. No. 00-40]**

3. Editor's Note: See Subsection C of this section.

NONCONFORMING BUILDING or NONCONFORMING STRUCTURE — A building or structure which in its design or location upon the lot does not conform to the regulations of this chapter for the zone in which it is located.

NONCONFORMING LOT — A lot of record existing at the date of the passage of this chapter which does not have the minimum width or contain the minimum area for the zone in which it is located.

NONCONFORMING USE — Use of a building or of land that does not conform to the regulations for the zone in which it is located.

NURSING HOME — Any building in which more than one room or an area exceeding 400 square feet is used for the accommodation of the aged or sick who are residents therein, excluding members of the resident family.

OCCUPANT — Any person living or sleeping in a building or having possession of a space within a building.[**Added 6-8-1995 by Ord. No. 95-23**]

OFFICE — A place for transaction of business where reports are prepared, records kept or services rendered, but where no manufacturing, assembling or fabricating takes place.[**Added 9-18-1980 by Ord. No. 25-80**]

OPERATOR — Any person who has charge, care or control of a structure or premises within a building.[**Added 6-8-1995 by Ord. No. 95-23**]

OWNER — Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.[**Added 6-8-1995 by Ord. No. 95-23**]

PARKING AREA — An open area, other than street or other public way, used for the parking of automobiles and available to the public, whether for a fee or as an accommodation for clients or customers.[**Added 9-18-1980 by Ord. No. 25-80**]

PARKING SPACE — An area either within a structure or in the open for the parking of motor vehicles. The area of a parking space is intended to be of sufficient area to accommodate the exterior extremities of the vehicle, whether in addition thereto wheel blocks are installed within this area to prevent the bumper from overhanging one end of the parking space. The width and length of each space shall be measured perpendicular to each other and shall be as required by the provisions of this chapter, regardless of the angle of the parking space to the access aisle or driveway.[**Amended 9-18-1980 by Ord. No. 25-80**]

PERMEABILITY — The rate at which water moves through a unit area of soil, rock, or other material at a hydraulic gradient of one.[**Added 9-22-2011 by Ord. No. 2011-19**]

PERMITTED USE — Any use of land or buildings as permitted by this chapter.[**Added 9-18-1980 by Ord. No. 25-80**]

PERSON — An individual, corporation, partnership or any other group acting as a unit.[**Added 6-8-1995 by Ord. No. 95-23**]

PINELANDS NATIVE FOREST TYPE — See N.J.A.C. 7:50-6.43.[**Added 9-22-2011 by Ord. No. 2011-19**]

PLANNED RESIDENTIAL RETIREMENT COMMUNITY (PRRC) — An area of land or development containing dwellings; recreational, cultural and medical facilities; and services for the benefit of permanent residents who are in their late adult years.

PLANNED UNIT RESIDENTIAL DEVELOPMENT (PRD) — An integrated community providing various single-family, multifamily, commercial and recreational uses coordinated with common open space.

PLOT PLAN — A plan of a lot or subdivision on which is shown topography; location of all buildings, structures, roads, rights-of-way, boundaries, all essential dimensions and bearings; and any other information deemed necessary by the Board of Adjustment or Planning Board in unusual or special cases.

PRINCIPAL USE — The main purpose for which any lot, building or structure is used.**[Added 9-18-1980 by Ord. No. 25-80]**

PRIVATE SCHOOL — An institution of education whose general course work is comparable to the public school system and whose curriculum is approved by the New Jersey Department of Education or the New Jersey Department of Higher Education.**[Added 9-18-1980 by Ord. No. 25-80]**

PROFESSIONAL OFFICE — The office of a member of a recognized profession, which shall include only the offices of doctors or physicians, dentists, optometrists, chiropractors, architects, landscape architects, professional engineers, land surveyors, lawyers, real estate brokers and such other similar professional occupations by virtue of the need for similar training and experience and the issuance of a state license for regulation, shall be permitted in residential zones as a conditional use. When such office is combined with a residence, the office shall be the individual office of one member and one member only, without associations or partners, and with office personnel limited to not more than two persons. The area of said office shall not exceed 50% of the total floor area of the residence and shall in no way alter the character of the building's appearance from residential to commercial nor adversely affect the safe and comfortable enjoyment of property rights in the zone.**[Amended 4-27-1995 by Ord. No. 95-16]**

PROHIBITED USE — That use which is not specifically allowed or permitted, or allowed upon obtaining a conditional use permit from the Lacey Township Planning Board, in reference to a particular zone or zones and for which a special reasons variance under N.J.S.A. 40:55D-70d would be necessary in order to provide that use in that particular zone or those particular zones.

RECYCLABLE MATERIALS — Materials which would otherwise become nonhazardous solid waste which can be separated, collected, processed and returned to the economic mainstream in the form of raw materials or products.**[Added 12-26-1996 by Ord. No. 96-63]**

RECYCLING FACILITY — A facility designed and operated solely for receiving, storing, processing and transferring source-separated, nonputrescible or source-separated commingled nonputrescible metal, glass, paper, plastic containers and corrugated and other cardboard or other recyclable materials approved by the New Jersey Department of Environmental Protection.**[Added 12-26-1996 by Ord. No. 96-63]**

RESIDENTIAL RETIREMENT CLUSTER DEVELOPMENT (RRCD) — A development of single-family detached dwellings which will preserve desirable open spaces, conserve floodplains and provide recreational parks and lands for purposes

compatible with the residential uses by the reduction of lot sizes and by the use of certain other regulations. Ownership and occupancy of each lot in the residential retirement cluster development shall be restricted through deed covenants, homeowners' agreements and the public offering statement to persons 45 years of age or older, except in a case where a lot is owned or occupied by a husband and wife. In such instance, only one of the spouses need be 45 years of age or older. Such development further restricts and prohibits the occupancy of any lot in the development by any child under the age of 19. Each unit consists of either a one-bedroom or two-bedroom unit. **[Added 12-16-1982 by Ord. No. 37-82]**

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. **[Added 9-22-2011 by Ord. No. 2011-19]**

ROOMING HOUSE — A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one-family dwelling or a two-family dwelling. **[Added 6-8-1995 by Ord. No. 95-23]**

ROOMING UNIT — Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes. **[Added 6-8-1995 by Ord. No. 95-23]**

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. **[Added 9-22-2011 by Ord. No. 2011-19]**

SCREEN — Any arrangement of trees, plants, bushes or other plantings, whether used as a hedge or other obstruction of vision, composed of living materials. **[Added 10-25-1984 by Ord. No. 57-84]**

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. **[Added 9-22-2011 by Ord. No. 2011-19]**

SEE-THROUGH FENCE — Including but not limited to chain-link, post and rail or picket fences. In all cases, a see-through fence shall not be more than 50% solid, and any single solid component shall not exceed four inches. **[Added 10-25-1984 by Ord. No. 57-84; amended 3-24-1994 by Ord. No. 94-15]**

SENIOR CITIZEN COMMUNITY RESOURCE CENTER — A facility primarily engaged in the provision of social and personal care for the aged, including but not limited to day care, outpatient physical therapy, education and support services. Community resource centers shall not be residential facilities; however, a residential care facility may be permitted to be located within an assisted living care facility or nursing home. **[Added 3-12-1998 by Ord. No. 98-06]**

SETBACK LINE — A line within any lot, usually parallel to the property line, marking the minimum required front, rear or side yard space within which no building or portion

thereof may be erected, except as provided in this chapter.**[Amended 12-9-1993 by Ord. No. 93-100]**

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.**[Added 9-22-2011 by Ord. No. 2011-19]**

SHOPPING CENTER — An integral commercial building complex, including eight or more occupants, serving the needs of a neighborhood or regional area, with a planned integrated development embracing building, off-site parking areas, pedestrianways and plazas, landscaping, lighting and the like.**[Amended 7-24-1997 by Ord. No. 97-30]**

SIGHT TRIANGLE — A triangular area abutting two intersecting streets where vision is unobstructed, which area is formed by the intersecting street side lines and a line connecting a point on each side at a set distance from the intersection.**[Added 9-18-1980 by Ord. No. 25-80]**

SIGN — Any device, structure or object for visual communication, whether or not constituting a structure in and of itself, that is used for the purpose of bringing the subject thereof to the attention of others, but not including any flag, badge or insignia of any public, quasi-public, civic, charitable or religious group.

SIGN AREA — The area defined by the frame or edge of a sign. Where there is no frame or edge to the sign, the area shall be defined by a projected, enclosed, four-sided (straight sides), geometric shape which most closely outlines said sign.

SIGN, COMMERCIAL — Any sign which is owned or operated by any person, firm or corporation engaged in the business of outdoor advertising for direct profit gained from the rental of such signs or any sign advertising a commodity not sold or produced on the premises. This shall include billboards and off-premises signs indicating the direction to a particular place.

SIGN, ENTERPRISE IDENTIFICATION — Any structure used to identify, describe or advertise the product or activity being pursued by an industrial or business enterprise and which is displayed upon the lot occupied by such enterprise for the purpose of notifying the public as to the location and type of activity in which it is engaged.**[Amended 2-11-1993 by Ord. No. 93-12]⁴**

STORAGE STRUCTURE — Any container with or without wheels, storage unit, shed-like container or other portable structure that can be or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements.**[Added 10-23-2008 by Ord. No. 2008-30]**

STREET — A public or private right-of-way which affords the principal means of access to the abutting property and is depicted on the official Tax Maps of the Township of Lacey as an avenue, place, way, drive, lane, boulevard, highway, road, street and any other thoroughfare except an alley; or as defined in the Municipal Land Use Law.⁵**[Amended 12-22-1998 by Ord. No. 98-49]**

4. Editor's Note: The former definition of "story," which immediately followed this definition, was repealed 12-22-1998 by Ord. No. 98-49.

5. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

STREET LINE — The dividing line between a lot and the street right-of-way contiguous thereto, whether such right-of-way is existing or contemplated.

STRUCTURE — Any combination of materials to form a construction for occupancy, use or ornamentation having a fixed location, whether installed on, above or below the surface of a parcel of land or attached to something having a fixed location on, above or below the surface of the land, provided that the word "structure" shall be construed when used herein as though followed by the words "or part or parts thereof and all equipment therein," unless the context clearly requires a different meaning. **[Amended 9-18-1980 by Ord. No. 25-80; 2-14-1991 by Ord. No. 5-91]**

SWIMMING POOL — Facilities constructed above or below the ground, having a depth of more than two feet or a water surface of 100 square feet or more, or both, and designed and maintained for swimming purposes. Swimming pools shall include all buildings, structures, equipment and appurtenances thereto. **[Added 9-18-1980 by Ord. No. 25-80]**

THINNING — A silvicultural practice involving the removal of competing trees to favor certain species, sizes and qualities of trees. **[Added 9-22-2011 by Ord. No. 2011-19]**

TOWNHOUSE — One dwelling unit in a line of three or more dwelling units, with each dwelling unit from ground to roof and having individual outside access and no interior facilities, conveniences or services shared with other dwelling units within the building. **[Added 9-18-1980 by Ord. No. 25-80]**

TRACT — An area of land comprised of one or more lots adjacent to one another, having sufficient dimensions and area to make one parcel of land meeting the requirements of this chapter for the use intended. The original land area may be divided by existing streets and still be considered one tract, provided that the frontages on both sides of the street are opposite one another for sufficient distance to enable a convenient, safe street system from one side to the other. The land area of the existing streets shall not be included in calculating the area of the tract. **[Added 9-18-1980 by Ord. No. 25-80]**

TRAVEL TRAILER — A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation, vacation and other short-term uses or as a temporary office facility and which may contain cooking, sleeping, sanitary and general living facilities. **[Added 9-18-1980 by Ord. No. 25-80]**

TRUCK TERMINAL — Any building, premises or land in which or upon which a principal business, operation or industry involves the storage and maintenance of trucks or which is used solely for the purposes of transferring material goods from one truck to another while such transition goods are en route from their origin to their destination. **[Added 9-18-1980 by Ord. No. 25-80]**

USE — The specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained.

UTILITY — Services provided to a use, including but not limited to sewage treatment, water supply, gas, electric, telephone and cable television. **[Added 9-18-1980 by Ord. No. 25-80]**

WAREHOUSING — Any building, premises or land in which or upon which the principal business, operation or industry involves the storage of goods and materials. **[Added 9-18-1980 by Ord. No. 25-80]**

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. **[Added 9-22-2011 by Ord. No. 2011-19]**

WHOLESALE — Any building, premises or land in which or upon which the principal business, operation or industry involves any handling of goods in comparatively large quantities and reselling them, usually in smaller quantities, to others, but never to the ultimate customer of an individual unit. **[Added 9-18-1980 by Ord. No. 25-80]**

YARD, FRONT — Any open, unoccupied space on the same lot with the principal building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side line of that lot. The depth of the front yard shall be measured at right angles to the street line. **[Amended 10-25-1984 by Ord. No. 57-84; 12-9-1993 by Ord. No. 93-100]**

YARD, REAR — An open, unoccupied space extending across the full width of the lot and lying between the rear line of the lot, or a street where there is no interior rear lot line, and the nearest line of any building. The depth of a rear yard shall be measured at right angles to the rear line of the lot, or if the lot is not rectangular, then in the general direction of its side lot lines.

YARD, SIDE — An open, unoccupied space between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either such yards, to the street or rear lot lines, as the case may be. The width of a side yard shall be measured at right angles to the side line of the lot.

ZONING BOARD — The Board of Adjustment as established under this chapter.

ZONING OFFICER — That person designated by the Township Committee to administer and enforce the provisions of this chapter.

- C. In addition to the terms defined in Subsection B above, the following terms shall apply to the Pinelands Area of Lacey Township. In the event of a conflict between a definition of Township-wide application and a Pinelands Area definition, the Pinelands Area definition shall control in the Pinelands Area. **[Added 2-14-1991 by Ord. No. 5-91]**

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

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.

ALTERNATE DESIGN PILOT PROGRAM TREATMENT SYSTEM — An individual or community on-site wastewater 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:[**Added 12-12-2002 by Ord. No. 02-68**]

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

ANIMALS, THREATENED OR ENDANGERED — Those animals designated by the Department of Environmental Protection pursuant to N.J.S.A. 23:2A-1 et seq.

APPROVAL AGENCY — Any board, body or other authority within the Township with the authority to approve or disapprove subdivisions, site plans, construction permits or other applications for development approval.

APPROVAL, FINAL — Any approval to develop issued by a local permitting agency which represents the final action to be taken on the application for development by that agency, including but not limited to final approval of major subdivisions and site plans, approval of minor subdivisions and the issuance of zoning or construction permits.

APPROVAL, PRELIMINARY — Any approval to develop issued by a local permitting agency which is a prerequisite to the issuance of a final approval by that agency, including but not limited to preliminary approvals of major subdivisions and site plans.

CAMPER — A portable structure, which is self-propelled or mounted on or towed by another vehicle, designed and used for temporary living for travel, recreation, vacation or other short-term uses. "Camper" does not include mobile homes or other dwellings.

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.

CERTIFICATE OF APPROPRIATENESS — A certificate issued pursuant to the provisions of N.J.A.C. 7:50-6.156.

CERTIFICATE OF FILING — A certificate issued pursuant to the provisions of N.J.A.C. 7:50-4.34 that a complete application for development has been filed.

COMMISSION — The Pinelands Commission created pursuant to Section 5 of the Pinelands Protection Act, as amended. ⁶

COMPREHENSIVE MANAGEMENT PLAN — The plan adopted by the Commission pursuant to Section 7 of the Pinelands Protection Act, as amended. ⁷

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 line, streams, dedicated public roads which are not paved, rights-of-way and easements shall not affect the contiguity of land unless a substantial physical barrier is created which prevents the land from being used as a functional unit.[**Amended 1-28-1993 by Ord. No. 93-5**]

6. Editor's Note: See N.J.S.A. 13:18A-5.

7. Editor's Note: See N.J.S.A. 13:18A-8.

DENSITY — The average number of dwelling units per gross acre of land.

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

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

DEVELOPMENT APPROVAL — Any approval to develop which is granted by an approval agency, including appeals 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.

DEVELOPMENT, MAJOR — Any division of land into five or more lots, any construction or expansion of any housing development of five or more dwelling units, any construction or expansion of any commercial or industrial use or structure on a site of more than three acres or any grading, clearing or disturbance of an area in excess of 5,000 square feet.

DEVELOPMENT, MINOR — All development other than major development.

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 or after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

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

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

ELECTRIC DISTRIBUTION LINES — All electric lines other than electric transmission lines.

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:

- (1) Another substation of the utility;
- (2) A substation of or interconnection point with another interconnecting utility company; or
- (3) A substation of a high-load customer of the utility.

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

FAMILY — One 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.

FISH AND WILDLIFE MANAGEMENT — The changing of the characteristics and interactions of the fish and wildlife population and their habitats in order to promote, protect and enhance the ecological integrity of those populations.

FORESTRY [**Amended 3-27-1997 by Ord. No. 97-14**] — The planting, cultivating and harvesting of trees for the production of wood products, including firewood. It includes such practices as reforestation, site preparation and other silvicultural practices. For purposes of this chapter, the following activities shall not be defined as "forestry":

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

HABITAT — The natural environment of an individual animal or plant population or community.

HEIGHT, ACCESSORY — The vertical distance of a building measured from the average grade on all sides to the highest point of any roof. For structures, the vertical distances measured from grade to its highest point; provided, however, that no height limitation in this chapter shall apply to any of the following structures, if structures are compatible with uses in the immediate vicinity: silos, barns and other agricultural structures; church spires; cupolas; domes; monuments; water towers; fire observation towers; electric transmission facilities and supporting structures; windmills; chimneys; smokestacks; derricks; conveyors; flagpoles; masts; aerials; solar energy facilities; and similar structures required

to be placed above the roof level and not intended for human occupancy.[**Amended 7-27-2006 by Ord. No. 2006-38; 2-9-2012 by Ord. No. 2012-06**]

HEIGHT, PRINCIPAL — The vertical distance of a building measured from the average elevation of the finished lot grade at the front of the building to the highest point of the roof for flat roofs, to the deckline for mansard roofs and to the mean height of the roof above the highest habitable area for gable, hip and gambrel roofs. For structures, the vertical distance measures from grade to its highest point; provided, however, that no height limitation in this chapter shall apply to any of the following structures, if such structures are compatible with uses in the immediate vicinity: silos; barns and other agricultural structures; church spires; cupolas; domes; monuments; water towers; fire observation towers; electric transmission facilities and supporting structures; windmills; chimneys; smokestacks; derricks; conveyors; flagpoles; masts, aials; solar energy facilities; and similar structures required to be placed above the roof level and not intended for human occupancy.[**Amended 7-27-2006 by Ord. No. 2006-38**]

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, local or regional level.[**Amended 3-27-1997 by Ord. No. 97-14**]

HOME OCCUPATIONS — An activity for economic gain carried out in a residential dwelling or accessory structure thereto in which an occupant of the residence and no more than two other individuals are employed and which is clearly secondary to the use of the dwelling as a residence.

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

IMMEDIATE FAMILY — Those persons related by blood or legal relationship in the following manner: grandparents, grandchildren, parents, sons, daughters, brothers and sisters, aunts and uncles, nephews, nieces, first cousins, spouses, husbands and wives, great-grandparents and great-grandchildren.[**Amended 3-27-1997 by Ord. No. 97-14**]

IMPERMEABLE SURFACE — Any surface which does not permit fluids to pass through or penetrate its pores and spaces.

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; law enforcement facilities; military facilities; churches; public office buildings; cemeteries; and other similar facilities.

INTERESTED PERSON OR PARTY — Any person 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 upon by action or failure to act under this chapter.

INTERIM RULES AND REGULATIONS — The regulations adopted by the Pinelands Protection Act to govern the review of applications from the adoption of the regulations

until the Comprehensive Management Plan took effect on January 14, 1981. These regulations were formally codified as N.J.A.C. 7:1G-1.

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.

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 3-27-1997 by Ord. No. 97-14]**

NAVIGABLE WATERS — Water capable of being traversed by pleasure craft.

OFF-SITE COMMERCIAL ADVERTISING SIGN — A sign, other than a sign which advertises an agricultural commercial establishment, which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

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 3-27-1997 by Ord. No. 97-14]**

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

PINELANDS AREA — That area of Lacey Township designated as part of the Pinelands Area by Section 10(a) of the New Jersey Pinelands Protection Act (N.J.S.A. 13:18A-1 et seq.), being that portion of the Township lying west of the Garden State Parkway.

PINELANDS DEVELOPMENT CREDITS — A use right allocated to certain lands within the Township pursuant to N.J.A.C. 7:50-5.43 that can be used to secure a residential density bonus in regional growth areas located in other Pinelands Area municipalities.

PINELANDS DEVELOPMENT REVIEW BOARD — The agency responsible from February 8, 1979, to June 28, 1979, for the review of and action on applications for development in the Pinelands Area which required approvals of other state agencies, except where the Pinelands Commission acted on applications during that time period.

PINELANDS PROTECTION ACT — N.J.S.A. 13:18A-1 through 29, as amended.

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 ilmenite.

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

PRESERVATION AREA — The area so designated by Section 10(b) of the Pinelands Protection Act. ⁸

PROTECTION AREA — All land within the Pinelands Area which is not included in the preservation area.

8. Editor's Note: See N.J.S.A. 13:18A-11b.

PUBLIC DEVELOPMENT — Development, including subdivision, by any Township or other governmental agency.

PUBLIC SERVICE INFRASTRUCTURE — Sewer service, gas, electricity, water, telephone, cable television and other public utilities, roads and streets and other similar services provided or maintained by any public or private entity.

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

RECORD TREE — The largest tree of a particular species in New Jersey based on its circumference at 4.5 feet above ground level. A listing of the largest known tree of each species and its location is maintained at the principal offices of the Commission. **[Added 3-27-1997 by Ord. No. 97-14]**

RECREATIONAL FACILITY, INTENSIVE — Any recreational facility which is not a low-intensive recreational facility, including but not limited to golf courses, marinas, amusement parks, hotels and motels.

RECREATIONAL FACILITY, LOW-INTENSIVE — A facility or area which complies with the standards of N.J.A. C. 7:50-5, Part III, utilizes and depends on the natural environment of the Pinelands and requires no significant modifications of that environment other than to provide access, and which has an insignificant impact on surrounding uses or on the environmental integrity of the area. It permits such low-intensity uses as hiking, hunting, trapping, fishing, canoeing, nature study, orienteering, horseback riding and bicycling. **[Amended 3-27-1997 by Ord. No. 97-14]**

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

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

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

SOLID WASTE TRANSFER STATION — A facility at which solid waste is transferred from collection vehicles to haulage vehicles for transportation to a landfill.⁹

STRUCTURAL ALTERATION — Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

UTILITY DISTRIBUTION LINES — Lines, conduits or pipes located in a street, road, alley or easement through which natural gas, electricity, telephone, cable television, water,

9. Editor's Note: The definitions of "specimen tree" and "standard subsurface sewerage disposal system," which previously followed this definition, were repealed 3-27-1997 by Ord. No. 97-14.

sewage or stormwater discharge is distributed to or from service lines extending from the main line to the distribution system of the building or premises served. Utility distribution lines do not include electric transmission lines. **[Amended 3-27-1997 by Ord. No. 97-14]**

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

WETLANDS 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, Keansbury, Leon, Muck, Othello, Pocomoke, St. Johns and Freshwater Marsh and Tidal Marsh soil types.

§ 335-4. Designation of zones. [Added 2-16-1979 by Ord. No. 2-79]

The Township of Lacey is hereby divided into the following zones:

R-100	Residence Zone
R-100A	Residence Zone
R-80	Residence Zone [Added 9-18-1980 by Ord. No. 25-80]
R-75	Residence Zone
R-75A	Residence Zone [Added 9-18-1980 by Ord. No. 25-80¹⁰]
R-150	Residence Zone
RO-100	Residence and Office Zone [Added 12-28-1995 by Ord. No. 95-57¹¹]
A-RPURD	Age-Restricted Planned Unit Residential Development Zone. [Added 7-27-2000 by Ord. No. 00-40]
RRCD	Residential Retirement Cluster Development Zone [Added 8-26-1982 by Ord. No. 26-82]
O-C	Office-Commercial Zone [Added 2-5-1981 by Ord. No. 4A-81¹²]
RO-150	Residential and Office Park Zone
C-150	Highway Business Zone
C-200	Limited Business Zone [Added 12-22-1983 by Ord. No. 36-83]
C-300	Limited Business Zone
C-100	Marine Commercial Zone
M-1	Business Park Zone [Added 12-22-1998 by Ord. No. 98-49]
M-2	Limited Industrial Zone
M-6	Industrial Zone
M-100	Industrial Zone [Added 12-22-2009 by Ord. No. 2009-23]

10. Editor's Note: Also pursuant to Ord. No. 25-80, the CS-80 Community Service Zone was deleted from this section.

11. Editor's Note: This ordinance also provided for the repeal of the R-15 Residence Zone, as added 12-22-1983 by Ord. No. 36-83.

12. Editor's Note: This ordinance also deleted the RO-80 Residential and Office Zone from this listing.

PA	Preservation Area Zone [Added 2-14-1991 by Ord. No. 5-91 ¹³]
FA	Forest Area Zone [Added 2-14-1991 by Ord. No. 5-91 ¹⁴]
RD	Rural Development Zone [Added 2-14-1991 by Ord. No. 5-91 ¹⁵]
VR	Village Residential Zone [Added 2-14-1991 by Ord. No. 5-91 ¹⁶]
VRC	Village Recreational Zone [Added 2-14-1991 by Ord. No. 5-91 ¹⁷]
AH-10R	Affordable Housing-10 Redevelopment District [Added 4-10-2014 by Ord. No. 2014-06]

§ 335-5. Zoning Map. [Added 9-18-1980 by Ord. No. 25-80]

The boundaries of the zones in Lacey Township are hereby established and shown on a map entitled the "Zoning Map of Lacey Township." This map is hereby made a part of this chapter.¹⁸

§ 335-6. Interpretation of boundaries.

When any uncertainty exists as to the boundaries of any of the zones as described in Article XVI hereof, the following rules shall apply:

- A. Zone boundary lines are intended to follow street, lot or property lines or natural lines such as watercourses as they exist on plots or maps of record unless such boundaries are fixed by a detailed description thereof.
- B. Where such boundaries are fixed by dimensions and where they approximately follow lot lines, and where they are not more than 10 feet distant therefrom, such lot lines shall be construed to be such boundaries unless they shall be otherwise determined by the Board of Adjustment in accordance with the rules and regulations of said Board.
- C. Where a lot is located in part in one zoning district and in part in another zoning district, the entire lot or portion thereof located in the neighboring zone may be used for a purpose permitted in either zone upon application for a conditional use permit and upon determination by the Planning Board that the following standards and conditions are met: [Added 2-26-2004 by Ord. No. 2004-04]
 - (1) The use contemplated can best be established by utilizing a portion of the lot in the neighboring zone district without materially affecting the adjoining areas.
 - (2) The site plan shall be appropriate and compatible to the adjoining area.

13. Editor's Note: This ordinance also provided for the repeal of the following districts: RIA Rural Zone, RRIA Rural Retirement Zone, RA Rural Agricultural Zone, REC Rural Recreation Zone, M-3 Medium Industrial Zone.

14. Editor's Note: This ordinance also provided for the repeal of the following districts: RIA Rural Zone, RRIA Rural Retirement Zone, RA Rural Agricultural Zone, REC Rural Recreation Zone, M-3 Medium Industrial Zone.

15. Editor's Note: This ordinance also provided for the repeal of the following districts: RIA Rural Zone, RRIA Rural Retirement Zone, RA Rural Agricultural Zone, REC Rural Recreation Zone, M-3 Medium Industrial Zone.

16. Editor's Note: This ordinance also provided for the repeal of the following districts: RIA Rural Zone, RRIA Rural Retirement Zone, RA Rural Agricultural Zone, REC Rural Recreation Zone, M-3 Medium Industrial Zone.

17. Editor's Note: This ordinance also provided for the repeal of the following districts: RIA Rural Zone, RRIA Rural Retirement Zone, RA Rural Agricultural Zone, REC Rural Recreation Zone, M-3 Medium Industrial Zone.

18. Editor's Note: A copy of the Zoning Map is included in the pocket at the end of this volume.

- (3) A set of plans, specifications and plot plans shall be filed with the Board showing overall dimensions, topographical conditions, the location and intended use of existing and proposed buildings, the relationship of the proposed use to the streets and adjacent property and other physical features which might act as a deterrent to the general welfare.

ARTICLE III
General Regulations

§ 335-7. Effect on regulations.

- A. Except as previously or hereinafter provided, it shall be unlawful to locate, relocate, erect, construct, reconstruct, enlarge or structurally alter any building or structure, except in conformity with the regulations of the zone in which such building or structure is located.
- B. Except as previously or hereinafter provided, it shall be unlawful to use or develop any land or building for any purpose other than one which is permitted in the zone in which such land or building is located. **[Amended 2-14-1991 by Ord. No. 5-91]**

§ 335-8. Compliance required.

- A. No building shall be erected and no existing building shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot area and building location regulations designated for the zone in which such building or open space is located, provided that, notwithstanding any provision of this chapter to the contrary, accessory uses and additions may be constructed on nonconforming lots in conjunction with an existing residential use if the proposed accessory use or addition complies with the setback and yard requirements designated for the zone in which such accessory use or addition is located.
- B. All uses and development of land shall be in accordance with all applicable provisions set forth under each Article of this chapter. **[Amended 2-14-1991 by Ord. No. 5-91]**
- C. Except as otherwise previously or hereinafter provided in this chapter, all uses and development of lands shall be in conformity with all applicable provisions of the schedules of limitations set forth under § 335-93, Schedules of limitations. ¹⁹ **[Amended 2-14-1991 by Ord. No. 5-91]**

§ 335-9. Yard area. [Amended 3-26-1992 by Ord. No. 92-18; 3-24-1994 by Ord. No. 94-16]

- A. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, and no yard or other space on one lot shall be considered as providing a yard or open space for a building on any other lot.
- B. Eaves, chimney chases, bow windows and other such architectural appurtenances may extend into a required yard a maximum of two feet. Heat, venting air-conditioning or other mechanical equipment which emits noise shall not be permitted within six feet of any property line. Cantilevers which increase the floor area at any level of the building will be prohibited in side yards. Any entrance which extends into a required side setback shall be at ground level. **[Amended 12-22-1998 by Ord. No. 98-49; 10-26-2006 by Ord. No. 2006-51]**

19. Editor's Note: Former Subsection D, relating to single-family dwellings in the C-100 Marine Commercial Zone, added 5-26-1988 by Ord. No. 16-88, which immediately followed this subsection, was repealed 12-22-1998 by Ord. No. 98-49.

- C. Unroofed entrance porches which do not rise above the height of floor level of the ground floor may extend into the front yard, provided that the total area of all such porches, including stairways, does not exceed 200 square feet and does not rise more than three feet above the finished grade of the lot. Attached unroofed rear yard decks may extend into rear yard setbacks, provided that they do not exceed three feet in height and are not within six feet of any property line. Exclusive of railings, the surface of unroofed decks within rear yard setbacks on the waterfront shall not exceed 24 inches above the finished grade. **[Amended 12-22-1998 by Ord. No. 98-49]**
- D. Where the owner or developer of a substandard-sized lot owns adjacent lots or parcels of land, such lots or parcels shall be considered as a single tract and shall be resubdivided to meet the area and yard space provisions of this chapter.

§ 335-10. Height. [Amended 9-18-1980 by Ord. No. 25-80]

The maximum height limitations of this chapter shall not apply to the following structures or parts of structures, provided that the same neither interfere with aerial navigation nor create a fire hazard:

- A. A parapet wall or cornice extending not more than five feet above the height limit for the zone in which the same is erected, provided that such parapet wall or cornice does not cover more than 10% of the roof area.
- B. Noncommercial radio and television antennas, church spires, belfries, cupolas and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads and other necessary mechanical appurtenances usually carried above the roof level, provided that such structures or parts of structures do not cover more than 10% of the roof or ground area.

§ 335-11. Frontage. [Amended 9-18-1980 by Ord. No. 25-80; 12-22-1998 by Ord. No. 98-49]

All building lots shall abut a dedicated public street. No permit for the erection of any building or structure shall be issued unless at least 1/3, but not less than 40 feet, of the lot abuts a street giving access to such proposed building or structure. Such street shall have been duly placed on the Official Map or shall be an existing state, county or municipal street or highway or a street shown upon a plat approved by the Planning Board or a street on a plot duly filed in the office of the county recording officer prior to the passage of Chapter 291 of the Laws of New Jersey, as amended, or other authorized body. Before any such permit shall be issued, such street shall have been suitably improved to the satisfaction of the governing body, or such suitable improvement shall have been assured by means of a performance guaranty, in accordance with standards and specifications for road improvements approved by the governing body.

§ 335-12. Setbacks. [Amended 8-26-1982 by Ord. No. 25-82]

- A. Setback distance requirements from the face of any structure to property lines, road, street and highway rights-of-way and on major running streams and other bodies of water are herewith established in this chapter for each zoning district as shown on the Zoning Map²⁰ and as delineated in this chapter. Such setback distances shall be the minimum distance the

20. Editor's Note: A copy of the Zoning Map is included in the pocket at the end of this volume.

face of any structure may be located from any right-of-way line, property line, stream or other body of water. Yard size as set forth and specified in § 335-93 herein and setback distances shall be synonymous.

- B. Determination of the conformance of waterfront properties with the setback requirements set forth herein for the zoning district in which they lie shall be in the following manner:

[Amended 12-22-1998 by Ord. No. 98-49]

- (1) For bulkhead properties, the actual setback distance provided shall be the distance as measured from the face of the structure to be erected to the outbound face of the existing or approved bulkhead.
- (2) For properties in which no bulkheads or other suitable means of shoreline embankment stabilization is provided, the setback distance provided shall be as measured from the outbound face of the proposed bulkhead as approved by the State of New Jersey or the mean high-water line, as established by a certified survey and approved by the State of New Jersey.

§ 335-13. Visual obstructions at intersections.

At the intersection of any two streets, or on any corner lot, no hedge, fence, wall or other obstruction to vision, other than a post or tree not exceeding one square foot in cross-sectional area, shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of two feet and 10 feet above the street line within the triangular area formed by the two intersecting street lines bounding said lot and by a line connecting points on each street line at a distance of 25 feet from their point of intersection.

§ 335-14. Corner lots. [Amended 12-22-1998 by Ord. No. 98-49]

On all corner lots, the depth of all yards abutting on streets shall not be less than the minimum front yard setback required on an adjoining interior lot fronting on such street.

§ 335-15. Height and location of accessory buildings in all zones except Pinelands areas. [Amended 8-26-1982 by Ord. No. 25-82; 10-14-1993 by Ord. No. 93-82; 12-22-1998 by Ord. No. 98-49; 2-8-2001 by Ord. No. 01-07; 10-23-2008 by Ord. No. 2008-03; 2-9-2012 by Ord. No. 2012-06]

Unless elsewhere specified in this chapter, accessory buildings shall conform to the following regulations:

- A. Detached accessory buildings shall not exceed 16 feet in height, and the floor area of each building shall not exceed 50% of the footprint of the principal structure.
- B. Detached accessory buildings on lots with a lot area of one acre or less shall not exceed 16 feet in height and the combined floor area of all detached accessory buildings shall not exceed 50% of the footprint of the principal structure.
- C. Detached accessory buildings with a floor area of more than 250 square feet shall be architecturally compatible with the principal structure. The factors that shall be considered in determining whether the accessory building is architecturally compatible shall include, but not be limited to, rooflines, placement of windows, doors, color and siding. This review and determination shall be made by the appropriate officials in the Department

of Community Development, and this determination shall be made in connection with the issuance of a zoning permit for construction of the accessory building. An applicant for a permit aggrieved by a determination made under this subsection shall have the right to appeal to the Board of Adjustment pursuant to N.J.S.A. 40:55D-70(a) or N.J.S.A. 40:55D-70(b).

- D. The minimum distance between any accessory building and adjoining buildings shall be six feet.
- E. No permanent accessory structure shall be permitted in the front yard of any lot as defined in § 335-3.
- F. In the case of a lot abutting two or more streets, a permanent detached accessory building shall not be located nearer the street line than the required front yard setback on such street.
- G. An accessory building attached to a principal building shall comply with all requirements for front yard, side yard, area and height requirements for principal buildings.
- H. In the case of waterfront lots, the minimum distance an accessory structure shall be erected, regardless of other regulations in this chapter or other ordinances governing yard setbacks, from any stream, lagoon or body of water shall be 15 feet.

§ 335-15.1. Storage structures. [Added 10-23-2008 by Ord. No. 2008-30]

A storage structure may be utilized as a temporary structure within the Township of Lacey when in compliance with the standards in this section. Any use of such structures within the Township of Lacey not in compliance with the section shall be unlawful and subject to fines and penalties as permitted under this Code.

- A. Use of storage structures shall only be permitted where a permit has been issued by the Township Zoning Officer.
 - (1) Applications for the permitted use of a storage structure may be obtained from the Zoning Office, and a zoning application shall be submitted when requesting use of a storage structure, along with a plot plan showing its location on the site and detailing the distance of said structure from property lines, other buildings and structures, fire hydrants, Fire Department connections and utilities.
 - (2) All storage structures shall be placed in driveways unless otherwise approved by the Zoning Officer.
 - (3) No storage structures will be located within the minimum setback of the zone unless otherwise approved by the Zoning Official.
- B. Length of time structures may be on property; extensions.
 - (1) A storage structure may be located as a temporary structure on property within the Township of Lacey for a period not exceeding 30 days in duration from time of delivery to time of removal in circumstances where a construction permit for the property has not been issued. Where exceptional circumstances exist, the Zoning Office may alter the permit to extend the time where these structures may be permitted on property.

- (2) In such circumstances where a construction permit has been issued for the property, the storage structure may be located as a temporary structure on property for a period not exceeding 90 days, with the right to three thirty-day extensions if deemed necessary and appropriate by the Zoning Office. In no event may a storage structure be located on property for a period in excess of 180 days in any twelve-month period. Extensions beyond the 180 days may be granted by the Township of Lacey Committee. The property owner seeking said extension must apply to the Township of Lacey Committee at the time that the last thirty-day extension is applied for.
- C. No more than two storage trailers may be located within a residential zone of the Township of Lacey at one time. Such structures shall be individually limited to the duration time period established herein.
- D. No storage structures located within the Township of Lacey shall contain toxic or hazardous materials.

§ 335-16. Habitable floor area. [Amended 12-22-1998 by Ord. No. 98-49]

The minimum habitable floor area for each principal structure shall be in accordance with the minimum gross floor area established by § 335-93, setting forth the schedules of limitations. In the case of all principal structures having more than one habitable floor level, such structure shall have a minimum of 720 square feet of habitable floor area on the first floor level above grade, excluding garages, open porches, patios, breezeways and other similar appurtenances.

§ 335-17. Residential lots.

Except as elsewhere permitted in this chapter, no more than one principal residential building shall be permitted on any one lot.

§ 335-18. Architectural design. [Amended 12-22-1998 by Ord. No. 98-49]

The architectural design of all new buildings, except houses or dwellings, and of such buildings that may be renovated or reconstructed shall be subject to the approval of the Planning Board.

§ 335-19. Construction buildings and trailers.

- A. Temporary construction buildings and trailers associated with construction on a site for which site plan approval or subdivision approval has been obtained may be maintained on said site, provided that the location does not obstruct vision in such a manner as to cause a traffic hazard. The construction building or trailer must be removed prior to the issuance of a certificate of occupancy or within 30 business days after construction is completed or abandoned, whichever comes first. **[Amended 12-22-1998 by Ord. No. 98-49]**
- B. Said temporary buildings and construction trailers shall be used only for activities associated with the construction on the site for which subdivision approval or site plan approval has been obtained.
- C. Abandonment for the purposes of this section, shall be where no construction of any buildings or improvements has been actively prosecuted for a period of 30 business days.
- D. Should any statute or regulation of the State of New Jersey or the County of Ocean impose a higher standard, the higher standard shall govern.

§ 335-20. Lot area. [Amended 8-26-1982 by Ord. No. 25-82]

- A. No new lot may be created in which any portion of the land area used to meet lot area requirements herein lies beyond the mean high-water line, within a riparian grant or which lies underwater.
- B. In those cases where an existing waterfront lot which was not bulkheaded but was in conformance with the minimum lot area requirement of the Zoning Ordinance in effect at the time of the lot creation and in which the lot area was reduced by the effects of erosion, a reduction of lot area not greater than 10% of the original lot area may be permitted without a variance. The Zoning Officer shall require, in such cases, as a condition of issuance of any zoning permit to such a lot, the submission of proofs that all state and local permits required for bulkheading of this lot have been obtained, along with a plan indicating the location of the proposed bulkhead on the lot. The Zoning Officer may, as a condition to the issuance of a zoning permit, modify the bulkheading requirements to include other suitable means of shoreline stabilization as permitted by state and local agencies having jurisdiction. **[Amended 12-22-1998 by Ord. No. 98-49]**
- C. The Construction Official shall require that all bulkheading or other suitable means of shoreline bank stabilization approved by the Zoning Officer be completed as shown on the bulkheading plan prior to the issuance of any certificate of occupancy. The purpose of the bulkheading is to ensure the dimensional stability of the lot through the prevention of erosion. **[Amended 12-22-1998 by Ord. No. 98-49]**

§ 335-21. Pending applications for 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 60 days of enactment of this chapter and shall be diligently pursued to completion.

§ 335-22. Fences and screens. [Added 10-25-1984 by Ord. No. 57-84; amended 6-24-1993 by Ord. No. 93-57; 12-22-1998 by Ord. No. 98-49]

- A. Interior lots.
 - (1) All fences and screens must be erected within the property lines, and no fence or screen shall be erected or planted so as to encroach upon a public right-of-way.
 - (2) See-through fences shall not exceed six feet in height when erected in the rear and side yards to the front building line of the existing building. When erected from the front building line of the existing building toward the front property line, such see-through fence shall not exceed four feet in height.
 - (3) Solid fences or screens shall not exceed six feet in height and shall not be permitted in front yards.
 - (4) Barbed wire shall not be used in a residential area.
 - (5) Any fence in a residential zone shall have its most pleasant or decorative side facing the adjacent lot with all posts being in the owner's yard unless such posts or supports are an integral part of the decorative design of the fence.

(6) Maintenance standards.

- (a) Every fence or screen shall be maintained in a safe, sound, upright condition.
- (b) If, upon inspection, any fence or screen or portion of any fence or screen is not being maintained in a safe, sound, upright condition or has been erected in violation of this chapter, the owner shall be notified in writing to repair or remove such fence or screen within 10 days of the date of written notice.

B. Corner lots.

- (1) All fences and screens must be erected within the property lines, and no fence or screen shall be erected or planted so as to encroach upon a public right-of-way.
- (2) See-through fences shall not exceed six feet in height when erected in the rear and side yards to the front building line of the existing building. When erected from the front building line of the existing building toward the front property line or within the fifteen-foot waterfront setback line, such see-through fence shall not exceed four feet in height. **[Amended 6-23-2005 by Ord. No. 2005-51]**
- (3) Solid fences or screens shall not exceed six feet in height and shall not be permitted in front yards, side yards abutting a street or the front setback as applied to adjoining interior lots for rear yards abutting a street.
- (4) Barbed wire shall not be used in a residential area.
- (5) Fences or screens shall not violate the requirements of § 335-13 of this chapter.
- (6) Any fence in a residential zone shall have its most pleasant or decorative side facing the adjacent lot with all posts being in the owner's yard unless such posts or supports are an integral part of the decorative design of the fence.
- (7) Maintenance standards.
 - (a) Every fence or screen shall be maintained in a safe, sound, upright condition.
 - (b) If, upon inspection, any fence or screen or portion of any fence or screen is not being maintained in a safe, sound, upright condition or has been erected in violation of this chapter, the owner shall be notified in writing to repair or remove such fence or screen within 10 days of the date of written notice.

C. Waterfront lots.

- (1) All fences and screens must be erected within the property lines, and no fence or screen shall be erected or planted so as to encroach upon a public right-of-way.
- (2) See-through fences shall not exceed six feet in height when erected in the rear and side yards to the front building line of the existing building. When erected from the front building line of the existing building toward the front property line or within the twenty-five-foot waterfront setback line, such see-through fence shall not exceed four feet in height.

- (3) Solid fences or screens shall not exceed six feet in height and shall not be permitted in front yards or within the fifteen-foot waterfront setback line. **[Amended 5-27-2004 by Ord. No. 2004-31]**
- (4) Barbed wire shall not be used in a residential area.
- (5) Any fence in a residential zone shall have its most pleasant or decorative side facing the adjacent lot, with all posts being in the owner's yard unless such posts or supports are an integral part of the decorative design of the fence.
- (6) Maintenance standards.
 - (a) Every fence or screen shall be maintained in a safe, sound, upright condition.
 - (b) If, upon inspection, any fence or screen or portion of any fence or screen is not being maintained in a safe, sound, upright condition or has been erected in violation of this chapter, the owner shall be notified in writing to repair or remove such fence or screen within 10 days of the date of written notice.
- D. Any fence constructed prior to 1991, notwithstanding anything to the contrary, which does not conform to setback requirements may be repaired or replaced in accordance with original specifications at its present location, provided the Zoning Officer finds that said fence complies with the visual requirements of § 335-13 and does not unduly obstruct any driveway. **[Added 7-22-2004 by Ord. No. 2004-46]**
- E. Residents with unimproved roads located adjacent to the side or rear of a single-family dwelling may erect a six-foot solid fence and/or a portable shed 100 square feet or less within the side or rear setback when the paper street has remained unimproved for more than five years and the resident agrees to bring the fence into compliance with § 335-22A and B if the paper road is improved to create an actual roadway accepted or constructed by the Township. **[Added 6-23-2005 by Ord. No. 2005-51]**
- F. Any fence, paddock, corral or other enclosure constructed to keep horses contained on the property must be set back a minimum of 20 feet from any property line. Any fence, paddock, corral or other enclosure to keep horses from leaving the property constructed prior to September 18, 2007, may be rebuilt, replaced, or constructed by the property owner for any reason, even if the structure is partially or totally destroyed. An affidavit from the property owner stating that the fence, paddock, corral or other type of enclosure existed prior to September 18, 2007, will be sufficient for the issuance of any permit required to rebuild, replace or construct the fence. **[Added 9-13-2007 by Ord. No. 2007-29]**

§ 335-22.1. Driveways. [Added 12-22-1998 by Ord. No. 98-49]

Any residential or nonresidential driveway abutting collector or arterial streets, as defined in § 297-2 of the Municipal Code of the Township of Lacey, are to be designed and provided with turnarounds on the property to prevent backing out of the property onto the adjacent roadway.

§ 335-22.2. Home occupations. [Added 6-28-2001 by Ord. No. 01-37]

- A. A "home occupation" is defined as an accessory use conducted for commercial gain incidental to a dwelling and carried on within the dwelling or an accessory building by members of the family residing therein.

- B. Home occupations shall be permitted in residential zones by obtaining a permit from the Zoning Officer under the following conditions:
- (1) Those engaging in the home occupation must be residents of the dwelling.
 - (2) The space devoted to the home occupation must be 25% or less of the total square footage of the dwelling and shall not alter the character of the building's appearance from residential to commercial.
 - (3) Retail sales will not be conducted on the property.
 - (4) Only one vehicle may be engaged in or used in support of the home occupation and shall be limited in size so that the exterior extremities of the vehicle will fit within the standard parking space, nine feet in width by 19 feet in depth, as defined in § 285-11A(1)(a) of Chapter 285, Site Plan Review. The vehicle used in support of the home occupation must be parked on site. The term "vehicle," as used in this subsection, includes any vehicle requiring registration, including but not limited to cars, trucks, trailers and boats.
 - (5) The home occupation shall not constitute a nuisance to adjacent residential properties for reasons of noise, vibration and electrical interference or otherwise adversely affect the safe and comfortable enjoyment of property rights in the residential zone.
- C. If the home occupation is to be located on the property but outside the principle dwelling, application must be made to the Planning Board for a conditional use approval. Home occupations shall only be permitted if no activity in connection with home occupation is conducted outside of the principal dwelling. Activities which will result in a home occupation no longer being permitted in a residential zone include but are not limited to storing of material or equipment or engaging in any home occupation activity outside of the principle dwelling. If any activity is conducted in connection with the home occupation outside of the principal dwelling, conditional use approval is necessary.

ARTICLE IV
Pinelands Area Development Standards
[Added 2-14-1991 by Ord. No. 5-91]

§ 335-23. Applicability; conflict with other provisions.

- A. All development within the Pinelands Area shall comply with the standards set forth in this article, in addition to all other regulations of the Code of the Township of Lacey.
- B. The standards and regulations of this article are intended to be the minimum provisions necessary to achieve the purposes and objectives of the Code of the Township of Lacey and the Pinelands Protection Act. In the event of a conflict between any provisions, the stricter provision shall apply.

§ 335-24. Wetlands.

- A. Uses. No development in the Pinelands Area shall be permitted in a wetlands or wetlands transition area, except for the following uses: **[Amended 1-28-1993 by Ord. No. 93-5]**
 - (1) Horticulture of native pinelands species in accordance with the requirements of § 335-28.
 - (2) Berry agriculture in accordance with the requirements of § 335-28.
 - (3) Beekeeping.
 - (4) Forestry in accordance with the requirements of § 335-27.
 - (5) Wetlands management and fish and wildlife management, in accordance with N.J.A.C. 7:50-6.10. **[Amended 9-22-2011 by Ord. No. 2011-19]**
 - (6) Low-intensity recreational uses which do not involve use of a structure other than those authorized in this section, including hunting, fishing, trapping, hiking, boating and swimming. Other similar low-intensity recreational uses shall be permitted, provided that any associated development does not have a significant adverse impact, as set forth in Subsection B below, on the wetland in which the use is carried out.
 - (7) 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 Subsection B below and conforms to all state and federal regulations.
 - (8) Commercial or public docks, piers, moorings and boat launches shall be permitted, provided that:
 - (a) There is a demonstrated need for the facility that cannot be met by existing facilities;
 - (b) The development conforms to all state and federal regulations; and
 - (c) The development will not result in a significant adverse impact, as set forth in Subsection B below.
 - (9) Bridges, roads, trails and utility transmission and distribution facilities and other similar linear facilities, provided that:

- (a) There is no feasible alternative route for the facility that does not involve development in a wetland, or, if none, that another feasible route or site which results in less significant adverse impacts on wetlands does not exist;
- (b) The need for the proposed linear improvement cannot be met by existing facilities or modification thereof;
- (c) The use represents a need which overrides the importance of protecting the wetland;
- (d) Development of the facility will include all practical measures to mitigate the adverse impact on the wetland; and
- (e) 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.

B. Performance standards.

- (1) No development, except for those uses which are specifically authorized in Subsection A(1) through (4) above, shall be carried out within 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.
- (2) A significant adverse impact shall be deemed to exist where it is determined that one or more of the following modifications of a wetland will have an irreversible effect on the ecological integrity of the wetland and its biotic components, including but not limited to threatened or endangered species of plants or animals.
 - (a) An increase in surface water runoff discharging into a wetland.
 - (b) A change in the normal seasonal flow patterns in the wetland.
 - (c) An alteration of the water table in the wetland.
 - (d) An increase in erosion resulting in increased sedimentation in the wetland.
 - (e) A change in the natural chemistry of the ground or surface water in the wetland.
 - (f) A loss of wetland habitat.
 - (g) A reduction in wetland habitat diversity.
 - (h) A change in wetlands species composition.
 - (i) A significant disturbance of areas used by indigenous and migratory wildlife for breeding, nesting or feeding.

§ 335-25. Vegetation and landscaping. [Amended 3-27-1997 by Ord. No. 97-14]

- 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 Section 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 Section C above or required pursuant to § 215-16A of Chapter 215 of this Code shall incorporate the following elements:
 - (1) The limits of clearing shall be identified.
 - (2) Existing vegetation, including New Jersey's Record Trees as published by the New Jersey Department of Environmental Protection in 1991 and periodically updated, shall be incorporated into the landscape design where practical.
 - (3) Permanent lawn or turf areas shall be limited to those specifically intended for active human use such as 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.
 - (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.
 - (c) When limited use of other shrubs or tree species is required for proper screening or buffering.
- E. 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 or threatened or endangered plants of the Pinelands designated in N.J.A.C. 7:50-6.27.

§ 335-26. Fish and wildlife.

- A. 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 threatened or endangered animal species designated by the Department of Environmental Protection pursuant to N.J.S.A. 23:2A-1 et seq.
- B. Protection of wildlife habitat. All development or other authorized activity 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.

§ 335-27. Forestry. [Amended 3-27-1997 by Ord. No. 97-14]

- 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 acres or less in size.
 - (2) Tree harvesting, provided that no more than one cord of wood per five acres of land is harvested in any one year and that no more than five cords of wood are harvested from the entire parcel in any one year.
 - (3) Tree planting, provided that the area to be planted does not exceed five acres in any one year, no soil disturbance occurs other than that caused by the planting activity and no trees other than those authorized by N.J.A.C. 7:50-6.25 are to be planted.
 - (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 acres in any one year.
 - (5) Prescribed burning and the clearing and maintaining of fire breaks.
- B. Forestry application requirements. The information in Subsection B(1) or B(2) below shall be submitted to the Township Zoning Officer prior to the issuance of any forestry permit: **[Amended 9-22-2011 by Ord. No. 2011-19]**
- (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 or her 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.
 - [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-term (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 B(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 at 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 ten-, twenty-, and forty-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.
 - [x] Measures that will be taken to prevent the potential spread of exotic plant species or phragmites into wetlands.
 - [o] A description, if appropriate, of the forest products to be harvested, including volume expressed in cords and board feet; diameter at breast height (DBH) classes and average diameter, age; heights; and number of trees per acre.
- [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.
 - [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 §§ 335-25E and 335-26A.
 - (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 § 335-33.
 - (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 Subsection C below.
 - (m) A certificate of filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34.
 - (n) When prior approval for the forestry activities has been granted by the Zoning Officer or other Township approval agency, a letter from the Pinelands Commission indicating that the prior approval has been reviewed pursuant to § 335-123.

- C. Forestry standards. Forestry operations shall be approved only if the applicant can demonstrate that the standards set forth below are met: **[Amended 9-22-2011 by Ord. No. 2011-19]**
- (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) Clear-cutting 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.
 - (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 §§ 335-25E and 335-26A. 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 § 335-33.
 - (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% 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 water and groundwater hydrology.
 - (b) Minimize changes to temperature and other existing surface water quality and conditions.
 - (c) Prevent unnecessary soil erosion, siltation and sedimentation.
 - (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%, 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 Commission pursuant to Subsection B(2)(j) above;
 - [2] Control of competitive plant species is clearly necessary;
 - [3] Control of competitive plant species by other, nonchemical 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 resprouting outside those areas subject to the herbicide treatment.
 - (c) Broadcast scarification 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.
- [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.
- (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.
 - [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, one-hundred-eighty-degree turns at the end of each straight pass.

(10) The following standards shall apply to silvicultural practices for harvesting:

(a) Clear-cutting 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 5% of a parcel, whichever is greater, during any permit period.
- [3] A fifty-foot-wide buffer strip, in which only periodic pruning and thinning may occur, shall be maintained between any clear cut and the parcel boundaries.
- [4] A buffer strip, in which only periodic pruning and thinning may occur, shall also be maintained to separate each twenty-five-acre or larger clear cut from other twenty-five-acre or larger clear cuts, coppice cuts and seed tree cuts that occur within a fifteen-year period. The buffer strip separating two twenty-five-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 in diameter at breast height (DBH) and six feet in height shall be left on the parcel for a minimum of five years.
- [6] The area of the parcel subject to the clear cut shall have contoured edges, unless the boundary of the clear cut 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% of a parcel, whichever is greater, during any permit period.
- [2] A fifty-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 twenty-five-acre or larger coppice cut from other twenty-five-acre or larger clear cuts, coppice cuts and seed tree cuts that occur within a fifteen-year period. The buffer strip separating two twenty-five-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 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% of a parcel, whichever is greater, during any permit period.
 - [2] A fifty-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 twenty-five-acre or larger seed tree cut from other twenty-five-acre or larger clear cuts, coppice cuts and seed tree cuts that occur within a fifteen-year period. The buffer strip separating two twenty-five-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.
 - [7] Residual seed trees shall be distributed evenly throughout the parcel.
 - (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 C(11)(b) below.
 - (b) Artificial regeneration shall be permitted in all Pinelands native forest types, provided that:
 - [1] The use of nonnative 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.
 - [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 \$25.
- (2) Within 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 14 days, the application shall be considered to be complete as of the 15th day following its submission.
- (3) Within 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 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 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 (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 §§ 335-122 through 335-125.
- (7) Forestry permits shall be valid for a period of 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 \$250 which shall serve as reimbursement for any administrative costs incurred by the municipality during the ten-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 72 hours' written notice of the intention to begin harvesting operations.

§ 335-28. Recommended management practices for agriculture.

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.

§ 335-29. Water quality.

A. General.

- (1) All development shall be designed and carried out so that the quality of surface water and groundwater will be protected and maintained. Agricultural use shall not be considered development for purposes of this subsection.
- (2) Except as specifically authorized in this section, no development which degrades surface water or groundwater 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. Minimum standards for point and nonpoint source discharges. The following point and nonpoint source discharges may be developed or operated in the Pinelands Area:

- (1) Development of new or the expansion of existing commercial, industrial and wastewater treatment facilities, or the development of new or the expansion of existing nonpoint sources, except those specifically regulated in Subsections B(2) through (6) below, provided that: **[Amended 3-27-1997 by Ord. No. 97-14]**
 - (a) There will be no direct discharge into any surface water body.
 - (b) All discharges from the facility or use are of a quantity and quality such that groundwater exiting from the parcel of land or entering a surface body of water will not exceed two parts per million nitrate/nitrogen.
 - (c) All public wastewater treatment facilities are designed to accept and treat sewage.

- (d) All storage facilities, including ponds or lagoons, are lined to prevent leakage into groundwater.
- (2) The development of new wastewater treatment or collection facilities which are designed to improve the level of nitrate/nitrogen attenuation of more than one existing on-site wastewater treatment system where a public health problem has been identified 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) cannot be achieved due to limiting site conditions or that the costs to comply with the standard will result in excessive user fees; and **[Amended 3-27-1997 by Ord. No. 97-14]**
 - (d) The design level of nitrate/nitrogen attenuation is the maximum possible within the cost of limitations imposed by such user fee guidelines, but in no case shall groundwater exiting from a parcel or entering a surface body of water exceed five parts per million nitrate/nitrogen. **[Amended 3-27-1997 by Ord. No. 97-14]**
- (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; **[Amended 3-27-1997 by Ord. No. 97-14]**
 - (b) There is no increase in the existing approved capacity of the facility; and
 - (c) All discharges 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 parts per million. In the event that nitrate/nitrogen levels in the surface waters immediately upstream of the discharge point exceed two parts per million, the discharge shall not exceed two parts per million nitrate/nitrogen.
- (4) Individual on-site septic wastewater treatment systems which are not intended to reduce the level of nitrate/nitrogen in the wastewater, provided that: **[Amended 3-27-1997 by Ord. No. 97-14]**
 - (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 groundwater exiting from the entire contiguous parcel or entering a surface body of water will not exceed two parts per million nitrate/nitrogen, calculated pursuant to the Pinelands dilution model dated December 1993, as amended, subject to the provisions of Subsection B(4)(c) below. The entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development but may not include previously dedicated road

rights-of-way or any contiguous lands that have been deed restricted pursuant to § 335-76 or 335-77.

- (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 acres or less existing as of January 14, 1981, or cluster development as permitted by N.J.A.C. 7:50-5.19.
 - (d) The depth to seasonal high water table is at least five feet.
 - (e) Any potable water well will be drilled and cased to a depth of at least 100 feet, unless the well penetrates an impermeable clay aquiclude, in which case the well shall be cased to at least 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.
 - (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 uses. In the event that N.J.A.C. 7:9A-7.4 does not provide flow values for a specific use, but a flow value is assigned for that use in 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) Individual on-site septic wastewater treatment systems which are intended to reduce the level of nitrate/nitrogen in the wastewater, provided that: **[Amended 3-27-1997 by Ord. No. 97-14]**
- (a) The standards set forth in Subsection B(4)(a) and (4)(c) through (h) above are met.
 - (b) If the proposed development is non-residential, it is located in the VR or VRC Zones.
 - (c) The decision of the system and its discharge point and the size of the entire contiguous parcel on which the system or systems is located will ensure that groundwater exiting from the entire contiguous parcel or entering a surface body of water will not exceed two parts per million nitrate/nitrogen, calculated pursuant to the Pinelands dilution model dated December 1993, as amended, subject to the provisions of 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 § 335-76 or 335-77.
- (6) Surface water runoff, provided that: **[Added 3-27-1997 by Ord. No. 97-14]**

- (a) The total runoff generated from any net increase in impervious surfaces by a ten-year storm of a twenty-four-hour duration shall be retained and infiltrated on-site. Runoff volumes shall be calculated in accordance with the United States Soil Conservation Service Technical Release No. 55 or the S.C.S. National Engineering Handbook, Section 4.
 - (b) The rates of runoff generated from the parcel by a two-year, ten-year and one-hundred-year storm, each of a twenty-four-hour duration, shall not increase as a result of the proposed development. Runoff rates shall be calculated in accordance with the United States Soil Conservation Service Technical Release No. 55 or the S.C.S. National Engineering Handbook, Section 4.
 - (c) Surface water runoff shall not be directed in such a way as to increase the volume and rate of discharge into any surface water body from that which existed prior to development of the parcel.
 - (d) Excessively and somewhat excessively drained soils, as defined by the Soil Conservation Service, should be avoided for recharge of runoff wherever practical.
 - (e) A minimum separation of two feet between the elevation of the lowest point of the bottom of the infiltration or detention facility and the seasonal high water table is met, or a lesser separation when it is demonstrated that the separation, either due to soil conditions or when considered in combination with other stormwater management techniques, is adequate to protect ground water quality.
 - (f) A four-year maintenance guaranty 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 fewer than 10 years. The program shall identify the entity charged with responsibility for annual inspections and the completion of any necessary maintenance, and the method to finance said program.
- (7) Alternate design program treatment systems, provided that: **[Added 12-12-2002 by Ord. No. 02-68]**
- (a) The proposed development to be served by the system is residential and 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 groundwater exiting from the entire contiguous parcel or entering a surface body of water will not exceed two parts per million nitrate/nitrogen, calculated pursuant to the Pinelands dilution model dated December, 1993, as amended, subject to the provisions of Subsection B(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 § 335-76 or § 335-77;
 - (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 acres or less existing as of January 14, 1981, or cluster development as permitted by N.J.A.C. 7:50-5.19;

- (d) The depth to seasonal high-water table is at least five feet.
- (e) Any potable water well will be drilled and cased to a depth of at least 100 feet, unless the well penetrates an impermeable clay aquiclude, in which case the well shall be cased to at least 50 feet;
- (f) No more than 10 alternate design pilot program treatment systems utilizing the same technology shall be installed in the development of any parcel if those systems are each serving one single-family dwelling;
- (g) Each system shall be equipped with automatic dialing capability to the manufacturer, or its agent, in the event of a mechanical malfunction;
- (h) Each system shall be designed and constructed so that samples of effluent leaving the alternate design pilot program septic system can be readily taken to confirm the performance of the technology;
- (i) The manufacturer or its agent shall provide to each owner an operation and maintenance manual approved pursuant to N.J.A.C. 7:50-10.22(a)2iv;
- (j) Each system shall be covered by a five-year warranty and a minimum five-year maintenance contract consistent with those approved pursuant to N.J.A.C. 7:50-10.22(a)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 Subsection B(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 septicage disposal facility capacity is available, in

accordance with the provisions of Chapter 326 of the Laws of 1975, 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 years.
- (b) Have the facility cleaned at least once every three years.
- (c) Once every three years, submit to the Board of Health serving the Township a sworn statement that the facility has been inspected, cleaned and is functional, 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 1986.²¹

D. Prohibited chemicals and materials.

- (1) 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 water or groundwater or any land:

- (a) Septic tank cleaners.
- (b) Waste oil.

- (2) 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.

- (3) No person shall apply an herbicide to any road or public utility right-of-way within the Pinelands Area unless necessary to protect an adjacent agricultural activity.

- (4) (Reserved)²²

- E. Water management. Interbasin transfer of water between watersheds shall be avoided to the maximum extent practical. In areas served by central sewers, water-saving devices, such as water-saving toilets, showers and sink faucets, shall be installed in all new development. Water shall not be exported from the pinelands except as otherwise provided in N.J.S.A. 58:1A-7.1.

§ 335-30. Scenic.

- A. Scenic corridors. Except for those roads which provide for internal circulation within residentially developed areas, all public, paved roads in the Preservation Area Zone, Forest Area Zone and Rural Development Zone shall be considered scenic corridors. In addition, those rivers designated in N.J.A.C. 7:50-6.105 shall be considered special scenic corridors.

- B. Special requirements for scenic corridors.

21. Editor's Note: See N.J.S.A. 58:10A-21 et seq.

22. Editor's Note: Former § 335-29D(4), regarding the storage, discharge or disposal of various wastes, was repealed 3-27-1997 by Ord. No. 97-14.

- (1) Except as otherwise provided in this subsection, no permit shall be issued for development in a scenic corridor other than for agricultural commercial establishments unless the applicant demonstrates that all buildings are set back at least 200 feet from the center line of the corridor.
 - (2) If compliance with the two-hundred-foot setback is constrained by environmental or other physical considerations, such wetlands, or active agricultural operations, the building shall be set back as close to 200 feet as practical and the site shall be landscaped in accordance with the provisions of § 335-25 of this Code so as to provide screening between the building and the corridor.
 - (3) If an applicant for development approval demonstrates that existing development patterns of the corridor are such that buildings are set back less than 200 feet within 1,000 feet of the site proposed for development, then a setback shall be set for the proposed development which is consistent with the established development pattern, provided that the site is landscaped in accordance with the provisions of § 335-25 of this Code, so as to provide screening between the building and the corridor.
 - (4) All structures within 1,000 feet of the center line of a special scenic corridor shall be designed to avoid visual impacts as viewed from the corridor.
 - (5) The requirements of Subsection B(1) through (3) above shall not apply to residential cluster developments within the FA Zone which comply with the standards of § 335-71A(1). **[Added 9-22-2011 by Ord. No. 2011-19]**
- C. Motor vehicle screening and storage. No more than 10 automobiles, trucks or other motor vehicles, whether or not they are in operating condition, shall be stored on any lot unless such motor vehicles are adequately screened from adjacent residential use and scenic corridors. All vehicles not in operating condition shall be stored only if the gasoline tanks of such vehicles are drained. This subsection shall not apply to vehicles which are in operating condition or which are maintained for agricultural use.
- D. Location of utilities.
- (1) New utility distribution lines and telephone lines to locations not presently served by utilities shall be placed underground, except for those lines which are located on or adjacent to active agricultural operations.
 - (2) Aboveground generating facilities, switching complexes, pumping stations and substations shall be screened with vegetation from adjacent uses in accordance with § 335-25 of this Code.
 - (3) All electric transmission lines shall be located on existing towers or underground to the maximum extent practical.

§ 335-31. Fire management.

- A. The following vegetation classifications shall be used in determining the fire hazard of a parcel of land:

Hazard	Vegetation Type
Low	Atlantic white cedar Hardwood swamps
Moderate	Non-Pine Barren forest Prescribed burned areas
High	Pine Barren forest, including pine, pine-oak and oak-pine
Extreme	Immature or dwarf forms of pine-oak or oak-pine, all classes of pine-scrub oak and pine lowland

B. No development shall be carried out in the Pinelands Area in vegetated areas which are classified as moderate, high or extreme hazard under fire hazard classification set out in Subsection A above unless such development complies with the following standards:

- (1) All proposed developments or units or sections thereof of 25 dwelling units or more will have two accessways of width and surface composition sufficient to accommodate and support fire-fighting equipment.
- (2) All dead-end roads will terminate in a manner which provides safe and efficient entry and exit for fire equipment.
- (3) The right-of-way of all roads will be maintained so that they provide an effective fire break.
- (4) Except as provided in Subsection B(5) below, 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:
 - (a) In moderate fire hazard areas, a fuel break of 30 feet measured outward from the structure in which:
 - [1] Shrubs, understory trees and bushes and ground cover are to be selectively removed, mowed or pruned on an annual basis; and
 - [2] All dead plant material is removed.
 - (b) In high fire hazard areas, a fuel break of 75 feet measured outward from the structure in which:
 - [1] Shrubs, understory trees and bushes and ground cover are to be selectively removed, mowed or pruned on an annual basis; and
 - [2] All dead plant material is removed.
 - (c) In extreme high hazard areas, a fuel break of 100 feet measured outward from the structure in which:
 - [1] Shrubs, understory trees and bushes and ground cover are to be selectively removed, mowed or pruned on an annual basis;
 - [2] No pine tree (*Pinus* spp.) is closer than 25 feet to another pine tree; and

[3] All dead plant material is removed.

- (5) All residential developments of 100 dwelling units or more in high or extreme hazard areas will have a two-hundred-foot perimeter fuel break between all structures and the forest 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;
 - (c) Roads, rights-of-way, wetlands and waste disposal sites shall be used as fire breaks to the maximum extent practical; and
 - (d) There is a specific program for maintenance.
- (6) All structures will meet the following specifications:
 - (a) 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.
 - (b) All projections such as balconies, decks and roof gables shall be constructed of fire-resistant materials or materials treated with fire-retardant chemicals.
 - (c) Any openings in the roof, attic and floor shall be screened.
 - (d) Chimneys and stovepipes which are designed to burn solid or liquid fuels shall be equipped with screens over the outlets.
 - (e) Flat roofs are prohibited in areas where vegetation is higher than the roof.

§ 335-32. Recreation.

All development within the Pinelands Area shall conform to the following requirements:

- A. All recreation areas and facilities shall be designed in accordance with the New Jersey Department of Environmental Protection publication "Administration Guidelines: Barrier-Free Design Standards for Parks and Recreational Facilities."
- B. Improved bicycling facilities shall be provided only in conjunction with paved roads.

§ 335-33. Historic, archaeological and cultural preservation.

- A. The Planning Board shall exercise all the powers and perform all the duties set forth in N.J.A.C. 7:50-6.153(a), including recommendations to the Township Committee for designation of historic resources, in accordance with N.J.S.A. 40:55D-1 et seq., which are determined to be significant pursuant to Subsection E(2) 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; and
 - (2) Development not otherwise exempted from review pursuant to § 335-97 of this chapter where a significant resource has been identified pursuant to Subsection E below.
- D. Applications for certificates of appropriateness shall include the information specified in N.J.A.C. 7:50-6.156(b).
- E. A cultural resource survey shall accompany all applications for development in the VR and VRC Zones and all applications for major development in order to determine whether any significant historic resources exist on the parcel. Guidelines for this survey are contained in Appendix B of the Cultural Resource Management Plan, dated April 1991, as amended. In general, the survey shall include a statement as to the presence of any properties listed on the National and State Registers of Historic Places on the site or within the area of the projects' potential environmental impacts; a thorough search of state, local and any other pertinent inventories to identify sites of potential significance; a review of the literature and consultation with professional and avocational archaeologists knowledgeable about the area; thorough pedestrian and natural resources surveys; archaeological testing as necessary to provide reasonable evidence of the presence or absence of historic resources of significance; adequate recording of the information gained and methodologies and sources used; and a list of personnel involved and qualifications of the person(s) performing the survey. **[Amended 3-27-1997 by Ord. No. 97-14]**
 - (1) This requirement for a survey may be waived by the local approval agency if:
 - (a) There is sufficient evidence of significant cultural activity on the project site or, in the case of archaeological resources, within the vicinity;
 - (b) The evidence of cultural activity on the site lacks the potential for importance because further recording of the available data will not contribute to a more comprehensive understanding of pinelands culture; or
 - (c) The evidence of cultural activity lacks any potential for significance pursuant to the standards of Subsection E(2) below.
 - (2) A resource shall be deemed to be significant if it possesses integrity of location, design, setting, materials, workmanship, feeling and association which reflects its significance in American history, architecture, archaeology or culture under one or more of the following criteria:
 - (a) The presence of structures, sites or areas associated with events of significance to the cultural, political, economic or social history of the nation, state, local community or the pinelands.

- (b) The presence of structures, sites or areas associated with the lives of persons or institutions of significance to the cultural, political, economic or social history of the nation, state, local community or the pinelands.
 - (c) The presence of structures that represent the work of a master or that possess high artistic value 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 years. If the resource is not designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154 or by the governing body pursuant to N.J.S.A. 40:55D-1 et seq. within that two-year period, the historic resource standards of this section shall no longer apply to the resource in question until such time as the Pinelands Commission designates the resource pursuant to N.J.A.C. 7:50-6.154. **[Amended 3-27-1997 by Ord. No. 97-14]**
- 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 archaeological data in accordance with the "Guideline for Recovery of Scientific, Prehistoric, Historic, and Archaeological Data: Procedures for Notification, Reporting, and Data Recovery" (36 CFR 66).

§ 335-34. Waste management. [Amended 3-27-1997 by Ord. No. 97-14]

No hazardous or toxic substances, including hazardous wastes, shall be stored, transferred, processed, discharged, disposed or otherwise used in the Pinelands Area. The land application of waste or waste-derived materials is prohibited in the Pinelands Area, except as expressly authorized in N.J.A.C. 7:50-6.79. Waste management facilities shall only be permitted in the Pinelands Area in accordance with the standards set forth in N.J.A.C. 7:50-6.

§ 335-35. Energy conservation.

All development shall be carried out in a manner which promotes energy conservation. Such measures may include southern orientation of buildings, landscaping to permit solar access and the use of energy-conserving building materials.

§ 335-36. 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 3-27-1997 by Ord. No. 97-14]**
- B. Applications for residential developments of 100 or more units and any other development involving more than 300 parking spaces located in the PA, FA, RD, VR or VRC Zone 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.

§ 335-37. Principal use.

No more than one principal use shall be located on one lot, except for forestry, agricultural, horticulture, fish and wildlife management and recreational development on agricultural lands.

§ 335-37.1. Height limitations. [Added 3-27-1997 by Ord. No. 97-14]

- A. No structure in the Pinelands Area, including radio and television transmission and other communication facilities which are not accessory to an otherwise permitted use, shall exceed a height of 35 feet.
- B. The height limitation in Subsection A above shall not apply to any of the following structures, provided that such structures are compatible with uses in the immediate vicinity: antennas which do not exceed a height of 200 feet and which are accessory to an otherwise permitted use; silos, barns and other agricultural structures; church spires; cupolas; domes; monuments; water towers; fire observation towers; electric transmission lines and supporting structures; windmills; smokestacks; derricks; conveyors; flagpoles and masts; or aerials, solar energy facilities, chimneys and similar structures to be placed above the roof level and not intended for human occupancy.
- C. The height limitation in Subsection A above shall not apply to the antenna and any supporting structure of a local communication facility of greater than 35 feet, provided that the standards set forth in N.J.A.C. 7:50-5.4(c) are met.

ARTICLE V
Nonconforming Uses and Structures

§ 335-38. Continuance.

Except as otherwise provided in this article, the lawful use of land or structures existing at the date of the adoption of this chapter may be continued although such use or structure does not conform to the regulations specified by this chapter for the zone in which such land or structure is located; provided, however, that:

- A. No nonconforming structure shall be enlarged, extended or increased unless by such action it complies with this chapter.
- B. No nonconforming use shall be expanded.
- C. No nonconforming lot shall be further reduced in size.

§ 335-39. Abandonment.

A nonconforming use shall be deemed abandoned when there occurs such overt act as evidences an intent by the owner or the tenant to cease such prior use or activity. In any event, where an owner or tenant ceases such prior use or activity and fails to reinstate the same within a period of one year from the date of cessation or discontinuance, the same shall be conclusive evidence that there has in fact been an abandonment. In either of the aforesaid events, such use shall not thereafter be reinstated, and the structure shall not be reoccupied except in conformance with this chapter.

§ 335-40. Restoration.

If any nonconforming structure is destroyed by reason of windstorm, fire, explosion or other act of God or the public enemy to an extent of more than 50%, said structure shall not be rebuilt, restored or repaired or restored except in conformity with this chapter.

§ 335-41. Reversion.

No nonconforming use or structure shall, if once changed into a conforming use or structure, be changed back again into a nonconforming use or structure.

§ 335-42. Alteration.

A nonconforming building may be altered or improved, provided that the alteration or improvement does not amount to a substantial increase of a nonconforming use, but if such alterations or improvements involve any increase in lands so used or in the cubic content of the building so used, the permit for the alteration or improvement shall be issued only upon variance granted in accordance with law; provided, however, that accessory uses and additions may be constructed on nonconforming lots in conjunction with an existing residential use if the proposed accessory use or addition complies with the setback and yard requirements set forth in § 335-93.

ARTICLE VI

Signs**§ 335-43. Sign regulations.****A. General regulations. [Amended 6-23-1994 by Ord. No. 94-34]**

- (1) No sign shall be erected, constructed, altered or maintained in whole or in part except in accordance with the requirements, standards and regulations of this article. The changing of movable parts of a sign designed for such changes or the repainting or reposting of display matter shall not be deemed an alteration, provided that the requirements of this article are not violated.
- (2) Flashing signs prohibited. All signs, whether illuminated or nonilluminated, shall be nonflashing and nonblinking.
- (3) Design loads for wind. The effect of special local wind pressures shall be thoroughly considered in the design of all signs. In any event, all signs except temporary signs shall be designed and maintained so as to withstand the following wind loads without any part of such sign becoming insecure, in danger of falling or otherwise unsafe:
 - (a) For a sign any part of which is greater than 50 feet in height above ground level: 30 pounds per square foot (psf) of net exposed area.
 - (b) For a sign no part of which is greater than 50 feet in height above ground level: 20 pounds per square foot (psf) of net exposed area.
- (4) Illumination and illuminated signs:
 - (a) No sign shall be artificially illuminated by other than electrical means, and the use of any open spark or flame for illumination of signs is not permitted under any circumstances.
 - (b) All electrically illuminated signs shall be certified, as to electric wiring and devices, by the Township agency or official having jurisdiction thereof.
- (5) Use of combustibles.
 - (a) All roof signs, wall signs and projecting signs, including structural supports for such signs, shall be constructed entirely of metal or other noncombustible materials, except that wood, plastic or other materials of combustible characteristics similar to wood may be used for moldings, cappings, nailing blocks, letters and for other purely ornamental features. Sign facings shall be constructed as hereinafter set forth in Subsection A(5)(b) below. Provisions shall be made for the electrical ground of all metallic parts of roof signs. Where combustible materials are permitted, all electrical wiring shall be kept free and insulated therefrom.
 - (b) Sign facings. Sign facings may be made of combustible plastics, provided that all electrical wiring is entirely enclosed in metal conduits and installed with a clearance of not less than two inches from the facing material and all other combustible materials used in the sign.

- (6) A zoning permit for the installation, erection, relocation or enlargement of a sign is required and shall be secured from the Zoning Officer in accordance with the provisions of § 335-79 of this chapter.
- B. Signs permitted in the R-75, R-75A, R-80, R-100, R-100A, R-150 and VR Residence Zones: **[Amended 2-14-1994 by Ord. No. 5-91; 2-11-1993 by Ord. No. 93-12; 6-23-1994 by Ord. No. 94-34]**
- (1) One nonilluminated sign identifying a resident's name and/or address, not larger than one square foot in area.
- (2) One sign, which may be illuminated, identifying a home occupation or professional office located on the premises, not larger than two square feet in area.²³
- C. Signs permitted in the C-150, C-300, C-100, C-200 and M-1 Commercial Zones: **[Amended 2-11-1993 by Ord. No. 93-12]**
- (1) All signs permitted in residential zones.
- (2) For each commercial or professional use, either of the following, which may be illuminated:
- (a) One enterprise identification or advertising sign, parallel to and attached or otherwise affixed to any three facades of each separate principal building on site, which signs shall be flat against the building and not larger than 20% of the gross area of the facade of the building or 75 square feet in area, whichever is less.
- (b) One enterprise identification or advertising sign, perpendicular to and attached to and projecting from any facade of each separate principal building on site, which sign shall not project more than five feet into the minimum front yard setbacks for the zone in which it is located and which shall not be larger than 32 square feet in area.
- (3) One freestanding ground sign which shall be an enterprise identification or advertising sign, which may be illuminated, and which shall not be larger than 32 square feet in area.
- (4) Where applicable, one enterprise identification or advertising shopping center sign, which may be illuminated, not larger than 80 square feet in area.
- (5) In the C-150 and C-300 Zones only, commercial signs consisting of billboards or like outdoor advertising structures, which may be illuminated, which shall not be larger than 250 square feet in area. Such a commercial sign is considered a structure, and a zoning permit is required for the construction thereof. In addition, the commercial sign must abide by the setback requirements for structures in the C-150 or C-300 Zone, whichever is applicable.
- D. Signs permitted in the M-2 Limited Industrial Zone: **[Amended 2-11-1993 by Ord. No. 93-12]**

23. Editor's Note: Former Subsection B(3), concerning marine commercial service uses within the R-75 Zone, which immediately followed this subsection, was repealed 12-22-1998 by Ord. No. 98-49.

- (1) Either of the enterprise identification or advertising signs, which may be illuminated, the respective size, nature and extent of which are set forth under the foregoing Subsection C(2).
 - (2) Freestanding ground signs, which may be illuminated, located at each entrance to and separate exit from any limited industrial use, none of which signs shall be larger than 32 square feet in area. In the case of a common entrance to or separate common exit from more than one limited industrial use, there shall be permitted no more than one enterprise identification or advertising sign at such common entrance or exit, which sign may be illuminated and shall not be larger than 40 square feet in area.
- E. Signs permitted in the M-6 Industrial Zone: **[Amended 2-14-1991 by Ord. No. 5-91]**
- (1) All signs permitted in the M-2 Limited Industrial Zone, subject to Subsection E(2) hereunder.
 - (2) In the M-6 Industrial Zone, the freestanding ground signs may be located at each common or other entrance to and separate exit from any industrial activity, and none of such signs shall be larger than 200 square feet in area.
- F. Signs permitted in the O-C Office-Commercial Zone:
- (1) All signs permitted in residential zones.
 - (2) For single buildings intended to be or actually used by more than one commercial or professional enterprise occupant, whichever of the following is applicable: **[Amended 2-11-1993 by Ord. No. 93-12]**
 - (a) For each single building having a common entrance area to all commercial or professional enterprise uses within the building, one enterprise identification or advertising sign which may identify the name or other designation of the building or the name or other designation of all or any number of the commercial or professional enterprise occupants of the single building. Such sign may be illuminated, shall be parallel to and attached or otherwise affixed to the facade of the single building, shall be flat against the single building and shall not be larger than 50 square feet in area. As used in this section, a "common entrance area" shall be defined as a single foyer or like area common to all uses within the building. One sign shall be permitted for each facade of each building, but not more than three signs shall be permitted per building, and no sign shall be permitted on any facade facing residentially zoned property. **[Amended 12-22-1998 by Ord. No. 98-49]**
 - (b) For each single building having more than one entrance area, either of the following:
 - [1] One enterprise identification or advertising sign of the size, nature and extent described in the foregoing Subsection F(2)(a). In addition, there shall be permitted one enterprise identification or advertising sign, which may be illuminated, at or near each exterior entrance area, which sign shall be parallel to and attached or otherwise affixed to the facade of the building and shall be flat against the building and none of which shall be larger than 15 square feet in area.

- [2] One enterprise identification or advertising sign, which may be illuminated, at or near each exterior entrance area, which sign shall be parallel to and attached or otherwise affixed to the facade of the building, shall be flat against the building and shall not be larger than 20 square feet in area.
- (3) For single buildings used by one commercial or professional enterprise, one enterprise identification or advertising sign, which may be illuminated, which shall be parallel to and attached or otherwise affixed to the facade of the building, shall be flat against the building and shall be not larger than 20 square feet in area. **[Amended 2-11-1993 by Ord. No. 93-12]**
- (4) For each single building intended to be or actually used by one or more commercial or professional enterprise occupants, one freestanding ground sign which shall be an enterprise identification or advertising sign, which may be illuminated, and which shall not be larger than 32 square feet in area. **[Amended 2-11-1993 by Ord. No. 93-12]**
- G. Signs permitted in connection with public and quasi-public principal uses, except those located in the PA Zone. The following regulations shall apply to signs in connection with the following permitted principal uses: **[Amended 2-14-1991 by Ord. No. 5-91;²⁴ 6-23-1994 by Ord. No. 94-34]**
- (1) A church and other places of worship, Sunday school building, parish house for the presbyter and ministerial staff, public library, public museum, public recreational building, community center building, rest home, convalescent home, private nonprofit recreational community building, club or activity of a quasi-public, social, fraternal or recreational character, which are not of a commercial character:
- (a) One sign identifying the name or other designation of the principal use, which sign may be illuminated, and which shall be parallel to and attached or otherwise affixed to the front facade of the principal building, shall be flat against the building and shall be not larger than 20 square feet in area. This regulation shall apply to such principal uses in all zones.
- (b) One freestanding ground sign, which may be illuminated, which shall be a sign identifying the name or other designation of the principal use and which shall be located at or near each street entrance to the principal use. Such sign(s) shall not be larger than 20 square feet in area in any zone; provided, however, that within the exterior boundary lines of a planned residential cluster development, planned unit residential development (PRD) or planned residential retirement community (PRRC), such sign(s) shall not be larger than 15 square feet in area.
- (2) Hospitals:
- (a) Such signs as are permitted under the foregoing Subsection G(1), in accordance with the regulations set forth thereunder.

24. Editor's Note: This ordinance also deleted former Subsection G, entitled "Signs permitted in the RA, RIA and RRIA Rural Zones."

- (b) One sign, which may be illuminated, identifying each emergency room or like facility and which shall be either parallel to and attached or otherwise affixed to the facade of the building where such facility is located or projecting perpendicular to such facade, and said sign shall be not larger than 20 square feet in area.

H. Signs permitted in the PA Preservation Area Zone: **[Added 2-14-1991 by Ord. No. 5-91]**

- (1) Official public safety and information signs displaying road names, numbers and safety directions.
- (2) On-site signs advertising the sale or rental of the premises, provided that the area on one side of any such sign shall not exceed 12 square feet and that no more than one sign is located on any parcel of land held in common ownership.
- (3) On-site identification or advertising signs for schools, churches, hospitals or similar public service institutions, provided that the size of any such sign shall not exceed 12 square feet and that no more than one sign is placed on any single property. **[Amended 2-11-1993 by Ord. No. 93-12]**
- (4) Trespassing signs or signs indicating the private nature of a road, driveway or premises and signs prohibiting or otherwise controlling fishing or hunting, provided that the size of such signs does not exceed 12 square feet.
- (5) On-site professional, home occupation or name signs indicating the profession and/or activity of the occupant of the dwelling, provided that the size of any such sign shall not exceed 12 square feet and no more than one sign is permitted for any individual parcel of land.
- (6) On-site business or advertising signs, provided that no more than two signs are located on any one premises or on the premises leased or utilized by any one business establishment and that the total of such signs shall not exceed 20 square feet per side, with the maximum height to the top of the sign not to exceed 15 feet from the ground level.
- (7) Temporary signs advertising political parties or candidates for election, provided that the size of any such sign does not exceed four square feet.
- (8) Temporary on-site and off-site signs advertising civil, social or political gatherings and activities, provided that the size of such signs does not exceed four square feet.

I. Pinelands Area (PA, FA, RD, VR and VRC Zones). **[Added 6-23-1994 by Ord. No. 94-34]**

- (1) Moving signs prohibited in Pinelands Area. No sign, other than warning or safety signs, which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation shall be permitted in the Pinelands Area (PA, FA, RD, VR and VRC Zones).
- (2) Off-site signs prohibited in Pinelands Area. No outdoor, off-site commercial advertising sign, other than signs advertising agricultural commercial establishments, shall be permitted in the Pinelands Area (PA, FA, RD, VR and VRC Zones). Off-site, outdoor signs advertising agricultural commercial establishments shall be permitted in the Pinelands Area of the Township, provided that:

- (a) No more than two signs shall be placed in any one direction along each road directly approaching the establishment; and
- (b) No sign along a four-lane state or United States highway shall exceed 50 square feet in area, and no sign along any other road shall exceed 32 square feet in area.
- (3) Changing signs prohibited in Pinelands Area. No sign, other than warning or safety signs, which is designed or intended to attract attention by sudden, intermittent or rhythmic movement or physical or lighting change, shall be permitted in the PA, FA, RD, VR and VRC Zones.
- (4) Construction materials for signs in the Pinelands Area. To the maximum extent practical, the character and composition of construction materials for all signs shall be harmonious with the scenic values of the Pinelands.

§ 335-44. Signs permitted in all zones. [Amended 2-14-1991 by Ord. No. 5-91]

The following signs are permitted in all zones except for the PA Zone:

- A. Government building signs, which may be illuminated, consisting of signs erected on a Township, county, state or federal building which announce the name, nature of the occupancy and information as to use of or admission to the premises.
- B. Transit direction signs, which may be illuminated, consisting of signs designating the location of a transit line, railroad station or other public carrier and which shall not be larger than three square feet in area.
- C. Street signs, consisting of signs erected by the Township, county, state or federal government for street direction.
- D. Small wall signs, consisting of a wall sign erected on a building or structure, which shall not be larger than two square feet in area.
- E. Direction signs, consisting of such signs which, in connection with a nonresidential principal or accessory use, may be necessary to provide direction to specific buildings, places and off-street parking areas. Such signs may be illuminated and may be either freestanding ground signs or signs attached or otherwise affixed to a building or other structure. All such signs shall be located on the premises which they are intended to serve, and no such sign shall be larger than four square feet in area.
- F. Permitted temporary signs:
 - (1) One temporary sign, not larger than four square feet in area, advertising the sale, lease or rental of the residential premises on which it is located. This regulation shall apply to all residentially zoned land and to all residential uses of land in any zone in which such residential use is permitted.
 - (2) One temporary sign, not larger than 12 square feet in area, advertising the sale, lease or rental of the commercial or industrial premises on which it is located. This regulation shall apply to all land zoned for commercial or industrial use and to all commercial or industrial uses of land in any zone in which such commercial or industrial use is permitted.

- (3) Not more than two temporary freestanding ground signs on a subdivision which has been approved by the Township, provided that each such sign is not larger than 200 square feet in area.
- (4) Temporary construction signs, engineers' and architects' signs and other similar signs which shall be authorized by the Construction Official in connection with construction operations and which shall be located on the premises subject to such construction operations.
- (5) Temporary special decorative displays used for holidays, public demonstrations or promotion of civic welfare or charitable purposes, when authorized by Township authorities, on which there is not any commercial advertising, and provided that the Township is held harmless for any damage resulting therefrom.
- (6) Removal of temporary signs. All permitted temporary signs shall be removed by the person or party which erected such sign in accordance with the following schedule:
 - (a) Temporary signs advertising sale, lease or rental of premises: within five business days after sale, lease or rental of the premises.
 - (b) Temporary subdivision signs: within 10 business days after 75% of the lots have been sold or dwellings have been erected on 75% of said lots, whichever shall first occur.
 - (c) Temporary construction, engineers', architects' and other similar signs: within five business days after completion of construction operations on the premises.
 - (d) Temporary special decorative displays: within 10 business days after the holiday or holidays, public demonstration or promotion, as the case may be.
- (7) Temporary signs used for commercial advertising, sales and promotions. One temporary sign, not larger than 16 square feet in area, double-sided, promoting a special sale or other advertising event on the site shall be permitted under the following schedule: **[Added 2-11-1993 by Ord. No. 93-12]**
 - (a) A temporary advertising sign will be allowed up to one week maximum per month not to exceed six times per year.
 - (b) An application for a permit for the temporary advertising sign must be obtained from the Land Use Office of the Township. Said application will include the name and address of the business enterprise, the date to which the sign will be erected and the date of the removal of the sign, together with a sketch or photo of the proposed sign.
 - (c) Removal of temporary advertising sign. All permitted temporary advertising signs shall be removed at the end of the period allowed on the permit. Violation of this section will subject the violator to a fine not to exceed \$500. Each separate day on which a violation continues shall constitute a separate violation. Upon conviction, the Municipal Court may suspend the ability of any violator to obtain additional temporary sign permits for up to one year.
- (8) Special requirements for temporary signs. **[Added 6-23-1994 by Ord. No. 94-34]**

- (a) Banner and cloth signs. Except as otherwise specified in this article, all temporary signs and banners attached to or suspended from a building and constructed of cloth or other combustible material shall be strongly constructed and shall be securely attached to their supports.
- (b) Maximum size. Temporary signs of combustible construction shall not be more than 10 feet in one dimension nor more than 500 square feet in area.
- (9) Temporary political signs shall be permitted in all zones, including the PA Zone. The size of the temporary political signs shall not exceed the maximum size of the signs permitted in any designated zone. **[Added 6-23-1994 by Ord. No. 94-34]**
- G. Use of more than one enterprise unit (store, office or business place) shall entitle the business to the same sign allowances as if they were individual units. **[Added 2-11-1993 by Ord. No. 93-12]**

§ 335-45. Location requirements. [Amended 2-11-1993 by Ord. No. 93-12; 6-23-1994 by Ord. No. 94-34]

- A. All temporary signs and all freestanding ground signs which are for enterprise identification or advertising or for identification or advertising of hospitals or other public or quasi-public uses shall be set back a minimum distance of 10 feet from the street or curbline.
- B. All direction signs permitted as necessary to provide direction to specific buildings, places and off-street parking areas shall be set back a minimum distance of five feet from the street or curbline.
- C. Bottom clearance.
 - (1) For freestanding ground signs four square feet or smaller in area, the lower edge of such sign shall not be less than 30 inches above the ground level. The intervening space may be filled with open lattice work or platform decorative trim.
 - (2) For freestanding ground signs larger than four square feet in area, the lower edge of such sign shall not be less than 60 inches above the ground level. The intervening space may be filled with open lattice work or platform decorative trim.
 - (3) For roof signs, there shall be clear space of not less than six feet between the lowest part of the sign and the roof level, except for necessary structural supports.
 - (4) For projecting signs, there shall be a clear space of not less than 10 feet below all parts of the sign. In addition, no projecting sign shall extend over a street or other public space more than 10 feet from the building or structure, nor in any case beyond a vertical plane two feet inside the curbline.
- D. Egress and access obstructions. In order to prevent obstruction to fire-fighting forces, no sign shall be erected, constructed, altered or maintained so as to obstruct any fire escape, required exitway, window or door opening used as an element of a means of egress or as to prevent free passage from one part of a roof to another part thereof or access thereto.²⁵

§ 335-46. Maintenance.

- A. Housekeeping. It shall be the duty and responsibility of the owner of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary and healthful condition.
- B. Maintenance. All signs, together with all their supports, braces, guys, anchors and any devices for illumination, shall be kept in repair in accordance with this article and, when not constructed of galvanized or other corrosion-resistive materials, shall be painted when necessary to prevent corrosion.
- C. Termination. Any existing sign within the Pinelands Area (PA, FA, RD, VR and VRC Zones) which does not conform to § 335-31E, F, G and H²⁶ of this Code shall not be permitted to continue beyond January 14, 1991. **[Added 2-14-1991 by Ord. No. 5-91]**

§ 335-47. Nonconforming signs. [Added 2-11-1993 by Ord. No. 93-12]

Except as otherwise provided in this article, the lawful use of signs existing at the date of the adoption of this chapter may be continued although such sign(s) does not conform to the regulations specified by this chapter for the zone in which the sign is located, provided that:

- A. Nonconforming signs shall not be enlarged, expanded, extended or increased unless by such action it complies with this chapter.
- B. Whenever 50% or more of a nonconforming sign is destroyed, it cannot be rebuilt except in conformance with all applicable ordinances of the Township of Lacey.

25. Editor's Note: Former § 108-30, entitled "Additional location requirements," § 108-31, entitled "Additional general requirements," and § 108-32, entitled "Special requirements for temporary signs," all of which immediately followed this section, was repealed 6-23-1994 by Ord. No. 94-34.

26. Editor's Note: This section was repealed 6-23-1994 by Ord. No. 94-34.

ARTICLE VII
Buffer Zones and Screening Strips

§ 335-48. Buffer zone and screening strip requirements.

- A. Screening strips. Whenever any part of this chapter or Chapter 285, Site Plan Review, imposes a screening requirement, it shall consist of plantings in accordance with the provisions set forth in this Subsection A and in the Pinelands Area (PA, FA, RD, VR and VRC Zones), in accordance with the provisions of § 335-25.
- (1) Prior to the construction of any building or other structure in any zone other than a single-family residential use zone or for any use other than a residential use in a residential zone or a rural zone permitting residential uses, there shall be planted a screening strip, in accordance with an approved site plan, along all property lines adjoining lands which are zoned residential. The type, size and location of all such screening strips shall be subject to the approval of the Planning Board or such other agency as approves the site plan.
 - (2) Every parcel of land hereafter used as a public or private parking area for three or more cars or as a loading or unloading area, including a commercial lot, shall be screened on the side or sides which adjoin any residential use of land. The type, size and location of all such screening strips shall be subject to the approval of the Planning Board or such other agency as approves the site plan, which site plan shall describe and illustrate the parking or loading or unloading area. The approving agency may waive this requirement if and to the extent that the parking or loading or unloading area boundaries are by location coextensive with any portion of a property line boundary area which is subject to the screening requirements of the foregoing Subsection A(1).
 - (3) Screening strips shall be properly installed and continuously maintained in good condition by the owner of the land area which includes the screening strip.
 - (4) A swath of existing vegetation or flora may be substituted wholly or partly if such natural ground cover already exists in the appropriate location and in appropriate density.
 - (5) In the event that vegetation or flora constituting the screening strip, whether consisting of existing natural ground cover or plantings required by this section or any combination thereof, shall fail to live, it shall be replaced as soon as practicable.
- B. ²⁷Buffer zones.
- (1) In order to provide adequate buffering between uses or differing classifications, a buffer zone shall be provided in conjunction with any nonresidential use abutting a lot used for residential purposes. Such buffer requirements shall apply to every property line that abuts a residentially zoned lot. The required width of a buffer shall be in addition to any required yard areas and shall include a screening strip as prescribed by this section. The minimum width of such buffer zone shall be 50 feet for a building

27. Editor's Note: Former Subsection B, Landscaping requirements, and Subsection E, Fences and screens, added 10-25-1984 by Ord. No. 57-84, as amended 12-9-1993 by Ord. No. 93-100, were repealed 12-22-1998 by Ord. No. 98-49. This ordinance also provided for the redesignation of former Subsections C and D as Subsections B and C, respectively.

or group of buildings up to 40,000 square feet in area. The width of the buffer zone shall be increased by one foot for each 1,000 square feet or fraction thereof that the building or group of buildings exceeds 40,000 square feet, up to a maximum buffer zone width of 100 feet. For the purposes of this Subsection B(1), a nonresidential use property line shall be considered to abut a residentially zoned lot if and to the extent that:

- (a) The lot or lots subject to nonresidential use and the residentially zoned lot are contiguous.
 - (b) The lot or lots subject to nonresidential use and the residentially zoned lot are separated in whole or in part by a public street or highway, and straight lines drawn perpendicular to the center line of the public street or highway from any point along the frontage of the lot or lots subject to the nonresidential use intersect, along the street or curblin or the opposite side of the street or highway, a residentially zoned lot.
- (2) Planned residential development. Along the exterior boundary line of any land areas developed as residential cluster development, planned unit residential development (PRD) or planned residential retirement community (PRRC) there shall be provided a buffer zone having a minimum width of 50 feet. This minimum width shall be in addition to any required yard areas and shall include a screening strip as described in this section. The type, size and location of the screening strip shall be subject to the approval of the Planning Board or such other agency as approves the site plan which includes the required buffer zone. If and to the extent that § 285-12, Landscaping requirements, requires, in connection with nonresidential use of land, a buffer zone different in nature and/or extent from the planned residential development buffer zone required by this Subsection B(2), the said § 285-12 requirements shall control the nature and extent of required buffer zones.
- (3) Where a nonresidential building or group of buildings proposed within any zone will exceed 200,000 square feet and will abut previously developed residential uses, the Planning Board may require an earth mound with screen plantings to provide a sight and sound barrier. Such mound shall be not less than 10 feet in height nor 36 feet in width at its base and shall be greater if required to visually screen, to the maximum extent feasible, parking, lighting and buildings from the residential area or to provide for a maximum noise level at the property line, measured 10 feet above ground level, in accordance with the following table:

Octave Band	Along Residence District Boundaries	Along Business District Boundaries
(cycles per second)	(decibels)	(decibels)
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1,200	46	53
1,200 to 2,400	40	47

Octave Band	Along Residence District Boundaries	Along Business District Boundaries
(cycles per second)	(decibels)	(decibels)
2,400 to 4,800	34	41
Above 4,800	32	39

Decibels $10 \log_{10} p_1/p_2$ where p_2 is the reference quality of 0.0002 dyne/cm^2 . Sound pressure level shall be measured according to the specifications published by the American Standards Association. Should any state or county requirements be more stringent, they shall prevail.

- (4) Any property owner whose property abuts the former railroad right-of-way as shown on the Master Plan and who dedicates a portion of their property to the Township of Lacey for the purpose of widening this right-of-way for a planned Township circulation corridor shall, when applying for site plan approval, be allowed to use the dedicated land as part of the buffer zone required under this section. **[Added 7-12-2001 by Ord. No. 01-41]**
- C. Compliance. The Construction Official or such other official as may be designated by the Township Committee shall conduct inspections at periodic intervals to determine that the landscaping and screening materials are being maintained in satisfactory condition. If violations are found to exist, he shall report such fact to the Planning Board and the Township Committee, which shall direct such action as is deemed appropriate to secure compliance with the requirements of this section.

ARTICLE VIII
Supplemental Regulations²⁸

§ 335-49. (Reserved)

§ 335-49.1. Solar and wind facilities. [Added 4-10-2014 by Ord. No. 2014-07]

A. Purpose. The purpose of this section is to:

- (1) Facilitate the permitting of small wind and solar energy systems.
- (2) Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system.

B. Definitions. As used in this chapter, the following terms shall have the meanings indicated:

METEOROLOGICAL TOWER or MET TOWER — A structure designed to support the gathering of wind energy resource data, and includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

OWNER — The individual or entity that intends to own and operate the small wind energy system in accordance with this section.

ROTOR DIAMETER — The cross-sectional dimension of the circle swept by the rotating blades of a wind-powered energy generator.

SMALL WIND ENERGY SYSTEM — A wind energy system, as defined in this section, that:

- (1) Is used to generate electricity;
- (2) Has a nameplate capacity of 100 kilowatts or less; and
- (3) Is as high as necessary to capture the wind energy resource at a height determined to be necessary for optimum energy generation through prior testing with a met tower at the proposed location of the wind energy system.

TOTAL HEIGHT — In relation to a wind energy system, the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point. Additionally, the total height of the tower shall not exceed the distance from the location of the tower to the closest property line.

TOWER — A monopole, freestanding, or guyed structure that supports a wind generator.

WIND ENERGY SYSTEM — A wind generator 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.

28. Editor's Note: Former Art. VIII, Off-Street Parking and Loading, consisting of § 335-49, as amended 9-18-1980 by Ord. No. 25-80, was repealed 12-22-1998 by Ord. No. 98-49. For provisions on off-street parking and loading requirements, see § 285-11 of Ch. 285, Site Plan Review.

WIND GENERATOR — 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.

- C. Standards. Subject to the requirements found below, a small wind energy system shall be a permitted accessory use in the Pinelands Forest and Preservation Zones and a permitted use in the following zones: Marine Commercial, Highway Business, Limited Business, Municipal Land Office, Business Park, and Industrial:
- (1) Setbacks. A wind tower for a small wind energy system shall be set back a distance equal to the Township's building setback requirements. If overhead power lines are located in close vicinity to the wind tower, the Zoning Officer may increase the setback requirement as necessary to reduce any public safety issue. No portion of the wind generator shall extend beyond the setback line nor into the following:
 - (a) Any public road right-of-way, unless written permission is granted by the government entity with jurisdiction over the road right-of-way.
 - (b) Any overhead utility lines, unless written permission is granted by the utility that owns and/or controls the lines.
 - (2) Access.
 - (a) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 - (b) 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 feet above the ground.
 - (c) All towers shall be constructed so as to limit access to only authorized personnel and shall contain appropriate safety measures to assure compliance with all federal and state occupational safety requirements.
 - (3) Lighting. A small wind energy system shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
 - (4) Appearance, color and finish. The wind generator and the tower shall remain painted or finished in the color or finish that was originally applied by the manufacturer, unless a different color of finish is approved in the zoning approval. All components of the system shall be maintained in accordance with the most current requirements contained within the Property Maintenance Code and the Uniform Construction Code adopted by the Township.²⁹
 - (5) Signs. There shall be no signs that are visible from any public road posted on a small wind generator system or any associated building, except for the manufacturer's or installer's identification, appropriate warning signs, or owner identification.
 - (6) Utility notification and interconnection. Small wind energy systems that connect to the electric utility shall comply with New Jersey's Net Metering and Interconnection Standards for Class I Renewable Energy Systems at N.J.A.C. 14:4-9 et seq.³⁰

29. Editor's Note: See Ch. 273, Property Maintenance, and Ch. 159, Uniform Construction Codes, respectively.

- (7) Met towers. A met tower shall be permitted under the same standards, permit requirements, restoration requirements and permit procedures as a small wind energy system.
- (8) Rooftop wind turbines may be permitted in all zones. Rooftop turbines may not exceed a height of three and one-half (3.5) feet.
 - (a) Rooftop installation of wind turbines may only be permitted subject to technical review of the manufacturer's specifications.
 - (b) Wind turbines on residential properties shall have a nameplate capacity of 10 kilowatts or less.
- (9) In all zoning districts located within the New Jersey Pinelands Area, all small wind energy systems shall comply with all applicable standards set forth in the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1 et seq., including the minimum environmental standards set forth in Subchapter 6.

D. Solar energy systems.

- (1) Solar energy systems shall be permitted as a rooftop installation in any zoning district. Solar panels mounted to the roof of garages and accessory structures will also be permitted. Within the Pinelands Area, solar energy systems located on the rooftop of any existing building, accessory or otherwise, or any existing structure, accessory or otherwise, shall be permitted only as an accessory use. Structurally attached solar energy systems installed on a building with a sloped roof shall not project vertically above the peak of the roof and/or shall comply with the height regulations of the zone. Roof-mounted solar energy systems shall not exceed a height of three feet from the rooftop at any point. Structurally attached solar energy systems installed on a building with a flat roof shall not project vertically more than five feet above the roof and/or shall comply with the height regulations of the zone.
- (2) Freestanding or ground-mounted solar energy systems (ground arrays) shall be considered a structure and shall be subject to the regulations of the zone for such, together with all other applicable codes and ordinances. Within the Pinelands Area, freestanding or ground-mounted solar energy systems (ground arrays) shall be permitted only as an accessory use. Ground-mounted or freestanding solar energy systems shall not be permitted in the front yard of any property in any zone. The height of any ground-mounted or freestanding solar energy system shall not exceed 16 feet. Ground solar energy systems shall be located so that any reflection is directed away or is properly buffered from an adjoining property.
- (3) Solar energy systems may consist of photovoltaic cells, hot water collector applications and hot air applications.
- (4) Roof-mounted solar energy systems are discouraged from being erected on the front roof of a structure which faces a street. Solar energy systems shall be located on a rear- or side-facing roof, as viewed from any adjacent street, unless such installation is proved to be ineffective or impossible. The removal of potential obstructions

30. Editor's Note: N.J.A.C. 14:4-9 is reserved. See N.J.A.C. 14:8-4 for provisions for net metering for Class I renewable energy systems.

such as interceding vegetation shall not be sufficient cause for permitting a front-facing installation. Front-facing installation may be permitted in accordance with the following provisions:

- (a) The applicant must indicate valid reasons as to why this is the only effective or possible means for utilizing solar energy on the property. Such information shall be certified by a professional deemed qualified by the Board and reviewed by the Township Engineer and any other professional that the Township deems necessary.
 - (b) Solar panels must be flush mounted to the roof.
- (5) Solar energy system installations for the purpose of generating electricity shall conform to the following criteria:
- (a) The solar energy systems shall not be sized to generate more power than what is required by said structure as measured on an annual basis. All solar energy systems shall be grid tied.
 - (b) A study, prepared by a qualified individual, shall be performed to verify that the property conditions will produce the intended solar power generation based on property location, surrounding structures, and building orientation. Solar ground-mounted or freestanding solar energy systems shall be set back a minimum distance of 20 feet from all property lines.
 - (c) Solar energy systems shall be designed by a licensed engineer of the State of New Jersey. In the event that the solar energy system is to be mounted to, or is constructed on top of, an existing dwelling or building, detailed calculations and engineered drawings of the mounting must be provided by a licensed engineer of the State of New Jersey. Electric cables must be concealed below the roofline.
 - (d) All units and unit installation shall be in accordance with all applicable state construction codes, as well as the National Electric Code.
 - (e) All wiring leading to and from the panels shall be installed below the roof structure or shall be installed underground.
- (6) In all zoning districts located within the New Jersey Pinelands Area, all solar energy systems shall comply with all applicable standards set forth in the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1 et seq., including the minimum environmental standards set forth in Subchapter 6.

E. Permit requirements.

- (1) Permit. A zoning permit shall be required for the installation of a small wind or solar energy system. In all zoning districts located within the Pinelands Area, a certificate of filing shall be obtained from the Pinelands Commission prior to the issuance of any zoning permit or building permit or to the installation of any solar energy system, which is not located on an existing building or structure (for rooftop installations) or on an existing impervious surface (for ground arrays), and all small wind energy systems.

- (2) Documents. The zoning permit application shall be accompanied by three sets of a plot plan which includes the following:
 - (a) Property lines and physical dimensions of the property.
 - (b) Location, dimensions, and types of existing major structures on the property.
 - (c) Location of the proposed small wind or solar energy systems.
 - (d) The right-of-way of any public road that is contiguous with the property.
 - (e) Any overheard utility lines within 300 feet of the outbound property lines.
 - (f) Small wind or solar energy system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or ground).
 - (g) A plot plan showing all of the adjacent properties and the current zoning for all adjacent properties.
 - (h) A study conducted by a licensed professional engineer certifying to the viability and feasibility of the small wind energy system at the proposed location.
 - (i) A certificate of filing issued by the Pinelands Commission, where required pursuant to E(1) above.
- (3) Fees. The application for a zoning permit for a small wind or solar energy system must be accompanied by the fee required for a zoning permit in addition to a fee in the amount of \$1,000 to cover the costs of engineering review.
- (4) Expiration. A permit issued pursuant to this section shall expire if:
 - (a) The small wind or solar energy system is not installed and functioning within 24 months from the date the permit is issued; or
 - (b) The small wind or solar energy system is out of service or otherwise unused for a continuous eighteen-month period.
- (5) Building permit. All applicants must file the required information and documentation with the Construction Official and meet all of the requirements to obtain a building permit pursuant to the Uniform Construction Code.

F. Abandonment.

- (1) A small wind or solar energy system that is out of service for a continuous eighteen-month period will be deemed to have been abandoned.
- (2) The Administrative Officer may issue a notice of abandonment to the owner of a small wind or solar energy system that is deemed to have been abandoned. The notice shall be sent return receipt requested.
- (3) The owner shall have the right to respond within 30 days from notice receipt date, documenting evidence of why the small wind or solar energy system should not be deemed abandoned. Such documenting evidence may include, but not be limited to, certifications, affidavits, photographic and videographic evidence and electronic utility bills.

- (4) If the owner provides sufficient information and demonstrates the small wind or solar energy system has not been abandoned as defined in Subsection F(1) above, the Administrative Officer shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn.
- (5) If the Administrative Officer determines that the small wind or solar energy system has been abandoned, the owner of the small wind or solar energy system shall remove the energy system from the property to a place of safe and legal disposal at the owner's sole expense within six months after the owner receives the notice of abandonment.
- (6) If the owner fails to remove the energy system in the time allowed under Subsection F(5) above, the Administrative Officer may pursue legal action to have the energy system removed at the owner's expense.

G. Zoning permit procedure.

- (1) An owner shall submit an application to the Administrative Officer for a zoning permit for a small wind or solar energy system. The Administrative Officer shall submit a copy of the application to the Township Engineer for review and recommendation.
- (2) The Administrative Officer shall issue a permit or deny the application within 10 days, as consistent with the Municipal Land Use Law, of the date on which the application is received.
- (3) If the application is approved, the Administrative Officer will return one signed copy of the application with the zoning permit and retain the other copy with the application.
- (4) If the application is rejected, the Administrative Officer will notify the applicant in writing and provide a written statement of the reason why the application was rejected. The applicant may appeal the Administrative Officer's decision pursuant to the appropriate appeals authority. The applicant may reapply if the deficiencies specified by the Administrative Officer are resolved.

§ 335-49.2. Wireless communication equipment. [Added 4-10-2014 by Ord. No. 2014-08]

A. Definitions. The following definitions shall govern this section:

WIRELESS COMMUNICATION — Any personal wireless service as defined in the Federal Communication Act of 1996 (FCA), that is, FCC-licensed commercial wireless communication services, including cellular, PCS, SMR, ESMR, paging and similar services that currently exist or that may in the future be developed. Wireless communications does not include any amateur radio facility that is under 70 feet in height and is owned and operated only by a federally licensed amateur radio station operator or is used exclusively to receive transmissions, nor does it include any parabolic satellite antennas, nor does it include nonwireless telephone services.

WIRELESS COMMUNICATION ANTENNA — Any device which is used for the transmission and reception of wave frequencies for the purpose of any wireless communication as defined herein. For the purposes of this section, wireless communication antennas shall not be considered to be a public utility.

WIRELESS COMMUNICATION COMPOUND — An area enclosed by walls or fencing within which a wireless communication tower and associated equipment are housed and maintained preventing access to all equipment by the general public.

WIRELESS COMMUNICATION TOWER — A freestanding monopole structure on which one or more antennas are attached, but shall not mean existing structures such as silos, cupolas or water tanks.

B. Use requirements.

- (1) Wireless communication equipment shall be a permitted principal or second principal (on a permitted accessory) use on a publicly owned, leased or otherwise controlled properties that can provide a five-hundred-foot buffer between the wireless communication equipment and any adjacent or nearby residential property. Publicly owned lands include those lands owned, leased or otherwise controlled by the municipality, the Board of Education, the county, the state, a public utility authority and other such public authorities. Notwithstanding the foregoing or anything in this section to the contrary, within the Pinelands Area, wireless communication equipment on such lands shall be permitted as a principal use only in accordance with N.J.A.C. 7:50-5.4(c) and a comprehensive plan for such facilities approved pursuant thereto by the Pinelands Commission.
- (2) Wireless communication antennas installed on or within existing structures (and utilizing fully screened antennas installed on top of or exterior to existing structures) shall be a permitted accessory use in the M-1, M-2, M-6 and M-100 Zones on properties which are developed for business park and industrial uses. "Fully screened" shall mean architectural treatment such as parapets, screening panels, faux cornice lines, etc., to fully screen the antennas.
- (3) Wireless communication towers shall be a permitted accessory use in the M-1, M-2, M-6 and M-100 Zones.
- (4) Monopoles required.
 - (a) Outside of the Pinelands Area, the use of lattice or guyed towers for wireless communication towers shall be prohibited. Towers shall be of monopole design. Lattice towers shall be permitted only at the request of the Township of Lacey Police Department, Fire Department or Emergency Medical Service for the provision of additional communications equipment.
 - (b) Within the Pinelands Area, towers shall be of monopole design unless the applicant can demonstrate that a different type of facility is necessary for the co-location of additional antennas on the tower or a different type of facility is required by the Pinelands Commission pursuant to N.J.A.C. 7:50-5.4(c)6. All towers shall be designed so that their height may be increased to 200 feet if necessary to accommodate the needs of other carriers in the future.
- (5) No more than one wireless communication tower shall be located on any one property, regardless of zone or ownership.

C. Visual compatibility requirements. Wireless communication antennas on existing structures or buildings and wireless communication towers shall be designed, located and screened so as to blend with and into the existing natural or built around surroundings so as

to eliminate, to the maximum extent practicable, adverse visual impacts through the use of color and camouflaging, architectural treatment, landscaping, and other means.

- (1) Permitted tower designs include flagpoles with internal mount antennas, monopoles with internal mount antennas color-matched to surroundings, flush-mounted antennas color-matched to surroundings, cluster-mounted antennas on armatures of less than eight feet color-matched to surroundings, artificial trees, church steeples and clock towers with internal antenna mounts and other similar constructions.
 - (2) Permitted antenna designs on existing structures include flush-mounted, pole-mounted or sled-mounted antennas that are fully screened by architectural treatments, such as parapets, screening panels, faux cornice lines, etc.
- D. Site design standards. The following site design standards shall apply to wireless telecommunications facilities:
- (1) New towers.
 - (a) Fall zone. A fall zone shall be established such that the tower is set back 150% of the height of the tower from any adjoining lot line or nonappurtenant building.
 - (b) Security fencing. Towers shall be enclosed by security fencing not less than eight feet in height. Towers shall also be equipped with an appropriate anticlimbing measure.
 - (c) Landscaping. The following requirements shall govern the landscaping surrounding towers:
 - [1] Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences or planned residences or any other area frequented by the public. The standard buffer shall consist of a landscaped strip of at least 10 feet wide outside the perimeter of the compound. However, at a minimum, the facility should be shielded from public view by evergreen trees at least eight feet high at planting and planted in staggered double rows 15 feet on center.
 - [2] In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced at the sole discretion of the approving authority.
 - [3] Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.
 - (d) Ancillary buildings. Any proposed building enclosing related electronic equipment shall not be more than 10 feet in height nor more than 200 square feet in area, and only such building shall be permitted on the lot for each provider of wireless telecommunications services located on the site. Such buildings must satisfy the minimum zoning district setback requirements for accessory structures.

- (e) Aesthetics. Towers and antennas shall meet the following requirements:
 - [1] Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - [2] At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - (f) Lighting. No lighting is permitted except as follows, which shall be subject to review and approval by the Planning Board as part of the site plan application:
 - [1] The building enclosing electronic equipment may have one light at the entrance to the building, provided that the light is attached to the building, is focused downward and is switched so that the light is turned on only when workers are at the building; and
 - [2] No lighting is permitted on a tower except lighting that specifically is required by the Federal Aviation Administration (FAA), and any such required lighting shall be focused and shielded to the greatest extent possible so as not to project toward adjacent and nearby properties.
 - (g) Signs. No signs are permitted except those required by the Federal Communications Commission, the Electronic Industries Association (EIA) and/or the Telecommunications Industry Association (TIA) or by law, such as warning and equipment information signs, which may be attached to a fence or building structure and shall not be larger than 18 inches by 18 inches.
 - (h) Maximum height. In the Pinelands Area, a maximum of 200 feet shall be permitted.
- (2) Antennas mounted on existing structures or rooftops.
- (a) Antennas on existing structures. Any antenna which is not attached to a tower may be attached to any existing business, industrial, office utility or institutional structure, provided that:
 - [1] Side- and roof-mounted personal wireless service facilities shall not project more than 10 feet above the height of an existing building or structure nor project more than 10 feet above the height limit of the zoning district within which the facility is located. Personal wireless service facilities may locate on a building or structure that is legally nonconforming with respect to height, provided that the facilities do not project above the existing building or structure height.
 - [2] The antenna complies with applicable FCC and FAA regulations.
 - [3] The antenna complies with all applicable building codes:
 - [a] The equipment structure shall not contain more than 200 square feet of gross floor area or be more than 10 feet in height. In addition,

for buildings and structures which are less than 48 feet in height, the related unmanned equipment structure shall be located on the ground and shall not be located on the roof of the structure.

- [b] If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10% of the roof area.
 - [c] Equipment storage building, structures or cabinets shall comply with all applicable building codes.
- (b) Aesthetics. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (3) Antennas on existing towers. An antenna may be attached to a preexisting tower in a nonresidential zone, and to minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided that such co-location is accomplished in a manner consistent with the following:
 - (a) A tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless reconstruction as a monopole is proposed.
 - (b) An existing tower may be modified or rebuilt to a taller height, not to exceed the maximum tower height established by this chapter.
 - (c) On-site location. A tower which is being rebuilt to accommodate the co-location of an additional antenna may be moved on site within 50 feet of its existing location. In the Pinelands Area, such relocation shall be permitted only if the standards set forth in Chapter 335, Article IV, § 335-37.1, are met. After the tower is rebuilt to accommodate co-location, only one tower may remain on the site.
- (4) The Planning Board shall have the discretion to grant waivers from any of the design standards set forth in this section.
- E. Site plan submission requirements. In addition to the site plan submission requirements and other applicable requirements of this chapter, the following information shall be submitted in conjunction with site plan approvals for all wireless telecommunications facilities:
 - (1) Comprehensive service plan. In order to provide proper evidence that any proposed location of wireless telecommunications antennas (and any supporting tower and/or ancillary building enclosing related electronic equipment) has been planned to result in the fewest number of towers within the Township of Lacey at the time full service is provided by the applicant throughout the Township, the applicant shall submit a comprehensive service plan. Said comprehensive service plan shall indicate how the applicant proposes to provide full service throughout the Township, and to the

greatest extent possible, said service plan shall also indicate how the applicant's plan is coordinated with the needs of all other providers of telecommunications services within the Township of Lacey. The comprehensive service plan shall indicate the following:

- (a) Whether the applicant's subscribers can receive adequate service from antennas located outside of the borders of the Township of Lacey.
 - (b) How the proposed location of the antennas relates to the location of any existing towers within and/or near the Township of Lacey.
 - (c) How the proposed location of the antennas relates to the anticipated need for additional antennas and supporting towers within and/or near the Township of Lacey by both the applicant and by other providers of telecommunications services within the Township of Lacey.
 - (d) How the proposed location of the antennas relates to the objective of co-locating the antennas of different service carriers on the same tower.
 - (e) How the proposed location of the antennas relates to the overall objective of providing full communications services within the Township of Lacey while, at the same time, limiting the number of towers to the fewest possible.
- (2) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), and all properties within the applicable fall zone, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structure, topography, parking and other information deemed by the approving authority to be necessary to assess compliance with this chapter.
- (3) Legal description of the entire tract and leased parcel (if applicable).
- (4) The setback distance between the proposed tower and nearest residential unit and residentially zoned properties.
- (5) The separation distance from other towers and antennas.
- (6) A landscape plan showing specific landscape materials, including, but not limited to, species type, size, spacing and existing vegetation to be removed or retained.
- (7) Method of fencing and finished color and, if applicable, the method of camouflage.
- (8) A description of compliance with all applicable federal, state or local laws.
- (9) A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.
- (10) Identification of the entities providing the backhaul network for the tower(s) described in the application and other telecommunications sites owned or operated by the applicant in the Township.
- (11) The letter of commitment to lease excess space or other potential users at prevailing market rates and conditions. The letter of commitment shall be in a form suitable for

recording with the County Clerk prior to the issuance of any permit and shall commit the tower owner(s), property owner(s) and their successors in interest.

- (12) A visual impact study containing, at a minimum, a photographic simulation showing the appearance of the proposed tower, antennas and ancillary facilities from at least five points within a three-mile radius. Such points shall be chosen by the carrier with review and approval by the Planning Board planning consultant to ensure that various potential views are represented.
- (13) For applications in the Pinelands Area, the following additional information shall also be submitted:
 - (a) A description of the relationship of the purposed tower to any comprehensive plan for local communication facilities which has been approved by the Pinelands Commission pursuant to N.J.A.C. 7:50-5.4(c); and
 - (b) A certificate of filing issued by the Pinelands Commission, where required.

F. Additional standards.

- (1) No signs shall be permitted except for emergency contact information, safety warnings, and safety instructions.
- (2) No lighting is permitted except for tower lighting as required by federal or state regulations or lighting that is interior to the communication equipment compound mounted at a height beneath the top of the compound fence.
- (3) Wireless communication antennas and towers shall be maintained to assure their continued structural integrity.
- (4) All wireless communication towers shall be designed with anticleimbing devices in order to prevent unauthorized access. Additional safety devices shall be permitted or required, as needed for safety.
- (5) Wireless communication compound and equipment shall be operated so as not to produce noise in excess of the limits set by federal regulation, state regulation, or Township ordinance.
- (6) Every modification to a wireless communications tower or antennas shall be subject to site plan review and approval. A modification is an increase in the number or size of wireless communication antennas or an alteration in the placement of wireless communication antennas in such a manner as to increase their visibility in any way.

G. Monitoring and maintenance.

- (1) After the wireless telecommunications facility is operational, the applicant shall submit, within 90 days of beginning operations, and at annual intervals from the date of issuance of the buildings permit, existing measurements of RFR from the wireless telecommunications facility. Such measurements shall be signed and certified by an RF engineer, stating that RFR measurements are accurate and meet FCC guidelines as specified in the radio frequency standards section of this chapter.
- (2) The applicant and coapplicant shall maintain the personal wireless service facility in good condition. Such maintenance shall include, but shall not be limited to, painting,

structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.

H. Abandonment or discontinuance of use.

- (1) At such time that a licensed carrier plans to abandon or discontinue operation of a personal wireless service facility, such carrier shall notify the Township Clerk by certified United States mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the wireless telecommunications facility shall be considered abandoned upon discontinuation of operations.
 - (a) If tower lighting was required by the FAA, the tower owner shall be responsible for all violations and fines associated with its operation.
- (2) Upon abandonment or discontinuation of use, at the option of the Township, the carrier shall physically remove the personal wireless service facility within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:
 - (a) Removal of antennas, mount, equipment shelters and security barriers for the subject property.
 - (b) Proper disposal of the waste materials from the site in accordance with local, county and state solid waste disposal regulations.
 - (c) Restoring the location of the personal wireless service facility to its natural condition, except that any landscaping and grading shall remain in the after condition.
- (3) If a carrier fails to remove a personal wireless service facility in accordance with this section, the Township shall have the authority to enter the subject property and physically remove the facility. The Planning Board will require the applicant to post a bond at the time of approval to cover costs for the removal of the personal wireless service facility in the event the Township must remove the facility.

ARTICLE IX
Zone Regulations

§ 335-50. R-100 Residence Zone.

- A. Permitted uses within the R-100 Residence Zone. No premises, lot, land area, building or structure shall be used and no building or structure shall be erected or altered to be used, in whole or in part, unless it complies with the schedule of general regulations and the regulations of this chapter and is used wholly for one or more of the following uses:
- (1) Detached single-family dwellings and accessory buildings and uses normally auxiliary thereto. **[Amended 7-24-1997 by Ord. No. 97-30]**
 - (2) Churches and other places of worship, Sunday school buildings and parish houses for the presbyter and ministerial staff, provided that such use constitutes a tax-exempt organization duly recognized as such pursuant to Section 501(d) of the United States Internal Revenue Code of 1954 or any such future corresponding provisions of the United States Code as may hereinafter be duly enacted.
 - (3) State-accredited public and parochial schools and colleges, private schools and colleges for academic instruction.
 - (4) Public recreational and community center buildings and grounds.
 - (5) Public libraries and museums.
 - (6) Parks and playgrounds.
 - (7) Private nonprofit recreational and community buildings, clubs, swimming pools and activities of a quasi-public, social, fraternal or recreational character, such as golf and tennis clubs, camps and veterans' or fraternal organizations which are not of a commercial character.
 - (8) Buildings used exclusively by the federal, state, county or municipal government for public purposes, but not including workshops, warehouses, storage yards or correctional institutions.
 - (9) Public utilities and services necessary for the service of the community, except activities of an industrial character, such as repair and maintenance yards, storage facilities, classification yards and round-houses, or activities which generate electronic interference, or power generating facilities.
 - (10) Family day-care homes as defined by N.J.S.A. 40:55D-66.5. **[Added 7-24-1997 by Ord. No. 97-30]**
 - (11) Home occupations conducted entirely within the principle structure. **[Added 7-24-1997 by Ord. No. 97-30]**
- B. Conditional uses by permit. In addition to the above-described permitted uses for the R-100 Residence Zone, the following shall be classified as conditional uses which shall be permitted subject to approval of the Planning Board upon compliance with the standards and regulations as set forth in § 335-78 of this chapter: **[Amended 7-24-197 by Ord. No. 97-30]**

- (1) Nursery schools and day-care centers.
- (2) Home occupations conducted outside of the principle structure.
- (3) Home professional offices.

§ 335-51. R-100A Residence Zone. [Added 2-16-1979 by Ord. No. 2-79]

- A. Permitted uses within the R-100A Residence Zone. No premises, lot, land area, building or structure shall be used and no building or structure shall be erected or altered to be used, in whole or in part, unless it complies with the schedule of general regulations, the regulations of this chapter and is used wholly for one or more of the following uses:
- (1) All uses set forth as permitted uses under § 335-50 for the R-100 Residence Zone. **[Amended 6-12-1997 by Ord. No. 97-21]**
- B. Conditional uses by permit. In addition to the above-described permitted uses for the R-100A Residence Zone, the following shall be classified as conditional uses which shall be permitted subject to approval of the Planning Board upon compliance with the standards and regulations as set forth in § 335-78 of this chapter: **[Added 7-24-1997 by Ord. No. 97-30]**
- (1) All uses set forth as conditional uses under § 335-50B for the R-100 Residence Zone.

§ 335-52. R-80 Residence Zone. [Added 9-18-1980 by Ord. No. 25-80]

The provisions of said zone shall be as follows:

- A. Permitted uses within the R-80 Residence Zone. No premises, lot, land area, building or structure shall be used, and no building or structure shall be erected or altered to be used in whole or part, unless it complies with the schedule of general regulations of this chapter and is used wholly for one or more of the following uses:
- (1) All uses set forth under § 335-50 for the R-100 Residence Zone. **[Amended 6-12-1997 by Ord. No. 97-21]**

§ 335-53. R-75 Residence Zone.

- A. Permitted uses within the R-75 Zone. No premises, lot, land area, building or structure shall be used and no building or structure shall be erected or altered to be used, in whole or in part, unless it complies with the schedule of general regulations and the regulations of this chapter and is used wholly for one or more of the following uses:
- (1) All uses set forth as permitted uses under § 335-50 for the R-100 Residence Zone. **[Amended 6-12-1997 by Ord. No. 97-21]**
- B. Conditional uses by permit. In addition to the above-described permitted uses for the R-75 Residence Zone, the following shall be classified as conditional uses which shall be permitted subject to approval of the Planning Board upon compliance with the standards and regulations as set forth in § 335-78 of this chapter. **[Amended 7-24-1997 by Ord. No. 97-30]**

- (1) All uses set forth as conditional uses under § 335-50B for the R-100 Residence Zone.³¹

§ 335-54. R-75A Residence Zone. [Added 9-18-1980 by Ord. No. 25-80]

- A. Permitted uses within the R-75A Zone. No premises, lot, land area, building or structure shall be used, and no building or structure shall be erected or altered to be used, in whole or in part, unless it conforms to the schedule of general regulations of this chapter and is used wholly for one or more of the following uses:

- (1) All uses set forth as permitted uses under § 335-53 for the R-75 Residence Zone. **[Amended 6-12-1997 by Ord. No. 97-21]**

- B. Conditional uses by permit. In addition to the above-described permitted uses for the R-75 Residence Zone, the following shall be classified as conditional uses which shall be permitted subject to approval of the Planning Board upon compliance with the standards and regulations as set forth in § 335-78 of this chapter. **[Added 7-24-1997 by Ord. No. 97-30]**

- (1) All uses set forth as conditional uses under § 335-50B for the R-100 Residence Zone.

§ 335-54.1. R-75B Residence Zone. [Added 7-12-2001 by Ord. No. 02-42]

- A. Permitted uses within the R-75B Zone. No premises, lot, land area, building or structure shall be used, and no building or structure shall be erected or altered to be used, in whole or in part, unless it conforms to the schedule of general regulations of this chapter and is used wholly for one or more of the following uses:

- (1) All uses set forth as permitted uses under § 335-53 for the R-75 Residence Zone.

- B. Conditional uses by permit. In addition to the above-described uses for the R-75B Residence Zone, the following shall be classified as conditional uses which shall be permitted subject to approval of the Planning Board upon compliance with the standards and regulations as set forth in § 335-78 of this chapter.

- (1) All uses set forth as conditional uses under § 335-50B for the R-100 Residence Zone.

§ 335-55. R-150 Residence Zone.

- A. Permitted uses within the R-150 Residence Zone. No premises, lot, land area, building or structure shall be used and no building or structure shall be erected or altered to be used, in whole or in part, unless it complies with the schedule of general regulations and the regulations of this chapter and is used wholly for one or more of the following uses:

- (1) All uses set forth as permitted uses under § 335-50 for the R-100 Residence Zone. **[Amended 6-12-1997 by Ord. No. 97-21]**

- B. Conditional uses by permit. In addition to the above-described permitted uses for the R-150 Residence Zone, the following shall be classified as conditional uses subject to approval

31. Editor's Note: Former Subsection C, dealing with prohibited marine commercial service uses, which immediately followed this subsection, was repealed 7-24-1997 by Ord. No. 97-30.

by the Planning Board upon compliance with those standards and regulations set forth in § 335-78 of this chapter. **[Amended 7-24-1997 by Ord. No. 97-30]**

- (1) Nursery schools and day-care centers.
- (2) Home occupations conducted outside the principle structure.
- (3) Home professional offices.

§ 335-56. RO-100 Residence and Office Zone. [Added 12-22-1983 by Ord. No. 36-83; amended 12-28-1995 by Ord. No. 95-57]

- A. Permitted uses within the RO-100 Zone. No premises, lot, land area, building or structure shall be used and no building or structure shall be erected or altered to be used, in whole or in part, unless it complies with the schedule of general regulations and the regulations of this chapter. All uses in this zone shall be subject to the bulk area and yard requirements of the R-100 Zone, except that office building of professional persons and buildings of personal business service establishments shall be subject to the bulk area and yard requirements of the O-C Office-Commercial Zone. The following uses are permitted in the RO-100 Zone:
- (1) Detached single-family dwellings and the accessory buildings and uses normally auxiliary thereto, including home occupations in conformance with § 335-3 of this chapter, provided that any said dwelling or accessory buildings and use shall provide driveway turnarounds on the property to prevent backing out of the property onto the adjacent roadway.
 - (2) Churches and other places of worship, Sunday school buildings and parish houses for the presbyter and ministerial staff, provided that such use constitutes a tax-exempt organization duly recognized as such pursuant to Section 501(d) of the United States Internal Revenue Code of 1954 or any such future corresponding provisions of the United States Code as may hereinafter be duly enacted.
 - (3) Parks and playgrounds.
 - (4) Public recreational and community center buildings and grounds.
 - (5) Private, nonprofit recreational and community buildings, clubs and activities of quasi-public, social, fraternal or recreational character, such as golf and tennis clubs, camps and veterans' or fraternal organizations which are not of a commercial character.
 - (6) Nursery schools and day-care centers.
 - (7) Office buildings of professional persons, which shall be subject to the bulk, yard and area requirements of the O-C Office-Commercial Zone.
 - (8) Buildings of personal and business services establishments, such as but not limited to realtors, stockbrokers, computer services, builders and developers, not including storage of construction materials and equipment, which shall also be subject to the bulk, area and yard requirements of the O-C Office-Commercial Zone.³²

32. Editor's Note: Former § 108-43.1, entitled "CS-80 Community Service Zone," which immediately followed this section, was repealed 9-18-1980 by Ord. No. 25-80.

- (9) Home occupations conducted entirely within the principal structure on the premises. **[Added 7-24-1997 by Ord. No. 97-30]**
- (10) Home professional offices. **[Added 7-24-1997 by Ord. No. 97-30]**
- B. Conditional uses by permit. In addition to the above-described permitted uses for the RO-100 Residence and Office Zone, the following shall be classified as conditional uses which shall be permitted subject to approval of the Planning Board upon compliance with the standards and regulations as set forth in § 335-78 of this chapter. **[Added 7-24-1997 by Ord. No. 97-30]**
 - (1) Home occupations conducted, in whole or in part, outside of the principal structure.
 - (2) Two-family dwellings (duplex) are permitted as a conditional use, subject to the following: **[Added 9-12-2013 by Ord. No. 2013-26]**
 - (a) Area, yard and building requirements:
 - [1] Minimum lot area:
 - [a] Interior lot: 15,000 square feet.
 - [b] Corner lot: 18,000 square feet.
 - [2] Minimum lot width:
 - [a] Interior lot: 100 feet.
 - [b] Corner lot: 120 feet.
 - [3] Minimum lot frontage:
 - [a] Interior lot: 100 feet.
 - [b] Corner lot: 120 feet.
 - [4] Minimum front setback: 35 feet.
 - [5] Minimum side setback: 20 feet.
 - [6] Minimum rear setback: 30 feet.
 - [7] Maximum building height: 35 feet, two stories.
 - [8] Accessory structures:
 - [a] Minimum side yard: six feet.
 - [b] Minimum rear yard: six feet.
 - [c] Maximum building height: 16 feet.
 - (b) Minimum parking requirements:
 - [1] The minimum number of required parking spaces shall be 2.0 spaces per unit.

- [2] A private driveway to a unit with capacity for off-street parking of one automobile shall be deemed to constitute one parking space.

(c) Additional requirements:

- [1] All units shall have an attached garage.
- [2] Garages that are used to meet the required parking demand under the residential site improvement standards are prohibited from being converted to living space.

(3) Types of housing permitted as an accessory use: **[Added 9-12-2013 by Ord. No. 2013-26]**

(a) Dwelling units in mixed-use buildings.

- [1] Any building containing both residential and nonresidential uses shall have a secured entrance for the residential uses.
- [2] No dwelling unit shall be permitted on the same floor level as a nonresidential use.
- [3] Dwelling units shall be permitted only in buildings in which the ground floor is devoted to office or personal business-service uses.
- [4] Dwelling units shall be no less than 700 square feet in area.

§ 335-57. RRCD Residential Retirement Cluster Development Zone. [Added 8-26-1982 by Ord. No. 26-82]

A. Permitted uses. Within the RRCD Residential Retirement Cluster Development Zone, no premises, lot, land, area, tract, building or structure shall be erected or altered for use, in whole or part, unless it complies with the schedule of general requirements and the regulations of this chapter and is used wholly for one or more of the following uses:

- (1) Residential retirement cluster developments as defined in § 335-3 herein, on tracts having a minimum contiguous area of at least 100 acres devoted entirely to the use of a residential retirement cluster development consisting of detached single-family dwellings.
- (2) Recreational and community center buildings and facilities, including swimming pools, tennis courts, shuffleboard courts, picnic grounds, clubhouses and other such recreational, community service and cultural facilities, which are solely for use by the residents of the development and their guests. Recreational and cultural facilities shall not be limited to the foregoing so that the applicant may propose additional facilities with his submission. All such facilities shall be subordinate to the residential character of the community. No advertising or commercial enterprise shall be permitted.
- (3) Permitted accessory uses. Necessary accessory buildings and uses required for the administration, maintenance, safety and service of the development shall be permitted.

B. Schedule of minimum requirements.

- (1) Residential retirement cluster development shall be not less than 100 contiguous acres under one ownership or control; provided, however, that an area of less than 100 acres may be added to an existing residential retirement cluster development under the following conditions:
 - (a) It is contiguous to the residential retirement cluster development.
 - (b) The addition is in compliance with all applicable provisions of this chapter.
 - (2) Gross residential density. There shall be no more than three dwelling units per acre. The residential dwelling unit density shall be determined by dividing the proposed number of dwelling units in the development by the number of acres in the development.
 - (3) Homes constructed in the Residential Retirement Cluster Development Zone shall have the following gross floor area per unit: **[Added 12-16-1982 by Ord. No. 37-82]**
 - (a) One-bedroom: 800 square feet.
 - (b) Two-bedroom: 900 square feet.
- C. Schedule of limitations. The schedule of limitations under § 335-93 of the Lacey Township Code for cluster development is hereby made a part of this section. Said schedule hereby establishes the minimum yard and bulk requirements for all uses within a cluster development unless otherwise regulated hereunder.
- D. Improvements. All improvements shall conform to the design and construction standards set forth in Chapter 297, Subdivision of Land.
- (1) Streets and roads.
 - (a) Streets and roads within the residential retirement cluster development may either be dedicated to the Township or be retained as private streets maintained by the homeowners' association, which determination shall be made by the Planning Board and the Township Committee. An offer for dedication neither implies nor places any obligation upon the Township of Lacey to accept any or all streets offered for dedication.
 - (b) Street design and construction. All proposed streets in the residential retirement cluster development shall be classified in accordance with the definitions set forth in § 297-2 of Chapter 297, Subdivision of Land. The street layout pattern shall be such that proper and safe traffic circulation are maintained at all times. All streets offered for public dedication shall comply with all applicable design and construction standards set forth in § 297-36 of Chapter 297, Subdivision of Land.
 - (c) Private streets.
 - [1] Private streets shall be those streets which have not been dedicated and accepted by the Township of Lacey for continuous maintenance as public streets. The continuous permanent maintenance of all private streets within the residential retirement cluster development shall be the sole responsibility of the homeowners' association or other analogous body.

Provisions shall be made to ensure that the maintenance of such roadways and streets shall not become an obligation of the Township of Lacey. All private streets within the residential retirement cluster development shall conform to the requirements set forth in Chapter 297, Subdivision of Land, or as otherwise amended herein.

- [2] Every private street shall have an easement of not less than five feet in width on each side of the pavement, which shall provide for right of access by both the homeowners' association and the Township for purposes of utility installation or such other public purposes as may be deemed desirable. Where the developer has provided adequate off-street parking in accordance with the standards and regulations for cluster development set forth in § 285-11 of Chapter 285, Site Plan Review, the Planning Board may waive the width of the paved portion of private streets to a width of not less than 24 feet.
- [3] Private streets shall conform with all standards set forth under Chapter 297, Subdivision of Land, including pavement, horizontal and vertical alignment, drainage, curbing and sidewalks, unless any such requirements are specifically waived by the Planning Board.
- (2) Sanitary sewer. Each lot in a residential retirement cluster development shall be served by a central sewer system which conforms to the requirements of the Lacey Municipal Utilities Authority. Each lot shall be a part of the Lacey Municipal Utilities Authority system.
- (3) Water supply. A central water supply system shall be provided for a residential retirement cluster development. Such system shall comply with the requirements of the Lacey Municipal Utilities Authority.
- (4) Underground utilities. All utilities, including gas, water, sanitary sewer, electric and cable television, shall be installed below ground level, unless such installation is deemed impractical by the Planning Board.
- (5) Buffers and screening. Along the exterior boundary line of any land areas developed as a residential retirement cluster development there shall be provided a buffer zone having a minimum width of not less than 50 feet. This buffer width shall be in addition to any yard or setback areas as required herein. The buffer zone shall include a screening strip in accordance with the provisions of § 335-34 of this chapter. The actual type, size and location of the screening strip, including the required buffer zone, shall be subject to the approval of the Planning Board or other such agency approving the residential retirement cluster development plan. For those nonresidential uses as permitted in this section, the buffer zone and screening strip shall be in accordance with the provisions and requirements set forth in § 335-34 of this chapter and Chapter 285, Site Plan Review. All buffer zones and screening strips for such permitted nonresidential uses shall likewise be subject to the approval of the Planning Board or other agency approving the residential retirement cluster development plan.
- (6) Sidewalks. The Planning Board may waive sidewalks where they are to be located on local, collector or arterial streets, provided that adequate alternate pathways are provided throughout the development. The alternate pathways shall have a minimum

width of six feet and shall have a hard dust-free surface. Bituminous concrete and cementitious concrete shall be acceptable. Timber walkways shall be acceptable if they are constructed throughout with lumber treated to resist decay and insect attack. Any walkway material shall be approved by the Planning Board and shall be constructed as approved by the Township Engineer.

E. Open space standards.

- (1) Land area equal to a minimum of 30% of the tract of land proposed for a cluster development shall not be utilized for lot development and shall be set aside for open space.
- (2) There should be a close visual and physical relationship between open space and as many dwelling units as is reasonably possible. Open space areas should weave between dwelling units generally respecting a minimum width of 50 feet and periodically widening out into significant and usable recreational areas.
- (3) The configuration of the open space areas should be so arranged that connections can be made to existing or future adjacent open spaces.
- (4) Land dedicated for open spaces shall include, wherever feasible, natural features, such as streams, brooks, wooded areas, steep slopes and other natural features of scenic and conservation value. The developer may be required to plant trees or make other similar landscaping improvements as may be found necessary by the Planning Board to ensure the attractiveness and suitability of the area as open space.
- (5) Portions of the open space shall be developed to afford both passive and active recreational opportunities. A minimum of 5% of the required open space shall be developed to afford passive recreational opportunities. Passive recreational activities may include but are not limited to pedestrian paths, sitting areas and naturally preserved areas. Areas devoted to passive recreation shall be required in addition to active recreation areas. Active recreational areas shall include but are not limited to such facilities as swimming pools, tennis courts, bicycle paths and ball fields. The size, location and type of all such recreational facilities shall be approved by the Planning Board.

F. Ownership, preservation and maintenance of common open space. The developer shall make provisions which ensure that the open space land shall continue as such and be properly maintained in perpetuity. The developer shall utilize the following method or such other method as approved by the Planning Board and Township Committee in ensuring the preservation and maintenance of common open space land:

- (1) The developer shall provide for and establish an organization for the ownership and maintenance of all or a specified part of common open space land. The organization shall be a nonprofit homeowners' corporation.
- (2) The organization shall be organized by the developer and operated with financial subsidization by the developer, if necessary, before the sale of any lots within the development.
- (3) Membership in the organization shall be mandatory for all residents of the residential retirement cluster development.

- (4) The organization shall be responsible for maintenance of insurance and payment of any taxes on common open space.
- (5) The members of the organization shall be responsible for bearing equitably the costs of maintaining and developing common open space in accordance with procedures established by them.
- (6) The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.
- (7) In the event that the organization established to own and maintain a common open space or any successor organization shall at any time after establishment of the residential retirement cluster development fail to maintain the common space in reasonable order and condition, in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents and owners of the residential retirement cluster development, setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. Said notice shall include a demand that deficiencies of maintenance be cured within 30 days thereof and shall state the date and place of a hearing thereon, which shall be held within 14 days of the notice. At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modification thereof shall not be cured within said 30 days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the residential retirement cluster development and/or to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for up to one year. Said entry and maintenance shall not vest in the public any rights to use the common open space, the use of which shall be restricted to the residents of the residential retirement cluster development who are members of the homeowners' corporation, except when the common open space is voluntarily dedicated to the public by the residents and owners and said dedication is accepted. Before the expiration of one year, the Township shall, upon its own initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization or to the residents and owners of the residential retirement cluster development, to show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding year. If the Township shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the Township may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter. The decision of the Township in any such case shall constitute a final administrative decision subject to judicial review.
- (8) The cost of such maintenance by the Township shall be assessed ratably against the properties within the residential retirement cluster development that have a right of enjoyment of the common open space and shall become a tax lien on said properties.
- (9) Provisions for the development plan relating to the use, bulk and location of buildings and structures, the quantity and location of buildings and structures, the quantity and location of common open space and the intensity of use or the density of residential

units shall run in favor of the Township and shall be enforceable in law or in equity by the Township without limitation on any power of regulation otherwise granted the Township by law. The development plan shall specify which of its provisions run in favor of and are enforceable by the residents of the residential retirement cluster development and, in addition, the manner in which such residents may modify or release such rights.

- (10) The nonprofit homeowners' corporation shall be incorporated pursuant to the provisions of Title 15 of the New Jersey Statutes. The corporation shall be directed by a board of trustees of not less than seven nor more than 11 persons. The organization, procedures and officers of the board of trustees shall be in accordance with bylaws initially approved by the Township Attorney. They shall provide a mechanism for amendment by favorable vote of a specified majority.
- (11) The initial board of trustees shall be appointed by the developer, and at least one member thereof shall be a resident of the development. In the event that there are not yet any residents at the time of appointment, at least one position shall be reserved for the later appointment of a resident. Such appointment shall occur within 90 days of the first day of occupancy by a resident who is other than an employee of the developer.
- (12) The terms of the initial appointees of the board of trustees shall be staggered among terms of not less than one year and not more than three years. Thereafter, all appointed or elected terms shall be for a period of three years.
- (13) The developer shall have the exclusive right to nominate and elect the members of the board of trustees for a period of 10 years from the date of the first sale or until the occupancy of 75% of all proposed units is effectuated, whichever shall first occur; provided, however, that at least one member of the board of trustees shall be a resident of the development other than an employee of the developer.
- (14) After more than 75% of all proposed units in the development are occupied or after 10 years from the date of the first sale, whichever shall first occur, the replacement of the members of the board of trustees who resign or whose terms expire shall be by election by the resident members; provided, however, that the developer shall be assigned at least two seats on the board of trustees, to which it may appoint a person of its choice until all units in the proposed development have been occupied.
- (15) Regardless of the manner in which common open space land is occupied or developed, all other areas of the development which are not occupied by buildings, public streets or other required and/or approved public improvements or by lots which are plotted for sale shall be deeded to the homeowners' corporation for maintenance.

G. Recreational area.

- (1) There shall be in each residential retirement cluster development at least one clubhouse or community building. There shall be at least six square feet of clubhouse building space provided for each proposed dwelling unit. The clubhouse shall be completed, shall have received a certificate of occupancy and shall be in operation before the 100th dwelling unit has been completed.

- (2) Each RRCD shall provide a site or sites for recreational facilities for the use of its residents. Recreational facilities shall include but not be limited to such facilities as shuffleboard lanes, barbecue grills, picnic benches and indoor recreation facilities. Swimming pools shall be provided in the event that there are no adequate beach facilities available on site to the residents of the RRCD. Swimming pools, as required, shall have a minimum area of 1,800 square feet in size. Swimming pools shall be provided at a ratio of four square feet of pool area per proposed dwelling unit, rounded to the nearest multiple of 100 square feet of pool. The adequacy of proposed recreational facilities shall be reviewed by the Planning Board with the intent of assuring balanced and satisfactory recreational facilities for the use and enjoyment and well being of the residents of the RRCD. If the Planning Board determines that these ends are not being met by the proposed facilities, the Planning Board may require that additional recreational facilities be constructed to eliminate the deficiencies. All grounds surrounding recreational and administrative facilities shall be appropriately landscaped and shall provide adequate walkways. Underground irrigation shall be installed for such areas. **[Amended 12-16-1982 by Ord. No. 37-82]**
- (3) Where a residential retirement cluster development is a conventional fee simple development, covenants and restrictions and plot plans shall indicate that recreational areas and green areas shall be dedicated to a homeowners' association or analogous body.

H. Procedural requirements.

- (1) All subdivision plans and site plans shall be submitted to the Planning Board in accordance with the requirements of Chapter 297, Subdivision of Land, and of this chapter. Where facilities proposed to be built are other than residential dwellings, site plans shall be submitted for review and Planning Board action in conformity with this chapter and Chapter 285, Site Plan Review.
- (2) At such time as the applicant or developer shall submit a subdivision plan or site plan for approval, the following shall also be submitted:
 - (a) Covenants and restrictions for the community or any other plan for or restrictions upon the community property.³³
 - (b) Bylaws of the proposed homeowners' association.
 - (c) Proposed agreement of sale.
 - (d) Proposed form of deed.
 - (e) Title insurance certificate.
- (3) Said documents shall be forwarded to the Planning Board and shall be subject to the review of the Planning Board and of the Township Committee as to their adequacy to ensure that the residential retirement cluster development shall be constituted so as to be consistent with the purposes and requirements of this section. The proposed documents and restrictions shall indicate a comprehensive and equitable program for

33. Editor's Note: Former Subsection H(2)(b), which pertained to master deeds and immediately followed this subsection, was repealed 12-16-1982 by Ord. No. 37-82.

the orderly transition of control over the homeowners' association from the applicant or the developer to the actual homeowners in the community.

- (4) In addition to the foregoing, it shall be mandatory for any applicant to provide the Planning Board and the Township Committee with copies of all submissions to be made to any state agency pursuant to the Retirement Community Full Disclosure Act³⁴ at all stages of development.
 - (5) A fee of \$1,000 or such fee as is determined, from time to time, by ordinance, shall be paid at the time of filing the aforesaid documents to aid the Planning Board in payment of professional fees to its experts in reviewing the aforesaid submissions. The aforesaid fee shall in no way be construed as a subdivision filing fee which is required under Chapter 297, Subdivision of Land. The Planning Board shall review the aforementioned submissions and shall advise the applicant of any deficiencies or divergence from the standards of the residential retirement cluster development regulations. When and if an applicant has satisfied the requirements of this section, the applicant may make application for final subdivision approval pursuant to Chapter 297, Subdivision of Land, of the Code of the Township of Lacey. Any final approval of the Planning Board shall include a condition for submission and approval of the proposed master deed or deeds. **[Amended 12-16-1982 by Ord. No. 37-82]**
- I. Development. Development of all the uses and facilities approved as part of the site plan or subdivision shall proceed at the same rate as the dwelling units. To assure compliance with this subsection, the Construction Official shall, from time to time following the approval of a residential retirement cluster development, review all of the building permits issued for said residential retirement cluster development and examine the construction which has taken place on the site. If he shall find that any type of use, including recreational facilities is being developed at less than a comparable rate with the dwelling units, he shall report such to the Planning Board and to the Township Committee. The Township may take such action as is deemed appropriate, including issuance of stop-work notices or revocation of building permits until such time as parity in development of the divergent uses is reached.

§ 335-57.1. Age-Restricted Planned Unit Residential Development Zone. [Added 7-27-2000 by Ord. No. 00-40]

- A. Permitted uses. The following will be allowed as permitted uses in the Age-Restricted Planned Unit Residential Development Zone:
- (1) Age-restricted planned unit residential development (PURD).
 - (2) Residential development in accordance with the R-150 Residence Zone.
 - (3) Age-restricted residential development (ARRD).
 - (4) Commercial uses as part of an age-restricted PURD, when in accordance with the requirements of the O-C Office Commercial Zone of the Lacey Township Zoning Ordinance.
 - (5) Assisted living care facilities as part of an age-restricted PURD.

34. Editor's Note: See N.J.S.A. 45:22A-1 et seq.

- (6) Independent living facilities as part of an age-restricted PURD.
- B. Maximum building density. The maximum building density shall be a 5.0 dwelling units per gross acre of the A-R PURD tract, exclusive of commercial uses, with a mandatory set-aside of 15% of the total number of units to be affordable housing units in accordance with the certified housing element and Housing Plan of Lacey Township. Exception: When conventional subdivision is proposed, allowable density shall be that derived from the actual subdivision layout prepared in accordance with R-150 zoning requirements.
- C. General requirements for age-restricted planned unit residential development (PURD).
 - (1) Purpose. This development type provides for the creation of an integrated community permitting age-restricted single family, multifamily, commercial and recreational uses coordinated with common open space.
 - (2) Minimum tract size. A planned unit residential development may only be developed on one or more contiguous parcels of land having a total gross area of not less than 100 acres. Properties separated by a street or easement shall be considered as contiguous in consideration of minimum tract size.
 - (3) Minimum open space: 30% of gross land area of PURD.
 - (4) Permitted principal uses. The principal uses of buildings in an age-restricted PURD shall be limited to the following:
 - (a) Age-restricted residential development (ARRD).
 - (b) Commercial uses as part of an age-restricted PURD, when in accordance with the requirements of the O-C Office Commercial Zone of the Lacey Township Zoning Ordinance.
 - (c) Assisted living care facilities (ALF).
 - (d) Independent living facilities.
- D. Age-restricted residential development (ARRD).
 - (1) Purpose. It has been determined that there is a need for alternative housing in the Township of Lacey for the adult population who no longer maintain a residence for their children and which is comprehensively designed to meet the needs of adults. Age-restricted residential developments are hereby authorized to be developed in those zones in which age-restricted residential developments are recognized as a permitted use, upon compliance with the design criteria set forth in this subsection, and approval of the general development plan, preliminary and final subdivision/site plan approvals from the Planning Board of the Township of Lacey as hereinafter described:
 - (2) Definitions.
 - (a) AGE-RESTRICTED RESIDENTIAL DEVELOPMENT (ARRD) — As described herein, shall mean a private residential community comprised of various housing types and accessory uses intended for, and limited and restricted to, use and occupancy by age of resident in accordance with applicable law, provided that:

- [1] At least 80% of the units in the development must be occupied by a husband or wife over 55 years of age; there is no age requirement for the spouse of such husband or wife. A maximum of 20% of the units in the development can be occupied by a husband or wife over 48 years of age; there is no age requirement for the spouse of such husband or wife; or **[Amended 1-24-2008 by Ord. No. 2008-02]**
 - [2] The child or children residing with a permissible occupant, provided that child or children is or are of the age of 19 years or over; or
 - [3] The individual or individuals, regardless of age, residing with and providing physical or economic support to a permissible occupant.
 - [4] The foregoing occupancy restrictions shall not be construed to prohibit the occupants of any unit in an ARRD from entertaining guests, of any age, in their dwellings, including temporary residency not to exceed three months with no financial or other pecuniary consideration to be paid therefore.
 - [5] The proposed development would be required to contain an affordable housing element under qualifying regulations, consisting of a mandatory number of set-aside dwelling units provided at the rate of 15% of the total number of units in the development.
- (3) Permitted principal uses. The principal uses of buildings in an ARRD shall be limited to the following:
- (a) Dwellings of all types, provided that they comply with the area and bulk zoning requirements of this subsection.
 - (b) Recreation facilities.
 - (c) Sales and administrative offices required for the construction, sale, resale and management of the ARRD.
 - (d) Maintenance buildings.
- (4) Permitted accessory uses. The accessory uses of buildings and structures in an ARRD shall be limited to the following:
- (a) Club house and/or community buildings.
 - (b) Master television antenna system and/or cable television antenna/receptions facilities.
 - (c) Common parking areas for guest parking or dedicated for specific parking purposes such as a recreational vehicle and trailer parking.
 - (d) Buildings for storage of vehicles, equipment and supplies.
 - (e) Outbuildings and structures as part of recreation facilities.
 - (f) Such other facilities and uses commonly associated with the operation of an ARRD.
- (5) Area requirements. The following area requirements shall apply to any ARRD.

- (a) Maximum building coverage: 45% of the lot area for development of individual lots or 30% of the net tract area for dwelling units on common property. **[Amended 6-14-2001 by Ord. No. 01-31]**
- (b) Minimum open space: 30% of gross area of ARRD tract.
 - [1] Land area equal to a minimum of 30% of the tract of land proposed for an ARRD shall not be utilized for lot development and shall be set aside for open space.
 - [2] There should be a close visual and physical relationship between open space and as many dwelling units as is reasonably possible.
 - [3] Land dedicated for open spaces shall include, wherever feasible, natural features, such as streams, brooks, wetlands, wooded areas, steep slopes and other natural features of scenic and conservation value. The developer may be required to plant trees or make other similar landscaping improvements as may be found necessary by the Planning Board to ensure the attractiveness and suitability of the area as open space.
 - [4] Portions of the open space shall be developed to afford both passive and active recreational opportunities. A minimum of 5% of the required open space shall be developed to afford passive recreational opportunities. Passive recreational activities may include but are not limited to pedestrian paths, sitting areas and naturally preserved areas. Areas devoted to passive recreation shall be required in addition to active recreation areas. Active recreational areas shall include but are not limited to such facilities as swimming pools, tennis courts, golf facilities, bicycle paths and ball fields. The size, location and type of all such recreational facilities shall be approved by the Planning Board.
- (6) Ownership, preservation and maintenance of common open space. The developer shall make provisions which ensure that the open space land shall continue as such and be properly maintained in perpetuity. The developer shall utilize the following method or such other method as approved by the Planning Board and Township Committee in ensuring the preservation and maintenance of common open space land:
 - (a) The developer shall provide for and establish an organization for the ownership and maintenance of all or a specified part of common open space land. The organization shall be a nonprofit homeowners' association corporation.
 - (b) The organization shall be organized by the developer and operated with financial subsidization by the developer, if necessary, before the sale of any lots within the development.
 - (c) Membership in the organization shall be mandatory for all residents of the ARRD.
 - (d) The organization shall be responsible for maintenance of insurance and payment of any taxes on common open space.

- (e) The members of the organization shall be responsible for bearing equitably the costs of maintaining and developing common open space in accordance with procedures established by them.
- (f) The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.
- (g) In the event that the organization established to own and maintain a common open space or any successor organization shall at any time after establishment of the ARRD fail to maintain the common space in reasonable order and condition, in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents and owners of the ARRD, setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. Said notice shall include a demand that deficiencies of maintenance be cured within 30 days thereof and shall state the date and place of a hearing thereon, which shall be held within 14 days of the notice. At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modification thereof shall not be cured within said 30 days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the ARRD and/or to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for up to one year. Said entry and maintenance shall not vest in the public any rights to use the common open space, the use of which shall be restricted to the residents of the ARRD who are members of the homeowners' corporation, except when the common open space is voluntarily dedicated to the public by the residents and owners and said dedication is accepted. Before the expiration of one year, the Township shall, upon its own initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization or to the residents and owners of the ARRD to show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding year. If the Township shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the Township may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter. The decision of the Township in any such case shall constitute a final administrative decision subject to judicial review.
- (h) The cost of such maintenance by the Township shall be assessed ratably against the properties within the ARRD that have a right of enjoyment of the common open space and shall become a tax lien on said properties.
- (i) Provisions for the development plan relating to the use, bulk and location of buildings and structures, the quantity and location of buildings and structures, the quantity and location of common open space and the intensity of use or the density of residential units shall run in favor of the Township and shall be enforceable in law or in equity by the Township without limitation on any power of litigation otherwise granted the Township by law. The development plan shall specify which of its provisions run in favor of and are enforceable by

the residents of the ARRD and, in addition, the manner in which such residents may modify or release such rights.

- (j) The nonprofit homeowners' corporation shall be incorporated pursuant to the provisions of Title 15 of the New Jersey Statutes. The corporation shall be directed by a Board of Trustees or not less than seven nor more than 11 persons. The organization procedures and officers of the Board of Trustees shall be in accordance with the bylaws initially approved by the Township Attorney. They shall provide a mechanism for amendment by favorable vote of a specified majority.
 - (k) The initial Board of Trustees shall be appointed by the developer, and at least one member thereof shall be a resident of the development. In the event that there are not yet any residents at the time of appointment, at least one position shall be reserved for the later appointment of a resident. Such appointment shall occur within 90 days of the first day of occupancy by a resident who is other than an employee of the developer.
 - (l) The terms of the initial appointees of the Board of Trustees shall be staggered among terms of not less than one year and not more than three years. Thereafter, all appointed or elected terms shall be for a period of three years.
 - (m) The developer shall have the exclusive right to nominate and elect the members of the Board of Trustees for a period of 10 years from the date of the first sale or until the occupancy of 75% of all proposed units is effectuated, whichever shall first occur, provided, however, that at least one member of the Board of Trustees shall be a resident of the development other than an employee of the developer.
 - (n) After more than 75% of all proposed units in the development are occupied or after 10 years from the date of the first sale, whichever shall first occur, the replacement of the members of the Board of Trustees who resign or whose terms expire shall be by election by the resident members; provided, however, that the developer shall be assigned at least two seats on the Board of Trustees, to which it may appoint a person of its choice until all units in the proposed development have been occupied.
 - (o) Regardless of the manner in which common open space land is occupied or developed, all other areas of the development which are not occupied by buildings, public streets or other required and/or approved public improvements or by lots which are plotted for sale shall be deeded to the homeowner's corporation for maintenance.
- (7) Procedural requirements.
- (a) All subdivision plans, general development plan and/or site plans shall be submitted to the Planning Board in accordance with the requirements of Chapter 285, Site Plan Review, Chapter 297, Subdivision of Land, and of this chapter. Where facilities proposed to be built are other than residential dwellings, site plans shall be submitted for review and Planning Board action in conformity with this chapter and Chapter 285, Site Plan Review. A general development plan, in accordance with N.J.S.A. 40:55D-39c and 40:55D-45.1, is authorized in the age-restricted planned unit residential development zone.

- (b) At such time as the applicant or developer shall submit a subdivision plan or site plan for approval, the following shall also be submitted.
 - [1] Covenants and restrictions for the community or any other plan for or restrictions upon the community property.
 - [2] Bylaws of the proposed homeowners' association.
 - [3] Proposed agreement of sale.
 - [4] Proposed form of deed.
 - [5] Title insurance certificate.
- (c) Said documents shall be forwarded to the Planning Board and shall be subject to the review of the Planning Board and of the Township Committee as to their adequacy to ensure that the ARRD shall be constituted so as to be consistent with the purposes and requirements of this section. The proposed documents and restrictions shall indicate a comprehensive and equitable program for the orderly transition of control over the homeowners' association from the applicant or the developer to the actual homeowners in the community.
- (d) In addition to the foregoing, it shall be mandatory for any applicant to provide the Planning Board and the Township Committee with copies of all submissions to be made to any state agency pursuant to the Retirement Community Full Disclosure Act at all stages of development.
- (e) A fee of \$1,000 or such fee as is determined, from time to time, by ordinance, shall be paid at the time of filing the aforesaid documents to aid the Planning Board in payment of professional fees to its experts in reviewing the aforesaid submissions. The aforesaid fee shall in no way be construed as a subdivision filing fee which is required under Chapter 297, Subdivision of Land or site plan filing fee required under Chapter 285, Site Plan Review. The Planning Board shall review the aforementioned submissions and shall advise the applicant of any deficiencies or divergence from the standards of the ARRD regulations. When and if an applicant has satisfied the requirements of this section, the applicant may make application for final subdivision approval pursuant to Chapter 297, Subdivision of Land or final site plan approval pursuant to Chapter 285, Site Plan Review, of the Code of the Township of Lacey. Any final approval of the Planning Board shall include a condition for submission and approval of the proposed master deed or deeds.
- (f) Development of all the uses and facilities approved as part of the site plan or subdivision shall proceed at the same rate as the dwelling units. To assure compliance with this subsection, the Construction Official shall, from time to time following the approval of an ARRD, review of all the building permits issued for said ARRD and examine the construction which has taken place on the site. If he shall find that type of use, including recreational facilities, is being developed at less than a reasonably comparable rate with the dwelling units, he shall report such to the Planning Board and to the Township Committee. The Township may take such action as is deemed appropriate, including issuance

of stop-work notices or revocation of building permits until such time as reasonable parity in development of the divergent uses is reached.

- (8) Bulk requirements. The following bulk requirements shall apply to the applicable unit types in an ARRD:

- (a) Detached dwellings on individual lots. All detached dwellings to be constructed on individual lots in an ARRD shall comply with and conform to the following requirements:

- [1] Minimum lot area:

- [a] Corner lot: 6,000 square feet.
- [b] Interior lot: 5,000 square feet.

- [2] Minimum lot width and frontage:

- [a] Corner lot: 60 feet.
- [b] Interior lot: 50 feet.
- [c] In the case of an irregularly shaped lot, the minimum lot frontage may be reduced to 50% of the minimum requirement but not less than 40 feet.

- [3] Minimum setbacks:

- [a] Front yard: 20 feet.
- [b] One side yard: six feet.
- [c] Combined side yards: 15 feet.
- [d] Rear yard: 20 feet.
- [e] Side yard to detached accessory structures: six feet.
- [f] Rear yard to detached accessory structures: six feet.
- [g] Rear yard to attached accessory structures such as seasonal or screened enclosures: 10 feet.

- [4] Maximum net density of 5.0 dwellings per acre.

- (b) For attached dwellings on individual lots. All attached dwellings to be constructed on individual lots in an ARRD shall comply with and conform to the following requirements:

- [1] Minimum lot width: 26 feet.

- [2] Minimum setbacks:

- [a] Front yard: 20 feet.
- [b] Rear yard: 25 feet.

- [3] For attached unit buildings oriented essentially side to side to each other, the minimum distance between it shall be 25 feet.
- [4] Maximum building height: 35 feet.
- [5] Maximum net density of 5.5 dwellings per acre.
- (c) For attached dwellings on common property.
 - [1] Minimum setback from interior roadway or circulation driveway: 20 feet. (Increase to 30 feet for dwellings with garages.)
 - [2] Minimum setback from interior parking lot: 20 feet.
 - [3] Minimum distance between attached unit buildings:
 - [a] For attached unit buildings oriented essentially at 90° to each other, the minimum distance between shall be 35 feet.
 - [b] For attached unit buildings oriented essentially side to side to each other, the minimum distance between same shall be 25 feet.
 - [c] For attached unit buildings oriented essentially with parallel axis facing each other, the minimum distance between same shall be 50 feet.
 - [4] Maximum building height: 35 feet.
 - [5] Maximum net density: six dwellings per acre.
- (d) Multiple dwellings on common property.
 - [1] Minimum setback from interior roadway or circulation driveway: 20 feet. (Increase to 30 feet for dwellings with garages.)
 - [2] Minimum setback from interior parking lot: 20 feet.
 - [3] Minimum distance between multiple dwelling buildings:
 - [a] For multiple dwelling buildings oriented essentially at 90° to each other, the minimum distance between same shall be 35 feet.
 - [b] For multiple dwelling buildings oriented essentially end-to-end to each other, the minimum distance between same shall be 25 feet.
 - [c] For multiple dwelling buildings oriented essentially with parallel axis facing each other, the minimum distance between same shall be 50 feet.
 - [4] Maximum building height: 45 feet not to exceed four stories.
 - [5] Maximum net density: 10 dwellings per acre for garden apartments, seven dwellings per acre for quadraplexes and six dwellings per acre for townhouses.
- (e) Minimum parking requirements.

- [1] For each detached unit (which shall include one garage space): 2.0 spaces.
- [2] For each attached unit: 1.5 spaces.
- [3] For each unit in a multiple dwelling building: 1.5 spaces.
- [4] A private driveway with capacity for off-street parking of one automobile shall be deemed to constitute one parking space.

(f) Recreation facilities. Any ARRD shall contain and provide for the benefit, use and enjoyment of its residents the following recreation facilities:

- [1] A recreation area which shall contain a recreation building comprised of at least eight square feet of floor area (inclusive of finished basement area) for each unit intended to be developed in the ARRD, exclusive of assisted living care facilities, or, if the developer proposed to develop the ARRD in phases or sections with separate recreation facilities for each phase, for each unit intended to be developed in the phase of section to be served by that recreation building, exclusive of assisted living care facilities.
- [2] Swimming pools with a minimum aggregate area of either 2,500 square feet or an area equal to 4 square feet for each unit to be served by said pools, exclusive of assisted living care facilities, whichever is greater. Each swimming pool shall be serviced by an adjacent improved sitting area surrounding all sides of the pool with an aggregate area equal to 1 1/2 times the water surface area of the pool.

(g) Optional recreation facilities. An ARRD may provide, in addition to the recreation facilities prescribed in the previous subsection, any one or more of the following facilities:

- [1] Executive golf course (ARRD golf course).
- [2] Picnic/barbeque areas.
- [3] Paddle tennis courts.
- [4] Bocce courts.
- [5] Jogging trail and/or walking paths.
- [6] Tennis courts.
- [7] Fitness/exercise courses and facilities.
- [8] Gardening areas (including greenhouses).
- [9] Shuffleboard courts.
- [10] Such other activities which the Planning Board shall find to be consistent with the lifestyle of residents of an ARRD and which are subordinate to the residential character of an ARRD.

E. Commercial uses. As part of a PURD, commercial uses shall comply with the requirements of the O-C Office Commercial Zone of the Lacey Township Zoning Ordinance.

- (1) Maximum area of the commercial use: five acres.
- F. Assisted living care facilities (ALF): allowed within the SPD-1 Zone.
- (1) Assisted living care facilities, which are required to be licensed by the State of New Jersey pursuant to N.J.S.A. 26:2H-1 et seq., shall be permitted to be developed at a ratio of 25 dwelling units per acre. See Schedule 1 for design standards and area and yard requirements.

SCHEDULE 1
Schedule of Area and Yard Requirements
for Assisted Living Care Facilities (ALF)

Minimum/Maximum	Assisted Living Care Facilities
Principal building minimum	
Lot area (square feet)	4 acres
Lot frontage	200 feet
Lot width	200 feet
Lot depth	300 feet
Side yard, each	50 feet
Front yard	75 feet
Rear yard	75 feet
Maximum height	45 feet, not to exceed 4 stories
Maximum density	25 dwelling units per acre
Accessory building minimum	
Distance to side line	50 feet
Distance to rear line	50 feet
Distance to other buildings	50 feet
Maximum	
Building coverage of principal building	30%
Building coverage of accessory building	5%

- (2) Minimum parking requirements:
- (a) For each three beds, plus 2.0 spaces.
- (b) For each two employees: 1.5 spaces.
- G. Independent living facilities: allowed within the SPD-1 Zone.

- (1) Independent living facilities shall be permitted to be developed at a ratio of 15 dwelling units per acre. See Schedule 2 for design standards and area and yard requirements.

Schedule 2
Schedule of Area and Yard Requirements
for Independent Living Facilities

Minimum/Maximum	Independent Living Facilities
Principal building minimum	
Lot area (square feet)	4 acres
Lot frontage	200 feet
Lot width	200 feet
Lot depth	300 feet
Side yard, each	50 feet
Front yard	75 feet
Rear yard	75 feet
Maximum height	45 feet, not to exceed 4 stories
Maximum density	15 dwelling units per acre
Accessory building minimum	
Distance to side line	50 feet
Distance to rear line	50 feet
Distance to other buildings	50 feet
Maximum	
Building coverage of principal building	30%
Building coverage of accessory building	5%

- (2) Minimum parking requirements:
- (a) For each unit: 1.5 spaces.

§ 335-58. O-C Office-Commercial Zone. [Added 2-5-1981 by Ord. No. 4A-81]

- A. Permitted uses. Within the O-C Office-Commercial Zone, no premises, lot, land area, building or structure shall be used, and no building or structure shall be erected or altered, to be used in whole or in part unless it complies with the schedule of general regulations, the regulations of this chapter, and is used wholly for one or more of the following uses:
- (1) Offices and office buildings of professional persons, such as, but not limited to, accountants, architects, dentists, engineers, lawyers, physicians and realtors.

- (2) Municipal buildings and other governmental and/or public uses, but not including warehouses, workshops or other such uses or activities.
 - (3) Retail establishments where goods are sold or personal services are rendered to the general public and which, by reason of the size of the establishment, the nature of the goods sold or services rendered, and the scale, nature and character of the activity and facility, clearly relates to serving the convenience of the local community. Examples of permitted uses are as follows: bakeshop, banks, barber or beauty shop, bookstore, clothing and accessories shop, delicatessen, gift shop, pharmacy and yard goods shop.
 - (4) Uses similar in character, including accessory uses, to the above-described permitted uses. **[Added 12-26-1996 by Ord. No. 96-63; amended 7-24-1997 by Ord. No. 97-30]**
- B. Conditional uses by permit. In addition to the above-described permitted uses for the O-C Office-Commercial Zone, the following shall be classified as conditional uses subject to the approval of the Planning Board upon compliance with the standards and regulations set forth in § 335-78 of this chapter: **[Amended 12-26-1996 by Ord. No. 96-63; 7-24-1997 by Ord. No. 97-30]**
- (1) Multiple commercial structures.
 - (2) Restaurants and other such eating establishments wherein the principle use consists of the sale of food and beverages for on-premises consumption, but excluding fast-food operations, as defined in § 335-58C(1).
 - (3) Liquor stores in accordance with § 335-78C(20) and additional applicable provisions of § 335-78C. **[Added 12-23-2004 by Ord. No. 2004-58]**
- C. Prohibited uses. Uses of the following nature are not permitted under any circumstances in the O-C Office-Commercial Zone:
- (1) "Fast-food operations," which, for the purposes of this section, are defined as follows: a building, structure or other establishment which has as its principal business the sale of prepared or quickly prepared food or drink in disposable containers or wrappers, for consumption either on or off the premises, whether or not interior seating facilities are provided, except that a retail grocery delicatessen or other store selling food items primarily for home preparation or home consumption shall not be considered a prohibited fast-food operation under this chapter.
 - (2) Taverns and other such establishments wherein the use consists, in whole or in part, of the sale of alcoholic beverages for on-premises consumption.³⁵
- D. Special development standards for O-C Office-Commercial Zone.
- (1) Driveways, driveway openings and curb cuts.
 - (a) All development and use of land within this zone shall be designed and operated in such a manner that driveway openings, curb cuts or other access areas for the passage of vehicular traffic directly between any off-street parking areas and

35. Editor's Note: Former Subsection C(3), which immediately followed this subsection and dealt with liquor stores, was repealed 12-23-2004 by Ord. No. 2004-58. Former Subsection C(4), which followed that subsection and dealt with restaurants, was repealed 12-26-1996 by Ord. No. 96-63.

the public highway presently and commonly known as Lacey Road are to be eliminated wherever feasible.

- (b) Driveways, driveway openings, curb cuts or other means of access for the passage of vehicular traffic from any site or off-street parking area to an abutting residential street are prohibited.
- (2) ³⁶In the event that more than one principal building or structure is constructed, developed or otherwise used on any one lot, there shall be a minimum distance of 10 feet between each such principal building.
- E. Anything contained within the Zoning Ordinance of the Township of Lacey notwithstanding, with respect to any single-family residential dwelling in existence on the date of the adoption of this amendatory subsection and located within the boundaries of the O-C Office-Commercial Zone, the minimum building setbacks on front, side and rear, for both principal and accessory structures, shall be those established for the R-75 Zone for both interior and corner lots as set forth in Tables 2 and 3³⁷ of Chapter 335 of the Lacey Township Code. **[Added 7-23-1998 by Ord. No. 98-25]**
- F. Types of housing permitted as an accessory use. **[Added 9-12-2013 by Ord. No. 2013-26]**
 - (1) Dwelling units in mixed-use buildings.
 - (a) Any building containing both residential and nonresidential uses shall have a secured entrance for the residential uses.
 - (b) No dwelling unit shall be permitted on the same floor level as a nonresidential use.
 - (c) Dwelling units shall be permitted only in buildings in which the ground floor is devoted to retail sales, professional office or personal service uses.
 - (d) Dwelling units shall be no less than 700 square feet in area.
 - (e) A maximum of two apartments shall be permitted unless age-restricted.

§ 335-59. RO-150 Residential and Office Park Zone.

- A. In an RO-150 Residential and Office Park Zone, no lot shall be used and no building shall be erected, altered or occupied for any purpose except as follows:
 - (1) Detached one-family dwellings in accordance with the requirements of the R-75 Residence Zone when constructed as an element of an approved residential subdivision consisting of 20 or more lots platted on lands abutting the boundary of an adjacent R-75 Zone.
 - (2) Office buildings of professional persons, such as but not limited to physicians, dentists, engineers, architects, lawyers and accountants.

36. Editor's Note: Former Subsection D(2), dealing with retail establishment use, was repealed 7-24-1997 by Ord. No. 97-30, which ordinance also renumbered former Subsection D(3) as Subsection D(2).

37. Editor's Note: Tables 2 and 3 are located at the end of this chapter.

- (3) Buildings of personal and business service establishments, such as but not limited to realtors, stockbrokers, computer services, builders and developers not including storage of construction materials and equipment, catalog sales rooms, product showrooms, small equipment repairs and public utility offices.
 - (4) Buildings housing corporate office headquarters and branch operations.
 - (5) Buildings housing research and development laboratories and offices, but not including pilot plant and prototype processing, handling or manufacturing operations.
 - (6) Commercial-office parks incorporating facilities for housing all of the above, except dwellings, and providing for the integrated development of facilities to house and serve five or more independent uses in three or more buildings.
 - (7) Municipal buildings and other governmental and/or public uses.
 - (8) Nursing homes and assisted living care facilities. **[Added 3-12-1998 by Ord. No. 98-06]**
 - (9) Senior citizen community resource centers. **[Added 3-12-1998 by Ord. No. 98-06]**
- B. Conditional uses by permit. In addition to the above-described permitted uses for the RO-150 Zone, there shall be permitted in this zone uses of the following nature upon obtaining a conditional use permit from the Planning Board, subject to the standards and regulations set forth in § 335-78 of this chapter. **[Added 5-12-2005 by Ord. No. 2005-41³⁸; amended 8-9-2007 by Ord. No. 2007-25]**
- (1) Age-restricted multifamily development.
- C. All developments and uses of land within an RO-150 Zone shall be designed and operated in a way that will tend to minimize driveway and road openings directly onto Lacey Road. Consideration shall be given to such features as combining driveways to serve two or more adjacent lots and uses, interconnection of parking areas on adjacent lots and confining access to intersecting side streets where feasible.

§ 335-60. C-150 Highway Business Zone.

- A. Permitted uses. Within the C-150 Highway Business Zone, no premises, lot, land area, building or structure shall be used and no building or structure shall be erected or altered to be used, in whole or in part, unless it complies with the schedule of general regulations and the regulations of this chapter and is used wholly for one or more of the following uses:
- (1) Retail establishments where goods are sold or personal services are rendered to the general public and which, by reason of the size of the establishment, the nature of the goods sold or services rendered and the scale, nature and character of the activity and facility, clearly relate to serving the convenience of the local community; examples: bank, bakeshop, bookstore, pharmacy, gift shop, clothing and accessories shop, yard goods shop, delicatessen, barber- or beauty shop, lawyer's office, income tax service, snack shop, dry-cleaning store and other such uses. **[Amended 12-8-1983 by Ord. No. 33-83]**

38. Editor's Note: This ordinance also provided for the redesignation of former Subsection B as Subsection C.

- (2) Offices of public utilities and dial or switching equipment buildings.
 - (3) Municipal buildings and other governmental and/or public uses, but not including warehouses, workshops, garages or other such uses or activities.
 - (4) ³⁹Shopping centers and multiple structures. **[Added 7-24-1997 by Ord. No. 97-30]**
 - (5) Office buildings of professional persons, such as but not limited to physicians, dentists, engineers, lawyers, realtors, accountants and architects.
 - (6) Contractors' and builders' offices.
 - (7) Clubs, lodges, association buildings and meeting rooms and halls.
 - (8) Commercial advertising structures subject to the Township ordinance regulating signs within the Township.
 - (9) Miniature golf and archery ranges.
 - (10) Commercial uses, including accessory uses similar in character to the above-described uses, provided the commercial uses are conducted entirely within a structure and no outside storage is associated therewith. **[Amended 7-24-1997 by Ord. No. 97-30]**
 - (11) Restaurants. **[Added 12-26-1996 by Ord. No. 96-63]**
- B. Conditional uses by permit. In addition to the above-described permitted uses for the C-150 Highway Business Zone, there shall be permitted in this zone commercial uses of the following nature or necessary accessories to the above-described permitted uses upon obtaining a conditional use permit from the Planning Board subject to the standards and regulations set forth in § 335-78 of this chapter: **[Amended 12-8-1983 by Ord. No. 33-83; 9-13-1984 by Ord. No. 45-84; 12-26-1996 by Ord. No. 96-63; 7-24-1997 by Ord. No. 97-30]**
- (1) Commercial uses similar in character to the above-described permitted uses, but which propose outdoor storage.
 - (2) Motor vehicle repair garages.
 - (3) Motor vehicle service stations.
 - (4) Automobile body shops.
 - (5) Motels.
- C. Prohibited uses. Residential structures are generally prohibited uses within the C-150 Highway Business Zone unless specifically permitted under the terms of this section. Residential structures lawfully existing within the C-150 Highway Business Zone on the date of the adoption of this chapter shall be permitted to continue as nonconforming uses. Expansion of residential structures covered by this subsection shall be permitted within the C-150 Highway Business Zone without variance relief, provided that said expansion will not extend the structure into a setback area. For the purposes of this section only,

39. Editor's Note: Former Subsection A(4), dealing with detached one-family dwellings, was repealed 5-11-1995 by Ord. No. 95-20.

the setbacks governing such preexisting nonconformities shall be those of the R-75 Zone.
[Added 5-11-1995 by Ord. No. 95-20; 9-12-2013 by Ord. No. 2013-26]

D. Types of housing permitted and conditions thereon. [Added 9-12-2013 by Ord. No. 2013-26]

(1) As an accessory use:

(a) Dwelling units in mixed-use buildings and accessory buildings.

[1] Any building containing both residential and nonresidential uses shall have a secured entrance for the residential uses.

[2] No dwelling unit shall be permitted on the same floor level as a nonresidential use.

[3] Dwelling units shall be permitted only in buildings in which the ground floor is devoted to retail sales, professional office or personal service uses.

[4] Dwelling units shall be no less than 700 square feet in area.

[5] A maximum of two apartments shall be permitted unless age-restricted.

(2) As a conditional use:

(a) Townhouses.

(b) Condominiums.

(3) Location restrictions. Multifamily residential buildings shall be permitted no closer than 500 feet from the right-of-way of Lacey Road.

(4) Permitted density. The maximum permitted density shall be 10 units per gross acre.

(5) Area and size requirements.

(a) The minimum tract size shall be 45,000 square feet.

(b) The maximum building coverage shall be 30% of the gross tract area.

(c) The minimum open space shall be 30% of the gross tract area. Natural features shall be preserved to the maximum extent. Open space may include recreational amenities.

(d) No fewer than four dwelling units shall be allowed in any project.

(6) Bulk requirements (principal structures):

(a) The minimum setbacks for buildings from an exterior roadway shall be 50 feet, except that the minimum setback from Route 9 shall be 100 feet. Buildings shall not front on an exterior roadway without the provision of either an intervening parking area or a vegetated screening buffer a minimum of 50 feet in width.

(b) The minimum setbacks for buildings facing interior roadways or circulation driveways shall be 20 feet, which shall be increased to 25 feet for dwellings with garages.

- (c) The minimum setbacks for buildings from interior parking lots shall be 20 feet.
 - (d) The minimum distances between buildings shall be as follows:
 - [1] For attached unit buildings oriented essentially at 90° to each other, the minimum distance between same shall be 90 feet.
 - [2] For attached unit buildings oriented essentially side-to-side to each other, the minimum distance between shall be 50 feet.
 - [3] For attached unit buildings oriented essentially with parallel axis facing each other, the minimum distance between same shall be 50 feet.
 - (e) The maximum height of buildings shall be 45 feet, but a maximum of three stories.
 - (f) The minimum distance from any lot line that is adjacent to a residential zone shall be 50 feet.
 - (g) The minimum rear or side yard setback from any exterior lot line shall be 50 feet.
- (7) Bulk requirements (accessory structures):
- (a) The minimum rear or side yard setback from any exterior lot line shall be 50 feet.
 - (b) The minimum rear or side yard setback shall be 20 feet.
 - (c) The maximum height of accessory buildings shall be 16 feet.
- (8) Minimum parking requirements:
- (a) The minimum number required parking spaces shall be 2.0 spaces per unit.
 - (b) Additional spaces shall be provided for sales, rental and administrative offices at the rate of one space per 200 square feet of gross floor area.
 - (c) A private driveway to a unit with capacity for off-street parking of one automobile shall be deemed to constitute one parking space.
- (9) Buffer requirements. Buffer requirements shall be provided in accordance with the requirements for planned residential developments, as contained in § 335-48B(2), except that the minimum required buffer of 50 feet may include required yard areas, stormwater management areas, underground utilities and other site plan elements such as parking areas.
- (10) Additional requirements:
- (a) All units that have an attached garage that is used to meet the required parking demand under the residential site improvement standards are prohibited from being converted to living space.
 - (b) All first-floor units shall be constructed to be barrier-free adaptable.

- (c) Ownership, preservation and maintenance of open space. The developer shall make provisions which ensure that common areas and open space shall continue as such be properly maintained in perpetuity. The developer shall utilize such methods as approved by the Planning Board and Township Committee in ensuring the preservation and maintenance of common areas and open space.

§ 335-61. C-200 Limited Business Zone. [Added 12-22-1983 by Ord. No. 36-83]

- A. Permitted uses. No premises, lot, land area, building or structure shall be used and no building or structure shall be erected or altered to be used, in whole or in part, unless it complies with the General Schedule of Area, Yard and Building Requirements and the regulations of this chapter and is used wholly for one or more of the following uses:
 - (1) All uses set forth as permitted under § 335-60A for the C-150 Highway Business Zone, with the exception that no residential use shall be permitted.
 - (2) Dwelling units in mixed-use buildings and accessory buildings shall be permitted as an accessory use, subject to the following requirements: **[Added 9-12-2013 by Ord. No. 2013-26]**
 - (a) Any building containing both residential and nonresidential uses shall have a secured entrance for the residential uses.
 - (b) No dwelling unit shall be permitted on the same floor level as a nonresidential use.
 - (c) Dwelling units shall be permitted only in buildings in which the ground floor is devoted to retail sales, professional office or personal service uses.
 - (d) Dwelling units shall be no less than 700 square feet in area.
 - (e) A maximum of two apartments shall be permitted unless age-restricted.
- B. Conditional uses by permit. In addition to the above-described permitted uses for the C-200 Limited Business Zone, there shall be permitted in this zone commercial uses of the following nature or necessary accessories to the above-described permitted uses upon obtaining a conditional use permit from the Planning Board, subject to the standards and regulations set forth in § 335-78 of this chapter.
 - (1) All uses set forth as conditional uses by permit under § 335-60B for the C-150 Highway Business Zone, which uses shall also be subject to any additional standards and regulations set forth thereunder.
 - (2) Age-restricted multifamily residential development. **[Added 4-12-2001 by Ord. No. 01-23]**
 - (3) Townhouses and condominiums. **[Added 9-12-2013 by Ord. No. 2013-26]**
- C. Additional multifamily requirements. **[Added 9-12-2013 by Ord. No. 2013-26]**
 - (1) Location restrictions. Multifamily residential buildings shall be permitted no closer than 500 feet from the right-of-way of Lacey Road.
 - (2) Permitted density. The maximum permitted density shall be 10 units per gross acre.

- (3) Area and size requirements:
 - (a) The maximum tract size shall be five acres.
 - (b) The maximum building coverage shall be 30% of the gross tract area.
 - (c) The minimum open space shall be 30% of the gross tract area. Natural features shall be preserved to the maximum extent. Open space may include recreational amenities.
- (4) Bulk requirements (principal structures):
 - (a) The minimum setbacks for buildings from an exterior roadway shall be 50 feet, except that the minimum setback from Route 9 shall be 100 feet. Buildings shall not front on an exterior roadway without the provision of either an intervening parking area or a vegetated screening buffer a minimum of 50 feet in width.
 - (b) The minimum setbacks for buildings facing interior roadways or circulation driveways shall be 20 feet, which shall be increased to 25 feet for dwellings with garages.
 - (c) The minimum setbacks for buildings from interior parking lots shall be 20 feet.
 - (d) The minimum distances between buildings shall be as follows:
 - [1] For attached unit buildings oriented essentially at 90° to each other, the minimum distance between same shall be 35 feet.
 - [2] For attached unit buildings oriented essentially side-to-side to each other, the minimum distance between shall be 25 feet.
 - [3] For attached unit buildings oriented essentially with parallel axis facing each other, the minimum distance between same shall be 50 feet.
 - (e) The maximum height of buildings shall be 45 feet, but a maximum of three stories.
 - (f) The medium distance form any lot line that is adjacent to a residential zone shall be 50 feet.
 - (g) The minimum rear or side yard setback from any exterior lot line shall be 50 feet.
- (5) Bulk requirements (accessory structures):
 - (a) The minimum rear or side yard setback from any exterior lot line shall be 50 feet.
 - (b) The minimum rear or side yard setback shall be 20 feet.
 - (c) The maximum height of accessory buildings shall be 16 feet.
- (6) Minimum parking requirements:
 - (a) The minimum number of required parking spaces shall be 2.0 spaces per unit.

- (b) Additional spaces shall be provided for sales, rental and administrative offices at the rate of one space per 200 square feet of gross floor area.
 - (c) A private driveway to a unit with capacity for off-street parking of one automobile shall be deemed to constitute one parking space.
- (7) Buffer requirements. Buffer requirements shall be provided in accordance with the requirements for planned residential developments, as contained in § 335-48B(2); except that the minimum required buffer of 50 feet may include required yard areas, stormwater management areas, underground utilities and other site plan elements such as parking areas.
- (8) Additional requirements:
- (a) Garages that are used to meet the required parking demand under the residential site improvement standards are prohibited from being converted to living space.
 - (b) All first-floor units shall be constructed to be barrier-free adaptable.
 - (c) Ownership, preservation and maintenance of open space. The developer shall make provisions which ensure that common areas and open space shall continue as such and be properly maintained in perpetuity. The developer shall utilize such methods as approved by the Planning Board and Township Committee in ensuring the preservation and maintenance of common areas and open space.

§ 335-62. C-300 Limited Business Zone.

- A. Permitted uses. Within the C-300 Limited Business Zone, no premises, lot, land area, building or structure shall be used and no building or structure shall be erected or altered to be used, in whole or in part, unless it complies with the schedule of general regulations and the regulations of this chapter and is used wholly for one or more of the following uses:
- (1) All uses set forth as permitted uses under § 335-60A for the C-150 Highway Business Zone, except that no residential use shall be permitted.
- B. Conditional uses by permit. In addition to the above-described permitted uses for the C-300 Limited Business Zone, there shall be permitted in this zone commercial uses of the following nature or necessary accessories to the above-described permitted uses upon obtaining a conditional use permit from the Planning Board, subject to the standards and regulations set forth in § 335-78 of this chapter.
- (1) All uses set forth as conditional uses by permit under § 335-60B for the C-150 Highway Business Zone, which uses shall also be subject to any additional standards and regulations set forth thereunder.

§ 335-63. C-100 Marine Commercial Zone.

- A. Permitted uses. Within the C-100 Marine Commercial Zone, no premises, lot, land area, building or structure shall be used and no building or structure shall be erected or altered to be used, in whole or in part, unless it complies with the schedule of general regulations and the regulations of this chapter and is used wholly for one or more of the following uses:
- (1) Restaurant and luncheonette.

- (2) Automobile parking areas.
 - (3) Marine services consisting of the following:
 - (a) Dockage.
 - (b) Boat hauling.
 - (c) Boat repairs.
 - (d) Marine radio sales and service.
 - (e) Marine gasoline stations on docks or bulkheads.
 - (f) Boat building.
 - (4) Marine engine sales and repairs.
 - (5) Boat sales.
 - (6) Marine supplies and equipment.
 - (7) Outside storage of boats and other equipment normally associated with permitted uses in the C-100 Marine Commercial Zone. **[Amended 9-18-1980 by Ord. No. 25-80]**
 - (8) Office for marine surveyors, brokers and insurers.
 - (9) Detached one-family dwellings in accordance with the requirements of the R-80 Residence Zone. **[Added 9-18-1980 by Ord. No. 25-80; amended 2-11-1988 by Ord. No. 8-88; 5-26-1988 by Ord. No. 15-88; 7-24-1997 by Ord. No. 97-30]**
 - (10) Uses similar in character, including accessory uses, to the above-described permitted uses. **[Added 9-18-1980 by Ord. No. 25-80; amended 7-24-1997 by Ord. No. 97-30]**
 - (11) Bed-and-breakfast as defined. **[Added 7-24-1997 by Ord. No. 97-30]**
 - (12) Dwelling units in mixed-use buildings and accessory buildings shall be permitted as an accessory use, subject to the following requirements: **[Added 9-12-2013 by Ord. No. 2013-26]**
 - (a) Any building containing both residential and nonresidential uses shall have a secured entrance for the residential uses.
 - (b) No dwelling unit shall be permitted on the same floor level as a nonresidential use.
 - (c) Dwelling units shall be permitted only in buildings in which the ground floor is devoted to retail sales, professional office or personal service uses.
 - (d) Dwelling units shall be no less than 700 square feet in area.
 - (e) A maximum of two apartments shall be permitted unless age-restricted.
- B. ⁴⁰Conditional uses by permit. In addition to the above-described permitted uses for the C-100 Marine Commercial Zone, townhouses and condominiums shall be permitted upon

obtaining a conditional use permit from the Planning Board, subject to the standards and regulations set forth in § 335-78 of this chapter. **[Added 9-12-2013 by Ord. No. 2013-26]**

C. Additional multifamily requirements:⁴¹ **[Added 9-12-2013 by Ord. No. 2013-26]**

- (1) Location restrictions. Multifamily residential buildings shall be permitted no closer than 500 feet from the right-of-way of Lacey Road.
- (2) Permitted density. The maximum permitted density shall be 10 units per gross acre.
- (3) Area and size requirements:
 - (a) The maximum tract size shall be five acres.
 - (b) The maximum building coverage shall be 30% of the gross tract area.
 - (c) The minimum open space shall be 30% of the gross tract area. Natural features shall be preserved to the maximum extent. Open space may include recreational amenities.
- (4) Bulk requirements (principal structures):
 - (a) The minimum setbacks for buildings from an exterior roadway shall be 50 feet, except that the minimum setback from Route 9 shall be 100 feet. Buildings shall not front on an exterior roadway without the provision of either an intervening parking area or a vegetated screening buffer a minimum of 50 feet in width.
 - (b) The minimum setbacks for buildings facing interior roadways or circulation driveways shall be 20 feet, which shall be increased to 25 feet for dwellings with garages.
 - (c) The minimum setbacks for buildings from interior parking lots shall be 20 feet.
 - (d) The minimum distances between buildings shall be as follows:
 - [1] For attached unit buildings oriented essentially at 90° to each other, the minimum distance between same shall be 35 feet.
 - [2] For attached unit buildings oriented essentially side-to-side to each other, the minimum distance between shall be 25 feet.
 - [3] For attached unit buildings oriented essentially with parallel axis facing each other, the minimum distance between same shall be 50 feet.
 - (e) The maximum height of buildings shall be 45 feet, but a maximum of three stories.
 - (f) The minimum distance from any lot line that is adjacent to a residential zone shall be 50 feet.

40. Editor's Note: Former Subsection B, Conditional uses by permit, as amended, was repealed 7-24-1997 by Ord. No. 97-30.

41. Editor's Note: Former Subsection C, entitled "High-density waterfront development regulations," added 12-22-1983 by Ord. No. 36-83 was repealed 8-8-1985 by Ord. No. 20-85.

- (g) The minimum rear or side yard setback from any exterior lot line shall be 50 feet.
- (5) Bulk requirements (accessory structures):
 - (a) The minimum rear or side yard setback from any exterior lot line shall be 50 feet.
 - (b) The minimum rear or side yard setback shall be 20 feet.
 - (c) The maximum height of accessory buildings shall be 16 feet.
- (6) Minimum parking requirements:
 - (a) The minimum number of required parking spaces shall be 2.0 spaces per unit.
 - (b) Additional spaces shall be provided for sales, rental and administrative offices at the rate of one space per 200 square feet of gross floor area.
 - (c) A private driveway to a unit with capacity for off-street parking of one automobile shall be deemed to constitute one parking space.
- (7) Buffer requirements. Buffer requirements shall be provided in accordance with the requirements for planned residential developments, as contained in § 335-48B(2); except that the minimum required buffer of 50 feet may include required yard areas, stormwater management areas, underground utilities and other site plan elements such as parking areas.
- (8) Additional requirements:
 - (a) Garages that are used to meet the required parking demand under the residential site improvement standards are prohibited from being converted to living space.
 - (b) All first-floor units shall be constructed to be barrier-free adaptable.
 - (c) Ownership, preservation and maintenance of open space. The developer shall make provisions which ensure that common areas and open space shall continue as such and be properly maintained in perpetuity. The developer shall utilize such methods as approved by the Planning Board and Township Committee in ensuring the preservation and maintenance of common areas and open space.

§ 335-63.1. M-1 Business Park Zone. [Added 12-26-1996 by Ord. No. 96-63]

- A. Permitted uses. Within the M-1 Business Park Zone, no premises, lot, land area, building or structure shall be erected or altered to be used, in whole or in part, unless it complies with the schedule of general regulations of this chapter and is used for one or more of the following uses:
 - (1) All uses permitted within the M-2 Limited Industrial Zone.
 - (2) Light industrial commercial uses where goods are manufactured, fabricated, warehoused, finished or services rendered to the general public and which, by reason of the size of the establishment, nature of the goods sold or services rendered, and

the scale, nature and character of the activity and facility, are similar to the following examples:

- (a) Contractors' yards and offices;
- (b) Fabrication of sheet metal products;
- (c) Light machine shops, welding shops, woodworking and cabinetmaking shops;
- (d) Clothing and wearing apparel manufacture;
- (e) Manufacture and assembly of electrical, electronic and small mechanical devices;
- (f) Assembly of doors, windows, sash or trim for building construction;
- (g) Manufacture of toys, novelties and similar goods;
- (h) Finishing and fabrication of paper products not involving wood pulp processing;
- (i) Warehousing and freight forwarding;
- (j) Exercise facilities, including but not limited to fitness and gymnastic centers;
- (k) Automobile repair shops and automobile parts sales; and
- (l) Recycling facilities as defined.

§ 335-64. M-2 Limited Industrial Zone.

- A. Permitted uses. Within the M-2 Limited Industrial Zone, no premises, lot, land area, building or structure or part thereof shall be used and no building or structure shall be erected or altered to be used, in whole or in part, unless it complies with the schedule of general regulations and the regulations of this chapter and is used wholly for one or more of the following uses:
- (1) Executive and administrative offices of public or private corporations or institutions.
 - (2) Educational and research activities and related service activities conducted by any of the following:
 - (a) Public and private education institutions.
 - (b) Scientific or research laboratories of private corporations, institutions or other agencies devoted solely to research, design and experimentation.
 - (3) Printing, photograph reproduction or the manufacture of equipment or supplies therefor, except that no such use is permitted which constitutes the manufacture of chemicals or produces liquid or gaseous chemicals as a significant waste by-product.
 - (4) Manufacture or assembly of electronics equipment, electronics parts and components, electrical machinery or electrical equipment of any nature, except wherein atomic power or radioactive materials are used in the manufacture.

- (5) Manufacture or assembly of radios, telephone or other communication equipment or parts therefor.
 - (6) Manufacture of optical instruments or supplies.
 - (7) Manufacture of musical instruments or supplies.
 - (8) Publishing companies.
 - (9) Manufacture or assembly of clocks and time pieces.
 - (10) Manufacture or assembly of surgical and like medical instruments.
 - (11) Manufacture or assembly of typewriters.
- B. Conditional uses by permit. In addition to the above-described permitted uses for the M-2 Limited Industrial Zone, there may be permitted in this zone such uses of a general limited industrial nature or necessary accessories to the above-described permitted uses upon obtaining a conditional use permit from the Planning Board subject to the standards and regulations set forth in § 335-78 of this chapter.
- C. Special development standards for the M-2 Limited Industrial Zone. Development shall occur only in accordance with an approved overall plan for an area of not less than 10 acres. Construction may be staged and subdivision may occur after approval of the overall plan, provided that:
- (1) Adherence to the approved plan shall be a condition of subdivision approval.
 - (2) No individual lot of less than two acres shall be created.
 - (3) Initial construction shall contain not less than 5,000 square feet of gross floor area for each individual building.
 - (4) Development shall occur at a rate of not less than two acres at one time.
 - (5) Frame or masonry buildings shall be permitted in the M-2 Zone, and the general design and development of the buildings in the M-2 Zone shall be indicated on the site plan as submitted or by schedule annexed thereto. The plans for the buildings to be erected in this zone shall also be submitted with the site plan and approved prior to the issuance of a building permit.
 - (6) In accordance with the standards of Chapter 285, Site Plan Review, each use located in the M-2 Zone shall provide truck loading and unloading facilities on the same lot and in other than the required front yard so as to permit the transfer of goods in other than a public street or front yard area.
 - (7) Buffer zones and screening strips. Buffer zones and screening strips shall be provided in accordance with the standards and regulations of §§ 335-48 and 335-68 of this chapter as they pertain to buffer zones and screening strips and performance standards.
 - (8) Off-street parking. Off-street parking shall be provided in accordance with the standards and regulations applicable to the M-2 Zone as set forth in § 335-49 of this chapter.

- (9) Underground utilities. All utilities shall be placed underground unless the Planning Board shall determine that such installation is deemed impractical.
- (10) Required findings by Planning Board. Prior to approval of any development, the Planning Board shall find the following facts and conclusions:
 - (a) That the development conforms to the standards and regulations applicable to such development set forth or incorporated by reference in §§ 335-64, 335-66, 335-67 and 335-68 of this chapter.
 - (b) That the proposals for maintenance of the common open space are reliable, and the amounts, location and purpose of the common open space are adequate.
 - (c) That, through the physical design of the proposed development, provisions for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, and visual enjoyment are adequate.
 - (d) That the proposed development will not have an unreasonably adverse impact upon the area in which it is proposed to be established.
 - (e) In the case of a development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the owners or lessees of the proposed development in the total completion of the development are adequate.

§ 335-65. M-6 Industrial Zone. [Amended 12-26-1996 by Ord. No. 96-63]

- A. Permitted uses. Within the M-6 Industrial Zone, no premises, lot, land area, building or structure or part thereof shall be used and no building or structure shall be erected or altered to be used, in whole or in part, unless it complies with the schedule of general regulations and the regulations of this chapter and is used wholly for one or more of the following uses:
 - (1) All uses permitted in the M-2 Medium Industrial Zone, except that no airport uses as set forth herein before as a conditional use by permit for the M-2 Zone shall be permitted in the M-6 Industrial Zone. **[Amended 7-24-1997 by Ord. No. 97-30]**
 - (2) Manufacture or assembly of elevators or elevator equipment.
 - (3) Enameling or electroplating.
- B. Conditional uses by permit. In addition to the above-described permitted uses for the M-6 Industrial Zone, there may be permitted in this zone, except for airport uses such as set forth as a conditionally permitted use for the M-2 Limited Industrial Zone, such uses of a general industrial nature or necessary accessories to one of the above-described permitted uses upon obtaining a conditional use permit from the Planning Board subject to the standards and regulations set forth in § 335-78 of this chapter. The following use, specified as one for which such a conditional use permit is required, shall not be construed as an exclusive listing of those uses for which a conditional use permit is required: **[Amended 7-24-1997 by Ord. No. 97-30]**
 - (1) Manufacture of chemicals and chemical products when such manufactured products are manufactured under control so as to assure against poisonous or unstable or

hazardous chemicals or components being kept or used in such manner as may tend to create a public nuisance or danger or tend to start a conflagration.

§ 335-65.1. M-100 Industrial Zone. [Added 12-22-2009 by Ord. No. 2009-23]

- A. Permitted uses. Within the M-100 Industrial Zone, no premises, lot, land area, building or structure or part thereof shall be used and no building or structure shall be erected or altered to be used, in whole or in part, unless it complies with the schedule of general regulations and the regulations of this chapter and is used wholly for one or more of the following uses:
- (1) All uses permitted in the M-2 Medium Industrial Zone and M-6 Industrial Zone, except that no airport uses as set forth hereinbefore as a conditional use by permit for the M-2 Zone shall be permitted in the M-100 Industrial Zone.
 - (2) Electric generating, transmission and distribution facilities, including but not limited to nuclear power facilities and accessory uses and structures which are needed for the proper and efficient operation of the nuclear power facility or which may be required by the United States Nuclear Regulatory Commission (NRC), shall be permitted within the M-100 Industrial Zoning District provided that:
 - (a) The minimum lot size shall be 100 acres with a front yard setback of 150 feet, side yard setback of 50 of feet (each side) and a rear yard setback of 50 feet for both principal and accessory uses.
 - (b) The subject site shall have access to State Highway 9 either directly or via easement.
 - (c) Impervious coverage (building and impervious surfaces) shall not exceed 80%.
 - (d) Any fencing and security measures as required by the Nuclear Regulatory Commission shall be exempt from § 335-22.
- B. Additional permitted accessory uses in the M-100 Industrial Zone. In addition to the permitted uses, including uses permitted upon obtaining a conditional use permit for the M-2 and M-6 Industrial Zones, all uses set forth in § 335-66 shall be permitted in the M-100 Industrial Zones.
- C. Prohibited uses in the M-100 Industrial Zone are:
- (1) Slaughtering of animals.
 - (2) Rendering of fats and oils.
 - (3) Commercial disposal of domestic refuse or the dumping of garbage, trash or incinerated materials.
 - (4) The dumping of waste materials from cesspools or other sewerage disposal installations.
 - (5) Manufacture or storage of high explosives.
 - (6) Refining or storage of gasoline and fuel oils, except for local retail consumption.
 - (7) Manufacture or processing of fertilizer.

- (8) Manufacture or refining of asphalt.
- (9) Manufacture or processing of cork.
- (10) Manufacture of rubber.
- (11) Manufacture of linoleum or oilcloth.
- (12) Manufacture of glue or gelatin.
- (13) Tanning and curing of hides or skin.
- (14) Manufacture of paint or varnish.
- (15) Manufacture of oil.
- (16) The processing, sale, storage or reclamation of junk of all kinds, including automobile wrecking and storage.
- (17) Excavation of sand or gravel or other natural mineral deposits.
- (18) Manufacture of ink.
- (19) Manufacture of storage of fireworks.
- (20) Manufacture of any products containing extremely poisonous or unstable or hazardous chemicals or components, such as may tend to create a public nuisance or danger or tend to start a conflagration.
- (21) Fish processing.
- (22) Manufacture of lime or cement.
- (23) Manufacture or processing of gypsum or plaster, except that cement, lime, gypsum or plaster may be used in their finished form as a material in the manufacture of other items.
- (24) Food canning.

§ 335-66. Additional permitted accessory uses in M-1, M-2 and M-6 Zones. [Amended 9-13-1984 by Ord. No. 45-84; 2-14-1991 by Ord. No. 5-91]

In addition to the permitted uses, including uses permitted upon obtaining a conditional use permit for the respective M-1, M-2 and M-6 Industrial Zones, the following uses shall be permitted within these respective zones:

- A. Offices and administrative buildings situated on the site of any industrial use for the M-1, M-2 and M-6 Zones. The buildings, however, shall be used as offices or administrative buildings in connection with the operation or the administration of the permitted use.
- B. A showroom or retail sales department for the exhibition or sale of products manufactured by the industry on the premises.

- C. Restaurants and kitchen facilities for the use of plant signor office personnel and those visiting the premises on business; however, no outside advertising or shall be permitted nor shall trade in any restaurant be solicited from the general public.
- D. Garages and maintenance shops for vehicles used in connection with the operation of the industrial plant.
- E. Necessary loading platforms, railroad sidings or other depots used in connection with the operation of the industrial plant.
- F. Radio towers or other electronic transmission or reception devices necessary in connection with the operation of the industry, subject to the height limitations on structures in the industrial zone, subject to any and all state and federal statutes and regulations, applicable to said devices and subject to the performance standards for all industrial zone uses set forth hereinafter.

§ 335-67. Prohibited uses in M-1, M-2 and M-6 Zones. [Amended 9-13-1984 by Ord. No. 45-84; 2-14-1991 by Ord. No. 5-91]

- A. All uses in the M-1, M-2 and M-6 Industrial Zones are prohibited other than those uses specified as permitted uses as may be granted by a conditional use permit pursuant to the conditions and requirements set forth in this chapter concerning permitted uses and conditional uses in the respective industrial zones.
- B. Prohibited uses: M-1, M-2 and M-6 Zones. Under no circumstances shall the following uses be permitted in the M-1, M-2 and M-6 Zones:
 - (1) Slaughtering of animals.
 - (2) Rendering of fats and oils.
 - (3) Commercial disposal of domestic refuse or the dumping of garbage, trash or incinerated materials.
 - (4) The dumping of waste materials from cesspools or other sewerage disposal installations.
 - (5) Manufacture or storage of high explosives.
 - (6) Refining or storage of gasoline and fuel oils, except for local retail consumption.
 - (7) Manufacture or processing of fertilizer.
 - (8) Manufacture or refining of asphalt.
 - (9) Manufacture or processing of cork.
 - (10) Manufacture of rubber.
 - (11) Manufacture of linoleum or oilcloth.
 - (12) Manufacture of glue or gelatin.
 - (13) Tanning and curing of hides or skin.

- (14) Manufacture of paint or varnish.
 - (15) Manufacture of oil.
 - (16) The processing, sale, storage or reclamation of junk of all kinds, including automobile wrecking and storage.
 - (17) Excavation of sand or gravel or other natural mineral deposits.
 - (18) Any manufacturing process requiring the use of machinery or power plants operated by or with atomic energy or fissionable materials.
 - (19) The dumping of atomic waste materials.
 - (20) Any industry requiring the use of radioactive materials.
 - (21) Manufacture of ink.
 - (22) Manufacture or storage of fireworks.
 - (23) Manufacture of any product containing extremely poisonous or unstable or hazardous chemicals or components, such as may tend to create a public nuisance or danger or tend to start a conflagration.
 - (24) Fish processing.
 - (25) Manufacture of lime or cement.
 - (26) Manufacture or processing of gypsum or plaster, except that cement, lime, gypsum or plaster may be used in their finished form as a material in the manufacture of other items.
 - (27) Food canning.
 - (28) Public utility activity constituting the manufacture of electricity.
- C. Fences prohibited within M-2 Zone. Within the M-2 Zone, the use of fences exterior to any principal or accessory building, except for screening along the boundary line of any lot or portion thereof in the M-2 Zone which abuts any residential or commercial zone and except as provided in § 335-48 of this chapter regarding screening of refuse areas, is prohibited. All said boundary-line screening shall be in accordance with and subject to the regulations set forth in § 335-48 of this chapter concerning buffer zones and screening strips. The prohibition set forth herein shall apply to fences of all types, including but not limited to masonry, wood, chain, metal and shrubbery. However, the prohibition shall not be construed as prohibiting the use of shrubbery for landscaping in accordance with the regulations set forth in § 335-48 of this chapter concerning buffer zones and screening strips.

§ 335-68. Performance standards for M-2 and M-6 Zones. [Amended 2-14-1991 by Ord. No. 5-91]

- A. Performance standards for industrial zones. Except as otherwise specifically restricted hereunder to one or more particular industrial zones, the following performance standards shall apply to all uses within the M-2 and M-6 Zones:

- (1) As a condition of approval and as a condition for continuance of any building, process, installation, production or other use, the applicant shall supply evidence to the Planning Board that the proposed building, process, installation, production or other use will conform fully to all of the applicable performance standards. As evidence of compliance, the Board may require proof consisting of any or all of the following:
 - (a) Certification of tests by appropriate government agencies or by recognized testing laboratories, any costs thereof to be borne by the applicant.
 - (b) Site plans and architectural drawings showing the type and location of all buildings, structures and parking and loading facilities on the lot.
 - (c) Engineering drawings and specifications which will adequately describe the operations to be carried on and the means and devices to be used to preserve health and safety.
 - (d) Descriptions of the products to be manufactured or processed and the control of effluent incidental thereto.
 - (e) Sworn statements by the owner, developer, designer or other agent to the effect that no danger, hazard or nuisance will be created beyond the boundaries of the lot.
- (2) The Board may require that specific types of equipment, machinery or devices be installed or that specific operation procedures or methods be followed by the applicant. The government agencies or testing laboratories examining the proposed operation shall determine that the use of such specific types of machinery, equipment, devices, procedures or methods is required in order to assure compliance with the applicable performance standards, which are set forth as follows:
 - (a) Smoke control.
 - [1] No smoke shall be emitted from any chimney or other source of a visible gray greater than No. 1 on the Ringelmann Smoke Chart as published by the United States Bureau of Mines.
 - [2] Smoke of a shade not darker than No. 2 on the Ringelmann Chart may be emitted for not more than four minutes in any thirty-minute period.
 - [3] These provisions applicable to visible gray smoke shall also apply to visible smoke of a different color but with an equivalent apparent capacity.
 - (b) Control of dust and dirt, fly ash, fumes, vapors and gases.
 - [1] No emission shall be made which can cause any damage to human health, to animals or vegetation or other forms of property or which can cause any excessive soiling of persons or property at any point beyond the lot line of the use creating the emission.
 - [2] No emission of liquid or solid particles from any chimney or otherwise shall exceed 0.8 gram per cubic foot of the covering gas at any point.

[3] For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500°F. and 50% excess air in the stack at full load.

- (c) Control of noise. At no point on the boundary of a residence or business district shall the sound pressure level of any operation exceed the described levels in the designated octave bands shown below for the districts indicated, except for emergency alarm signals and subject to the following corrections: subtract five decibels for pulsating or periodic noises, and add five decibels for noise sources operating for less than 20% of any one-hour period.

Octave Band (cycles per second)	Maximum Permitted Sound Level Along Agricultural, Residential District Boundaries (decibels)	Maximum Permitted Sound Level at any Other Point Along the Lot Boundary (decibels)
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
Above 4,800	32	39

Decibels 10 $\log_{10} p_1/p_2$ where p_2 is the reference quality of 0.0002 dyne/cm². Sound pressure level shall be measured according to the specifications published by the American Standards Association.

- (d) Control of odors. There shall be no emission of odorous matter in such quantities as to be offensive at lot boundary lines. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained. As a guide in determining such quantities of offensive odors, Table II (Odor Thresholds) in Chapter 5 of the Air Pollution Abatement Manual, copyright 1951 by Manufacturing Chemists' Association, Inc., Washington, D.C., will be used, and where more than one authority is cited, the numerical average value for all authorities listed may be used.
- (e) Control of glare or heat. Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point beyond the lot lines.
- (f) Control of vibration. No vibration which is discernible to human sense of feeling shall be perceptible without instruments at any point beyond the lot line.

- (g) Control of radioactivity, microwave radiation or electrical disturbance. There shall be no activities which emit dangerous or harmful radioactivity or microwave radiation. There shall be no electrical disturbance, except from domestic household appliances, adversely affecting the operation of any equipment located beyond the property of the creator of such disturbance.
- (h) Electrical, diesel, gas or other power. Every use requiring power shall be so operated that any service lines, substations, etc., shall conform to the highest applicable safety requirements, and such service lines, substations and similar facilities shall be constructed, installed, etc., so that they will be an integral part of the architectural features of the plant, or if visible from abutting residential properties, shall be concealed by evergreen planting or screening consisting of architectural materials common to the building(s).
- (i) Outdoor storage and waste disposal.
 - [1] No flammable or explosive liquids, solids or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connected with energy devices, heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.
 - [2] Within the M-6 Zone, all storage of fuel, raw materials, inventory and products shall be either within the confines of roofed buildings of a permanent type erected upon the lands or within a fenced area, and the fence shall be approved by the Planning Board as shown on the site plan for the industrial site setting forth the location, height and type of fence to be constructed. The fence must meet with the approval of the Planning Board and shall be located and be of such type as to promote safety, general welfare and provide adequate enclosure from access to the general public and be such as to ensure against creation of an unsightly condition. The fence must at all times be maintained so as to be kept in a sound, upright, fully repaired and painted condition or, if not painted, shall be made of such material as does not corrode, rust or change appearance if left unpainted.
 - [3] Within the M-2 Zone, all storage of fuel, raw materials, inventory and products shall be wholly within the confines of roofed buildings of a permanent type erected upon the lands.
 - [4] No substance which can contaminate a surface or subsurface stream or watercourse or otherwise render such stream or watercourse undesirable as a source of water supply or which will destroy aquatic life shall be allowed to enter any stream or watercourse.
 - [5] All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.
- (j) Industrial waste or sewage. No use shall be conducted in such way as to discharge any treated or untreated sewage or industrial waste except as shall be approved by the Health Officer and the Sewerage Authority. There shall be no

discharge of any toxic substance, gasoline, benzine, naphtha, fuel oil or other flammable or explosive liquid, solid or gas; any liquid having a temperature higher than 150° F.; any matter containing any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure; any solid or viscous substance capable of causing obstructions or other interference with the proper operation of a sewage treatment plant; any liquid having a pH lower than 5.0 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel or the ecology of the area; or any material which would be harmful to the treatment of sewage.

- [1] Acidity and alkalinity of wastes shall be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a temporary variation in pH of 5.0 to 9.0.
 - [2] Wastes shall contain no cyanides and no halogens and shall contain not more than 10 parts per million of the following gases: hydrogen sulfide, sulfur dioxide and nitrogen dioxide.
 - [3] Wastes shall not contain any insoluble substances in excess of 10,000 parts per million, which exceed a daily average of 500 parts per million or which fail to pass a No. 8 sieve or which have a dimension greater than 0.5 inch.
 - [4] Wastes shall not have a chlorine demand in excess of 15 parts per million nor contain phenols in excess of 0.0005 part per million or grease, fats or oils or any oily substance in excess of 100 parts per million or exceeding a daily average of 25 parts per million.
- (k) Provision and use of water. All water requirements shall be stated in the application. Water shall be supplied from wells only after approved or accepted geologic study furnished by the applicant and certification by a professional geologist that the underground water supply and levels will not be appreciably altered in such a way as to endanger the water level and supply for other properties.
- (3) Compliance with state requirements. Any permitted industrial use within the M-2 or M-6 Zone shall:
- (a) Dispose of its liquid waste and effluent into an approved existing sewerage treatment plant in accordance with that plant's regulations or shall treat its own liquid and effluent in a treatment plant or process which is in compliance with the state statutes and with the requirements of the State Department of Health. This requirement shall be construed as an additional requirement and not in substitution for the performance standard requirements heretofore set forth regarding discharge of industrial waste or sewage and discharge of substances which can contaminate surface or subsurface streams or watercourses.
 - (b) Comply with the state statutes and requirements of the State Department of Labor and Industry with regard to the health of the workers, proper precautions against fire hazards, proper handling and storage of materials and structural design. This requirement shall be construed as an additional requirement and not in substitution for any performance standard requirement heretofore set forth.

§ 335-68.1. AH-10R Zone. [Added 4-10-2014 by Ord. No. 2014-06]

The following standards shall apply to the AH-10R Zone:

- A. Permitted uses: multifamily residential dwellings at a density not to exceed 10 dwelling units per gross acre with a maximum of eight dwelling units per building.
- B. Required accessory uses: off-street parking per the requirements of the New Jersey Residential Site Improvement Standards (RSIS; N.J.A.C. 5:21 et al.), or as otherwise approved by the Planning Board.
- C. Permitted accessory uses:
 - (1) Recreational facilities;
 - (2) Fences and walls;
 - (3) Signs; and
 - (4) Other customary accessory uses and buildings that are clearly identical and subordinate to the principal use and buildings.
- D. Area, yard and building requirements:
 - (1) Minimum lot area: five acres.
 - (2) Minimum lot width: 200 feet.
 - (3) Minimum lot depth: 200 feet.
 - (4) Minimum front yard setback: 30 feet.
 - (5) Minimum rear yard setback: 25 feet.
 - (6) Minimum side yard setback: 25 feet.
 - (7) Maximum building height: 35 feet and two stories;
 - (8) Maximum building coverage: 15%.
 - (9) Maximum impervious coverage: 40%.
 - (10) Minimum unoccupied open space: 25%.
 - (11) Minimum parking lot setback from public street: 35 feet.
 - (12) Minimum parking lot setback to property line: 20 feet.
- E. Other requirements. The following additional requirements shall apply:
 - (1) All units constructed in the redevelopment area shall be affordable family rental units, as defined pursuant to N.J.A.C. 5:97, with the exception of an on-site caretaker or superintendent unit.
 - (2) The project shall be developed and operated in accordance with the 2008 Housing Element and Fair Share Plan of the municipal Master Plan and the requirements of N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

- (3) The layout of the project shall substantially conform to the conceptual layout that is provided in Appendix D.⁴²
- (4) The individual residential buildings shall be substantially consistent in design, appearance, and building materials with the typical architectural elevations as detailed in Appendix E of the redevelopment plan dated November 25, 2013, adopted by the Township via Ordinance No. 2013-34.

42. Editor's Note: Appendix D of the redevelopment plan adopted 12-30-2013 by Ord. No. 2013-34, which is on file in the Township offices.

ARTICLE X
Pinelands Area Districts
[Added 2-14-1991 by Ord. No. 5-91]

§ 335-69. Purpose; districts established.

In order to implement the goals and objectives of the Pinelands Protection Act and the Pinelands Comprehensive Management Plan and to regulate the type and location of uses and the density and intensity with which such lands are to be utilized, the following zones, uses and limitations are hereby established within the Pinelands Area.

§ 335-70. PA Preservation Area Zone.

- A. Permitted uses. Within the Preservation Area Zone, no premises, lot, land, building or structure shall be used or developed and no building or structure shall be erected or altered to be used, in whole or in part, unless it complies with the schedule of general regulations and the regulations of this chapter and is wholly for one or more of the following uses:
- (1) Berry agriculture and horticulture of native plants and other agricultural activities compatible with the existing soil and water conditions that support traditional pinelands berry agriculture.
 - (2) Agricultural employee housing as an element of and accessory to an active agricultural operation.
 - (3) Forestry.
 - (4) Fish and wildlife management and wetlands management. [Amended 9-22-2011 by Ord. No. 2011-19]
 - (5) Public service infrastructure which is necessary to serve only the needs of the Preservation Area Zone. Centralized wastewater treatment and collection facilities shall be permitted to service the PA Zone only in accordance with § 335-29B(2). [Amended 3-27-1997 by Ord. No. 97-14]
 - (6) Home occupations within an existing or otherwise permitted dwelling.
 - (7) Pinelands development credits in accordance with § 335-76 of this Code.
 - (8) Beekeeping.
- B. Conditional uses by permit. In addition to the above-permitted uses for the Preservation Area Zone, there shall be permitted in this zone the following uses or necessary accessories to the above-described permitted uses upon obtaining a conditional use permit from the Planning Board, subject to the standards and regulations set forth in § 335-78 of this Code.
- (1) Detached single-family dwellings on the basis of a cultural, social or economic link to Pinelands.
 - (2) Low-intensity recreational uses.
 - (3) Continuation of mining operations in accordance with the standards of § 335-78D(6).

§ 335-71. FA Forest Area Zone.

- A. Permitted uses. Within the Forest Area Zone, no premises, lot, land, building or structure shall be used or developed and no building or structure shall be erected or altered to be used, in whole or in part, unless it complies with the schedule of general regulations and the regulations of this chapter and is used wholly for one or more of the following uses: **[Amended 1-28-1993 by Ord. No. 93-5; 3-27-1997 by Ord. No. 97-14; 9-22-2011 by Ord. No. 2011-19]**
- (1) Detached single-family dwellings and the accessory buildings and uses normally auxiliary thereto, including home occupations. Clustering of the permitted single-family detached dwellings shall be required whenever two or more units are proposed as part of a residential development. The following standards shall apply:
 - (a) Permitted density shall be one unit per 25 acres.
 - (b) The number of residential lots permitted within the cluster shall be calculated on the basis of the size of the parcel of land and the density permitted in Subsection A(1)(a) above, with a bonus applied as follows:
 - [1] For parcels under 50 acres in size: zero bonus units.
 - [2] For parcels between 50 and 99.99 acres in size: 25% bonus.
 - [3] For parcels between 100 and 149.99 acres: 30% bonus.
 - [4] For parcels of 150 acres or more in size: 40% bonus.
 - (c) The residential cluster shall be located on the parcel such that the development area:
 - [1] Is located proximate to existing roads;
 - [2] Is located proximate to existing developed sites on adjacent or nearby parcels;
 - [3] Is or will be appropriately buffered from adjoining or nearby nonresidential land uses; and
 - [4] Conforms with the minimum standards of Article IV, Pinelands Area Development Standards.
 - (d) Development within the residential cluster shall be designed as follows:
 - [1] Residential lots shall be one acre in size but may be larger if dictated by unusual site conditions. In no case shall the average size of residential lots within a cluster exceed 1.1 acres.
 - [2] Lot width and yard requirements shall be consistent with those set forth in Tables 1, 2 and 3 for the VR Zone.
 - [3] Individual on-site septic wastewater treatment systems which are not intended to reduce the level of nitrate/nitrogen in the waste that comply with the standards of § 335-29B(4) may serve the lots within the cluster development area. Community on-site wastewater treatment systems

serving two or more residential dwelling units which meet the standards of §§ 335-29B(5) or (7) shall also be permitted.

- [4] The residential cluster development area shall include such land and facilities as are necessary to support the development, including wastewater facilities, stormwater management facilities and recreation amenities.
 - [5] Permitted recreation amenities may include playgrounds, tot lots, swimming pools, tennis courts and other such recreational facilities, which are solely for use by the residents of the cluster development. Recreational amenities shall not be limited to the foregoing, so that the applicant may propose additional facilities. All such facilities shall be accessory to the residential cluster development. No advertising or commercial enterprise shall be permitted. In no case may such amenities occupy more than 1/2 acre of land or the equivalent of one acre of land for every 25 residential lots, whichever is greater.
- (e) The balance of the parcel located outside of the residential cluster development shall be owned and managed by a duly constituted homeowners' association, a nonprofit conservation organization, or Lacey Township or be incorporated as part of one of the lots within the cluster development area.
- [1] All such land shall be permanently protected through recordation of a deed of conservation restriction. Such restriction shall be in favor of Lacey Township or another public agency or nonprofit conservation organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission.
 - [2] Such deed of conservation restriction shall permit the land to be managed for low-intensity recreation, ecological management and forestry, provided that no more than 5% of the land may be cleared, no more than 1% 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.
- (2) Agriculture, provided that the keeping or raising of swine shall not be allowed as part of a general agricultural operation, and that not more than 10 head shall be allowed in any case, and provided, further, that no building or fence or other enclosure for the shelter of swine shall be closer than 200 feet to any property line or zone boundary and that no building, any part of which is closer to any lot line than 100 feet, shall be erected or used for the shelter of any livestock, fowl or other farm animals.
 - (3) Agricultural employee housing as an element of, and accessory to, an active agricultural operation.
 - (4) Forestry.
 - (5) Fish and wildlife management and wetlands management.

- (6) Public service infrastructure primarily intended to serve only the needs of the Pinelands. Centralized wastewater treatment and collection facilities shall be permitted to service the FA Zone only in accordance with § 335-29B(2).
 - (7) Detached single-family dwellings on lots of 1.0 acre in accordance with § 335-77.
- B. Conditional uses by permit. In addition to the above-permitted uses for the Forest Area Zone, there shall be permitted in this zone the following uses or necessary accessories to the above-described permitted uses upon obtaining a conditional use permit from the Planning Board, subject to the standards and regulations set forth in § 335-78 of this Code.
- (1) Detached single-family dwellings on the basis of a cultural, social or economic link to the Pinelands.
 - (2) Low-intensity recreational uses.
 - (3) Institutional uses.
 - (4) Pinelands resource-related industrial or manufacturing uses, excluding resource extraction and uses that rely on sand or gravel as raw products. **[Amended 3-27-1997 by Ord. No. 97-14]**
 - (5) Agricultural commercial establishments, excluding supermarkets, restaurants and convenience stores.
 - (6) Roadside retail sales and service establishments.
 - (7) Continuation of existing mining operations in accordance with the standards of N.J.A.C. 7:50-6, Part VI, and Chapter 175, Excavations and Mining, § 175-9, of this Code. **[Amended 3-27-1997 by Ord. No. 97-14]**
 - (8) Detached single-family dwellings which are not clustered in accordance with the standards of Subsection A(1) above. **[Added 9-22-2011 by Ord. No. 2011-19]**

§ 335-72. RD Rural Development Zone.

- A. Permitted uses. Within the Rural Development Zone, no premises, lot, land, building or structure shall be used or developed and no lot, land, building or structure shall be erected or altered to be used, in whole or in part, unless it complies with the schedule of general regulations and the regulations of this chapter and is used wholly for one or more of the following uses:
- (1) Detached single-family dwellings and the accessory buildings and uses normally auxiliary thereto, including home occupations.
 - (2) Churches and other places of worship, Sunday School buildings and parish houses for the presbyter and ministerial staff, provided that such use constitutes a tax-exempt organization duly recognized as such pursuant to Section 501(d) of the United States Internal Revenue Code of 1954 or any such future corresponding provisions of the United States Code as may hereinafter be duly enacted.
 - (3) State-accredited public and parochial schools and colleges and private schools and colleges for academic instruction.

- (4) Public recreational and community center buildings and grounds.
 - (5) Public libraries and museums.
 - (6) Parks and playgrounds.
 - (7) Private nonprofit recreational and community buildings, clubs, swimming pools and activities of a quasi-public, social, fraternal or recreational character, such as golf and tennis clubs, camps and veterans' or fraternal organizations which are not of a commercial character.
 - (8) Buildings used exclusively by the federal, state, county or municipal government for public purposes but not including workshops, warehouses, storage yards or correctional institutions.
 - (9) Public service infrastructure except that centralized wastewater treatment and collection facilities shall be permitted to serve the RD Zone only in accordance with § 335-29B(2). **[Amended 3-27-1997 by Ord. No. 97-14]**
 - (10) Stables housing horses in accordance with Chapter 134, Animals, of this Code and noncommercial dog kennels housing not more than six dogs, provided that no building or enclosure shall be permitted within 50 feet of any lot line.
 - (11) Agriculture, provided that the keeping or raising of swine shall not be allowed except as part of a general agricultural operation and that not more than 10 head shall be allowed in any case, and provided, further, that no building or fence or other enclosure for the shelter of swine shall be closer than 200 feet to any property line or zone boundary and that no building, any part of which is closer to any lot line than 100 feet, shall be erected or used for the shelter of any livestock, fowl or other farm animals.
 - (12) Agricultural employee housing as an element of and accessory to an active agricultural operation.
 - (13) Agricultural commercial establishments used to sell farm produce, provided that such establishment is set back at least 50 feet from a public street or curblin or curblin of a private street.
 - (14) Detached single-family dwellings on lots of 1.0 acre in accordance with § 335-77. **[Added 1-28-1993 by Ord. No. 93-6]**
- B. Conditional uses by permit. In addition to the above-permitted uses for the Rural Development Zone, there shall be permitted in this zone the following uses or necessary accessories to the above-described permitted uses upon obtaining a conditional use permit from the Planning Board, subject to the standards and regulations set forth in § 335-78 of this Code.
- (1) Uses similar in character, including accessory uses, to the above-described permitted uses.
 - (2) Detached single-family dwellings on the basis of a cultural, social or economic link to the pinelands.
 - (3) Nursery schools and day-care centers.

- (4) Cemeteries.
- (5) Mining in accordance with the standards set forth in Chapter 175, Excavations and Soil Mining, § 175-9, of this Code.

§ 335-73. VR Village Residential Zone.

- A. Permitted uses. Within the Village Residential Zone, no premises, lot, land, building or structure shall be used or developed and no building or structure shall be erected or altered to be used, in whole or in part, unless it complies with the schedule of general regulations and the regulations of this chapter and is used wholly for one or more of the following uses:
- (1) Detached single-family dwellings and the accessory buildings and uses normally auxiliary thereto, including home occupations.
 - (2) Convenience stores, restaurants and other similar food establishments, provided that the frontage and access is along Lacey Road.
 - (3) Banks, savings and loan associations and other similar financial establishments, provided that frontage and access is along Lacey Road.
 - (4) Churches and other places of worship, Sunday School buildings and parish houses for the presbyter and ministerial staff, provided that such use constitutes a tax-exempt organization duly recognized as such pursuant to Section 501(d) of the United States Internal Revenue Code of 1954 or any such future corresponding provisions of the United States Code as may hereinafter be duly enacted.
 - (5) Public schools and parochial schools.
 - (6) Nursery schools and day-care centers which are designed to serve the needs of the village.
 - (7) Private nonprofit recreational and community-oriented buildings, clubs, swimming pools and activities of a quasi-public, social, fraternal or recreational and community-oriented character which are not of a commercial character.
 - (8) Fire company and rescue squad buildings.
 - (9) Public service infrastructure necessary to serve the needs of the village.
 - (10) Municipal beaches, parks, playgrounds and recreation areas and other public or private lands dedicated to the preservation of open space.
 - (11) Municipal recreational and community center buildings and grounds.
 - (12) Buildings used exclusively by the municipal government for public purposes which are designed to serve the needs of the village.
 - (13) Public libraries, museums and post offices.
 - (14) Stables housing horses in accordance with Chapter 134, Animals, of this Code.
 - (15) Noncommercial dog kennels housing not more than two dogs on a one-acre lot nor more than six dogs on any lot.

- (16) All farm, agricultural and horticultural activities and uses, as defined, provided that the keeping or raising of swine shall not be allowed except as part of a general farming operation and that no more than 10 head shall be allowed in any case, and provided, further, that no building or fence or other enclosure for the shelter of swine shall be closer than 100 feet to any property line or zone boundary and that no building, any part of which is closer than 50 feet, shall be erected or used for the shelter of any other livestock, fowl or other farm animals. No such use as specified in this Subsection A(16) shall be permitted on any lot less than five acres in area.
 - (17) Agricultural commercial establishments associated with a farm, agricultural or horticultural activity or use as permitted in Subsection A(16).
- B. Conditional uses by permit. In addition to the above-permitted uses for the Village Residential Zone, there shall be permitted in this zone the following uses or necessary accessories to the above-described permitted uses upon obtaining a conditional use permit from the Planning Board, subject to the standards and regulations set forth in § 335-78 of this Code.
 - (1) Uses similar in character, including accessory uses, to the above-described permitted uses.

§ 335-74. VRC Village Recreational Zone.

- A. Permitted uses. Within the Village Recreational Zone, no premises, lot, land, building or structure shall be used or developed and no building or structure shall be erected or altered to be used, in whole or in part, unless it complies with the schedule of general regulations and the regulations of this chapter and is used wholly for one or more of the following uses:
 - (1) Municipal parks, playgrounds and recreational fields and other public or private lands dedicated to the preservation of open space.
 - (2) Municipal weapons-training facility for the instruction of safety and the discharge of weapons under police firearms instructors' supervision.
- B. Conditional uses by permit. In addition to the above-permitted uses for the Village Recreational Zone, there shall be permitted in this zone the following uses or necessary accessories to the above-described permitted uses upon obtaining a conditional use permit from the Planning Board, subject to the standards and regulations set forth in § 335-78 of this Code.
 - (1) Uses similar in character, including accessory uses, to the above-described permitted uses.

§ 335-75. Substandard lots. [Amended 3-27-1997 by Ord. No. 97-14]

- A. Lots of record in FA and RD Zones. Notwithstanding any other minimum lot area provisions of this article, the owner of a parcel of land of an acre or more in the FA or RD Zones shall be entitled to develop one detached single-family dwelling on the parcel, provided that:
 - (1) The dwelling unit will be the principal residence of the property owner or a member of the immediate family of the property owner.

- (2) The parcel has been in 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.
- (3) The parcel was not in common ownership with any contiguous land on or after February 8, 1979, that contains substantial improvements.
- (4) The parcel includes all vacant contiguous lands in common ownership on or after February 8, 1979.

§ 335-76. Pinelands development credits.

- A. Except for land which was owned by a public agency on January 14, 1981, land which is thereafter purchased by the state for conservation purposes, land which is subject to an easement limiting the use of land to nonresidential uses or land otherwise excluded from entitlement in Subsection B below, every parcel of land in the PA Zone shall have a use right known as "pinelands development credits" that can be used to secure a density bonus for lands located in a Pinelands Regional Growth Area. Pinelands development credits may also be allocated to certain properties in the Township by the Pinelands Commission pursuant to N.J.S.C. 7:50-4.61 et seq. **[Amended 1-28-1993 by Ord. No. 93-5]**
- B. Pinelands development credits are hereby established in the PA Zone at the following ratios:
 - (1) Uplands which are undisturbed but currently or previously approved for resource extraction pursuant to this Code: two pinelands development credits per 39 acres. **[Amended 3-27-1997 by Ord. No. 97-14]**
 - (2) Uplands which are mined as a result of a resource extraction permit approved pursuant to this Code: zero pinelands development credits per 39 acres.
 - (3) Other uplands: one pinelands development credit per 39 acres.
 - (4) Wetlands: 0.2 pinelands development credit per 39 acres.
- C. The allocations established in Subsection B above shall be reduced as follows:
 - (1) Any property of 10 acres which is developed for a commercial, industrial, resource extraction, intensive recreation, institutional, campground or landfill use shall not receive pinelands development credit entitlement. For such an improved property of more than 10 acres, the area actively used for such use or 10 acres, whichever is greater, shall not receive pinelands development credit entitlement.
 - (2) The pinelands development credit entitlement of a parcel of land shall be reduced by 1/4 pinelands development credit for each existing dwelling unit on the property.
 - (3) The pinelands development credit entitlement of a parcel of land shall be reduced by 1/4 pinelands development credit for each reserved right to build a dwelling unit on the parcel retained by the owner of the property pursuant to Subsection G below or when a variance for cultural housing is approved by the Township pursuant to § 335-78D(11) of this chapter. **[Amended 1-28-1993 by Ord. No. 93-5]**

- (4) The pinelands development credit entitlement for a parcel of land shall also be reduced by 1/4 pinelands development credits for each dwelling unit approved pursuant to N.J.A.C. 7:50-4.61 et seq., when a waiver of strict compliance is granted by the Pinelands Commission. **[Added 1-28-1993 by Ord. No. 93-5]**
- D. The owners of parcels of land which are smaller than 39 acres shall have a fractional pinelands development credit at the same ratio established in Subsection B above.
- E. Notwithstanding the provisions above, the owner of record of 0.10 or greater acres of land in the PA Zone as of February 7, 1979, shall be entitled to 0.25 pinelands development credit, provided that the parcel of land is vacant, was not in common ownership with any contiguous land on or after February 7, 1979 and has not been sold or transferred except to a member of the owner's immediate family. The provisions of this section shall also apply to owners of record of less than 0.10 acre of land in the PA Zone, as of February 7, 1979, provided that said owners acquire vacant, contiguous lands to which pinelands development credits are allocated pursuant to Subsection B above, which lands, when combined with the acreage of the parcel owned prior to February 7, 1979, total at least 0.10 of an acre. **[Amended 3-27-1997 by Ord. No. 97-14]**
- F. No pinelands development credit may be conveyed, sold, encumbered or transferred unless the owner of the land from which the credit has been obtained has received a pinelands development credit certificate from the New Jersey Pinelands Development Credit Bank pursuant to N.J.A.C 3:42-3 and has deed restricted the use of the land in perpetuity to those uses set forth in Subsection I below by a recorded deed restriction which is in favor of a public agency or not-for-profit incorporated organization and specifically and expressly enforceable by the Pinelands Commission. **[Amended 3-27-1997 by Ord. No. 97-14]**
- G. Notwithstanding the provisions of Subsection F above, an owner of property from which pinelands development credits are sold may retain a right for residential development on that property, provided that the recorded deed restriction expressly provides for the same and that the total allocation of pinelands development credits for that property is reduced by 1/4 for each reserved right to build a dwelling unit. Subdivision of the property shall not be required until such a time as the residential development right is exercised.
- H. No conveyance, sale or transfer of pinelands development credits shall occur until the Township, the agency or organization to which the restriction is in favor and the Pinelands Commission have been provided with evidence of recordation of a restriction on the deed to the land from which the development credits were obtained.
- I. Such deed restriction shall specify the number of Pinelands development credits sold and that the property may only be used in perpetuity for the following uses: berry agriculture; horticulture of native Pinelands plants; forestry; beekeeping; fish and wildlife management; wetlands management; agricultural employee housing as an accessory use; and low-intensity recreational uses in which the use of motorized vehicles is not permitted, except for necessary transportation; access to water bodies is limited to no more than 15 feet of frontage per 1,000 feet of frontage on the water body; clearing of vegetation does not exceed 5% of the parcel; and no more than 1% of the parcel will be covered with impervious surfaces. **[Amended 9-22-2011 by Ord. No. 2011-19]**
- J. Pinelands development credits shall be used in the following manner: **[Added 1-28-1993 by Ord. No. 93-5]**

- (1) When a variance of density or lot area requirements for a residential or principal nonresidential use in the VR or VCR Zones is granted by the Township, pinelands development credits be used for all dwelling units or lots in excess of that otherwise permitted without the variance. **[Amended 3-27-1997 by Ord. No. 97-14]**
 - (2) When a variance for cultural housing is granted by the Township in accordance with § 335-78D(11) of this chapter.
 - (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.
- K. In no case shall a building or construction permit be issued for any development involving the use of pinelands development credits until the developer has provided the Pinelands Commission and the Township with evidence of his ownership of the requisite pinelands development credits and those pinelands development credits have been redeemed with the Township. Redemption of pinelands development credits shall be accomplished in accordance with N.J.A.C. 3:42-3.6. **[Added 1-28-1993 by Ord. No. 93-5; amended 3-27-1997 by Ord. No. 97-14]**

§ 335-77. Density transfer program. [Added 1-28-1993 by Ord. No. 93-5]

Residential dwelling units on one-acre lots existing as of January 14, 1981, shall be permitted in the RD and FA 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 11 acres if development is proposed in the RD Zone and at least 25 acres if development is proposed in the FA Zone.
- B. All lands acquired pursuant to Subsection A above, which may or may not be developable, are located within the same zoning district where development is proposed.
- C. All noncontiguous lands acquired pursuant to Subsections A and B above are permanently protected through recordation of a deed of restriction. Such restriction shall be in favor of the parcel to be developed and the Township or another public agency or nonprofit organization. In all cases, such restriction shall be expressly enforceable by the Pinelands Commission. Such deed of restriction shall permit the parcel to be managed for low-intensity recreation, ecological management and forestry, provided that no more than 5% of the land may be cleared, no more than 1% 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 335. **[Amended 9-22-2011 by Ord. No. 2011-19]**
- D. Tax assessments for the acquired noncontiguous lands are combined and assigned to the land to be developed.
- E. The lot proposed for development otherwise meets the minimum standards of Article IV of this chapter.

ARTICLE XI
Conditional and Temporary Use Permits

§ 335-78. Conditional use permits.

A. General.

- (1) This section sets forth those general and specific standards and regulations by which the Planning Board shall consider applications for conditional use permits. The Planning Board may grant or deny a conditional use permit for which application is brought, but shall do so only in accordance with the standards and regulations set forth hereunder. On approving any such application, the Planning Board may impose any conditions it deems necessary to accomplish the reasonable application of the standards and regulations set forth hereunder.
- (2) If any application for any conditional use permit is for a structure or use which is restricted against, not permitted, or prohibited in the particular zone in which the structure or use is proposed, which restriction or prohibition would require the applicant to obtain a variance from the Zoning Board of Adjustment under the provisions of N.J.S.A. 40:55D-70d, then the Board of Adjustment shall, to the same extent and subject to the same restrictions otherwise applicable to the Planning Board, have the power to grant approval for any such conditional use, which application for approval shall be heard by the Board of Adjustment at the same time that it hears the application for said variance.

B. Applications for conditional use permits.

- (1) Applications for any conditional use permit permitted by this chapter shall be made to the Planning Board through the Zoning Officer or, where such Zoning Officer shall not have been appointed, then said applications shall be made through the Construction Official. All references made to the Zoning Officer shall apply to the Construction Official as well. The Planning Board shall hear the application in the same manner and under the same procedure as it is empowered by law and ordinance to hear such cases. The Planning Board may thereafter direct the Zoning Officer to issue such conditional use permit as in its judgment will not be detrimental to the health, safety and general welfare of the Township and is deemed necessary for its convenience.
- (2) The Planning Board shall grant or deny an application for a conditional use permit within 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.
- (3) Any application for a conditional use permit shall require site plan approval unless specifically exempted therefrom by the provisions of Chapter 285 of the Lacey Township Code. **[Added 7-24-1997 by Ord. No. 97-30]**
- (4) Applications for any conditional use permit shall include the completed Environmental Performance Standards Checklist, Charts 1 and 2, from § 215-13 of the Lacey Township Code. **[Added 7-24-1997 by Ord. No. 97-30]**
- (5) Applications for any conditional use permit shall require the submission of a narrative description of the proposed use and operation; including the hours of operation, the

number of employees, any loading or unloading requirements, the volume and nature of vehicles and trucks servicing the operation and any other aspects necessary to describe and clarify the use and operation. **[Added 7-24-1997 by Ord. No. 97-30]**

- C. ⁴³ Special standards and regulations. The following special standards and regulations shall apply, respectively, to the following enumerated conditional uses: **[Amended 2-14-1991 by Ord. No. 5-91; 1-28-1993 by Ord. No. 92-5; 12-9-1993 by Ord. No. 93-96; 3-27-1997 by Ord. No. 97-14; 7-24-1997 by Ord. No. 97-30]**
- (1) Motor vehicle service stations. Motor vehicle service stations may be permitted as a conditional use in those zoning districts specified, provided that the following requirements are satisfied:
- (a) The site plan shall show the number and location of fuel tanks to be installed, the dimensions and capacity of each storage tank, the depth the tanks will be placed below the ground, the number and location of pumps to be installed, the type of structures and accessory buildings to be constructed and the number of automobiles which are to be garaged.
 - (b) Motor vehicle service stations shall have a lot area of not less than 20,000 square feet with a minimum frontage of 125 feet on one street. If the lot requirements for the zone are greater, they shall take precedence.
 - (c) The maximum lot coverage by buildings shall be 30% of the lot area and a maximum of 40% of the lot area with a canopy.
 - (d) The minimum canopy setback shall be 25 feet.
 - (e) Convenience shops may be permitted, provided that:
 - [1] One additional parking space is provided for each 100 square feet of floor area devoted to the convenience shop.
 - [2] The locations and access for the convenience shop does not impede or interfere with vehicular circulation to and from fuel pumps.
 - (f) All fuel pump islands shall be located at least 35 feet from all property lines.
 - (g) All fuel tanks shall be installed underground.
 - (h) No outdoor oil drainage pits or hydraulic lifts shall be permitted.
 - (i) No motor vehicle parked or stored out of doors shall, at any time, be in a state of major disassembly, disrepair or be in the process of being stripped or dismantled.
 - (j) No auto body work shall be permitted.
 - (k) Illumination shall be such that no direct glare from the lights shall fall upon adjoining streets or properties.

43. Editor's Note: Former Subsection C, dealing with general standards and regulations, was repealed 7-24-1997 by Ord. No. 97-30, which ordinance also relettered former Subsections D and E as Subsections C and D, respectively.

- (l) Any repair of a motor vehicle shall be performed inside an area appropriately screened, not located within the setback areas and approved by the Board for such purpose.
 - (m) The sale, rental or lease of new or used vehicles shall be prohibited.
 - (n) A fifteen-foot-wide landscaped strip across the entire lot frontage shall be provided and shall be landscaped with grass or ground cover, as well as low-growing buffering shrubbery and shade trees, in accordance with the standards for safety islands (§ 285-11B).
 - (o) Outdoor solid waste disposal shall be properly screened and buffered.
 - (p) Accessory goods for sale may be displayed on the pump islands and the building island only. The outside storage of oil cans and/or antifreeze and similar products may be displayed on the respective islands, if provided for in a suitable stand or rack.
- (2) Motor vehicle repair garages (automobile repair shops). Motor vehicle repair garages may be permitted as a conditional use in the zoning districts specified, provided that the following requirements are met:
- (a) Motor vehicle repair garages shall be situated on sites with a lot area of not less than 20,000 square feet, with a minimum frontage of 125 feet on one street. If the lot requirements for the zone are greater, they shall take precedence.
 - (b) The maximum lot coverage by buildings shall be 30% of the lot area.
 - (c) No outdoor oil drainage pits or hydraulic lifts shall be permitted.
 - (d) Any repair of a motor vehicle shall be performed in an area, appropriately screened, outside of the setback areas and approved by the Board for such purpose.
 - (e) No motor vehicle parked or stored out of doors shall, at any time, be in a state of major disassembly, disrepair or be in the process of being stripped or dismantled.
 - (f) If gas pumps are proposed, the standards referring to automobile service stations shall also be applicable to automobile repair shops.
 - (g) The storage of junk or dilapidated vehicles on site shall not be permitted.
 - (h) Motor vehicle repair garages shall meet all requirements of the Uniform Construction Code.
 - (i) Outdoor storage shall comply with the requirements for screening set forth in § 335-78C(17).
- (3) Automobile body shops (motor vehicle body shops). Automobile body shops may be permitted as a conditional use in the zoning districts specified, provided that the following requirements are met:

- (a) Motor vehicle body shops shall be situated on sites with a lot area of not less than 20,000 square feet with a minimum frontage of 125 feet on one street. If the lot requirements for the zone are greater, they shall take precedence.
 - (b) The maximum lot coverage by buildings shall be 30% of the lot area.
 - (c) No outdoor oil drainage pits or hydraulic lifts shall be permitted.
 - (d) Any repair of a motor vehicle shall be performed in an area, appropriately screened, outside of the setback areas and approved by the Board for such purpose.
 - (e) The storage of junk or dilapidated vehicles on site shall not be permitted.
 - (f) No vehicle under repair or awaiting repair shall be stored out of doors within the required front setback area or within 20 feet of any side or rear lot line or within 50 feet of any residentially used adjoining lot.
- (4) Motels.
- (a) The site plan as required by this section shall show existing property lines, streets and existing buildings within 500 feet of the property, and proposed buildings, signs, access roads, parking areas, existing and proposed tree and planting areas and any proposed accessory uses that will be on the property proposed for such use.
 - (b) Accessory uses may be permitted on the same lot as the motel and may include a swimming pool, motel office, eating facilities for the guests and permanent living quarters for one family.
 - (c) Minimum lot area: two acres.
 - (d) Minimum lot width and depth: 200 feet each.
 - (e) Minimum yard requirements.
 - [1] Front yard: 50 feet.
 - [2] Rear yard: 30 feet.
 - [3] Side yards (each): 30 feet.
 - (f) One motel unit shall be permitted for every 700 square feet of lot area.
 - (g) Access. The Planning Board may permit as many access roads onto any public or private road(s) as it deems necessary, except that no access road shall exceed 25 feet in width at the point where it intersects with a public or private road.
 - (h) Any motel unit or any swimming pool within 50 feet of an adjacent property, other than a street or navigable waterway, shall not face on that property unless the unit or swimming pool is sufficiently buffered or concealed from the adjacent property.
 - (i) Maximum number of units: 25.

- (j) Primary and secondary sewage treatment facilities shall be provided in accordance with regulations of local and state Boards of Health.
- (5) Detached single-family dwellings on lots of 3.2 acres may be permitted in the PA, FA, RD and VRC Zones, 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 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.
 - (d) The person whose principal residence the dwelling unit will be has resided in the Pinelands for at least five years and that person or one or more members of that person's immediate family has resided in the Pinelands for a total of at least 20 different years.
 - (e) The area, yard and building requirements applicable to the PA Zone shall be met.
- (6) Low-intensity recreational uses in the PA and FA Zones.
- (a) The parcel proposed for development has an area of at least 50 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 15 linear feet of frontage per 1,000 feet of frontage on the water body.
 - (d) The parcel will contain no more than one campsite per two acres.
 - (e) Clearing of vegetation, including ground cover and soil disturbance, does not exceed 5% of the parcel.
 - (f) No more than 1% of the parcel will be covered with impervious surfaces.
[Amended 9-22-2011 by Ord. No. 2011-19]
- (7) Continuation of existing mining in the PA Zone.
- (a) The operation was authorized by a valid registration certificate issued by the New Jersey Department of Labor and Industry under N.J.S.A. 34:6-98.4h prior to February 7, 1979, or the operation was exempt from these registration requirements but was authorized by and operating under a valid Township permit prior to February 8, 1979.

- (b) The area of excavation is limited to the value given under the category "acreage to be mined" on the mine registration application of the Township permit, whichever is applicable.
 - (c) The operation has been registered with the Pinelands Commission in accordance with the requirements of N.J.A.C. 7:50-6.63(b).
- (8) Institutional uses in the FA Zone.
 - (a) The use will not require or will not generate subsidiary or satellite development in the FA Zone.
 - (b) Adequate public service infrastructure will be available to serve the use.
 - (c) The use is primarily designed to serve the needs of the FA Zone in which it is to be located.
- (9) Pinelands resource-related industrial or manufacturing uses in the FA Zone, excluding resource extraction and uses that rely on sand or gravel as raw products.
 - (a) The parcel proposed for development has an area of at least five acres.
 - (b) The principal raw material for the proposed use is found or produced in the pinelands.
 - (c) The use does not require or will not generate subsidiary or satellite development in the FA Zone in which it is to be located.
- (10) Agricultural commercial establishments excluding supermarkets, restaurants and convenience stores in the FA Zone.
 - (a) The principal goods or products available for sale were produced in the pinelands.
 - (b) The sales area of the establishment does not exceed 5,000 square feet.
- (11) Roadside retail sales and service establishments in the FA Zone.
 - (a) The parcel proposed for development has road frontage of at least 50 feet.
 - (b) No portion of any proposed structure will be more than 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 water, sewer and roads.
- (12) Detached single-family dwellings on lots of 1.0 acre in the PA, FA, RD and VRC Zones, provided that:
 - (a) The applicant satisfies all of the requirements set forth in Subsection D(4) above;
 - (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 3.2 acre lot size requirement set forth in Subsection D(4) above;
 - (d) The applicant purchases and redeems 1/4 pinelands development credits; and
 - (e) Any pinelands development credits allocated to the lot to be developed are reduced pursuant to § 335-76C of this chapter.
- (13) Restaurants and eating establishments, wherein the principal use consists of the sale of food and beverages for on-premises consumption, provided that:
- (a) The seating capacity of any restaurant allowed as a conditional use shall be limited to 50 seats or fewer.
 - (b) The applicant shall be required to demonstrate provision for appropriate on-site delivery and unloading in designated areas in such a manner that the location and hours of delivery shall have no detrimental impact upon the surrounding uses and further that such delivery shall be undertaken in accordance with § 242-4.
 - (c) The proposed use shall include provision for covered waste and recycling containers within enclosures fully surrounding the refuse area with gates for access and appropriately screened with plantings or other means satisfactory to the Planning Board for the protection of uses in the vicinity. Refuse pickup shall be scheduled as frequently as required so as not to create any detrimental effects to the health, safety and welfare of the area.
 - (d) The proposed use shall include a provision for adequate screening strips in order to protect surrounding properties from any detrimental impact from the proposed operation. The applicant for a conditional use permit shall be required to demonstrate that no objectionable noise, smell, smoke, gas or effluent will be emitted from the restaurant which could adversely affect or impair the normal use of any property, structure or dwelling in any residential-commercial, office-commercial or office-park zone within the vicinity.
 - (e) The permitted hours of operation shall be limited to no earlier than 5:00 a.m. and no later than 12:00 midnight. If said business is within 200 feet of a residence, the permitted hours of operation shall be limited to no earlier than 6:00 a.m. and no later than 10:00 p.m.
 - (f) The main entrance for the restaurant shall be located on the premises so that it faces Lacey Road.
 - (g) Primary parking for the restaurant shall be located in front of the premises.
 - (h) Side access to the site shall be limited to the first 100 feet in from Lacey Road.
- (14) Home occupations conducted in whole or in part outside the principle dwelling shall meet the following specific standards:

- (a) The proposed use must meet all the requirements of the "home occupation," as set forth in § 335-22.2A and B. **[Amended 6-28-2001 by Ord. No. 01-37]**
 - (b) The outside area used for the home occupation may not exceed 25% of the total area of the principle structure.
 - (c) All uses not conducted within the principle structure must be conducted within an accessory structure and said accessory structure must meet the setback requirements of the zone in which the property is located.
 - (d) No outside storage shall be permitted.
 - (e) All screening requirements of § 335-48A of the Lacey Township Code must be met.
 - (f) No audible noise will be permitted off site.
 - (g) The proposed use must not generate an odor detectable from off the property.
 - (h) The proposed use must not create electronic interference detectable from off the property.
 - (i) The hours of operation are limited to 7:00 a.m. until 10:00 p.m.
 - (j) The maximum height of any proposed lighting is 15 feet.
- (15) Nursery schools and day-care centers. Nursery schools and day-care centers, where permitted as a conditional use, shall meet the following specific standards:
- (a) Nursery schools and day-care centers are limited to a maximum number of children present at any one time based upon the area of the lot for which the use is proposed. Said limitations are as follows:

Minimum Lot Size	Maximum Number of Children
7,500 square feet	Up to 5
15,000 square feet	10
25,000 square feet	15
1 acre	30
 - (b) Property lines adjacent to residentially occupied property shall be screened in accordance with § 335-48A. Parking shall be required at the rate required by Chapter 285 of the Lacey Township Code with a minimum of two spaces. All nursery schools or day-care centers must include a fenced play area for outdoor recreation. For facilities with six or more children, play areas must meet the setback requirements of the zone in which the property is located.
 - (c) Any nursery school or day-care center housing six or more children at any one time shall provide an off-street drop-off area at the rate of one space per five children.
- (16) Multiple commercial structures located within the Office-Commercial Zone. In order to qualify for a conditional use permit, the following specific conditions shall be met:

- (a) Proposed use must meet the parking requirement of one space per every 150 square feet of gross floor area of the proposed structure.
 - (b) Lighting must meet all requirements of the Lacey Township Site Plan Ordinance,⁴⁴ and the maximum height of site lighting shall be 20 feet.
 - (c) Landscaping and screening must meet all requirements of the Lacey Township Code. Safety islands shall be required and in accordance with the standards of § 285-11B(1), including a minimum width of 15 feet from the curbline of the public street to the curbline of the center parking area and landscaped with trees and shrubbery as prescribed. Screening shall consist, at minimum, of a double row of evergreen trees which shall establish a screen with a minimum height of eight feet at the time of planting.
- (17) Where permitted as a conditional use by the Lacey Township Zoning Ordinance, outdoor storage shall conform to the following standards:
- (a) All such storage shall be within an area fenced or screened from adjacent business and residential zones by a dense hedge, solid board fence or masonry wall.
 - (b) Screening shall provide enclosure from access to the general public.
 - (c) The minimum height of screening, comprised of hedge, fence or wall, shall not be less than six feet or in the case of fences or walls more than eight feet.
- (18) Where permitted as a conditional use by the Lacey Township Zoning Ordinance, home professional offices shall conform to the following standards:
- (a) All home professional offices must meet the parking requirements as set forth in § 285-11 of the Lacey Township Code.
 - (b) Home professional offices must meet the screening requirements of § 335-48A of the Lacey Township Code.
 - (c) Home professional offices shall provide a dividing strip in accordance with § 285-11 of the Lacey Township Code.
 - (d) The hours of operation shall be limited from 7:00 a.m. to 10:00 p.m.
 - (e) The maximum height of any lights proposed in conjunction with this use shall be 15 feet.
- (19) Where permitted as a conditional use by the Lacey Township Zoning Ordinance, age-restricted multifamily residential development in the C-200 Limited Business Zone shall conform to the following standards: **[Added 4-12-2001 by Ord. No. 01-23]**
- (a) Purpose. It has been determined that there is a need for alternative housing in Lacey Township for the adult population who no longer maintain a residence for their children and which is comprehensively designed to meet the needs of adults. Age-restricted multifamily residential developments are hereby authorized to be developed as a conditional use in existing C-200 zones, upon

44. Editor's Note: See Ch. 285, Site Plan Review.

compliance with the design criteria set forth in this subsection, and approval of the general development plan and/or preliminary and final subdivision/site plan approvals from the Lacey Township Planning Board.

- (b) Location restrictions. In the event that the property proposed for development pursuant to this section is located between Lacey Road and South Street, age-restricted multifamily residential buildings shall only be permitted a maximum distance of 650 feet easterly of the former railroad right-of-way, provided that such buildings are not closer than 300 feet to a state highway right-of-way. Utilities, stormwater detention basins and related improvements needed to serve the age-restricted multifamily buildings shall be permitted beyond the 650 foot limit. **[Amended 2-26-2004 by Ord. No. 2004-04]**
- (c) Types of housing permitted:
 - [1] Garden apartments.
 - [2] Townhouses.
- (d) Permitted principal uses:
 - [1] Dwellings of the permitted types specified.
 - [2] Recreation facilities.
 - [3] Sales rental and administrative offices required for the construction, sale, resale, rental and management of the development.
 - [4] Maintenance facilities.
- (e) Permitted accessory uses:
 - [1] Master television antenna system and/or cable television antenna/reception facilities.
 - [2] Common parking areas for guest parking or dedicated for specific parking purposes, such as recreational vehicle and trailer parking.
 - [3] Buildings for storage of vehicles, equipment and supplies.
 - [4] Outbuildings and structures as part of recreation facilities.
 - [5] Such other facilities and uses commonly associated with the operation of the development.
- (f) Age restriction requirements.
 - [1] Occupancy restrictions:
 - [a] At least 80% of the units in the development must be occupied by a husband or wife over 55 years of age; there is no age requirement for the spouse of such husband or wife. A maximum of 20% of the units in the development can be occupied by a husband or wife over 48 years of age; there is no age requirement for the spouse of such husband or wife; or **[Amended 1-24-2008 by Ord. No. 2008-02]**

- [b] The child or children residing with a permissible occupant, provided that the child or children is or are of the age of 19 years or over; or
 - [c] The individual or individuals, regardless of age, residing with and providing physical or economic support to permissible occupant.
- [2] The foregoing occupancy restrictions shall not be construed to prohibit the occupants of any unit from entertaining guests, of any age, in their units, including temporary residency not to exceed three months with no financial or other pecuniary consideration to be paid therefor.
- (g) Permitted density. The maximum permitted density shall be 10 units per gross acre.
- (h) Area and size requirements. **[Amended 2-26-2004 by Ord. No. 2004-04]**
- [1] The minimum tract size shall be five acres. Such acreage shall be in common ownership and shall be developed as one entity but may be bisected by a public road which is not a state or county highway. Acreage within the public right-of-way shall not be utilized to calculate the five-acre minimum tract size or the minimum lot coverage or open space.
 - [2] The maximum building coverage shall be 30% of the gross tract area.
 - [3] The minimum open space shall be 30% of the gross tract area. Natural features shall be preserved to the maximum extent. Open space may include recreational amenities and may extend into an abutting nonresidential zone, except that improvements shall be limited to utilities necessary for the age-restricted development.
- (i) Bulk requirements (principal structures).
- [1] The minimum setbacks for buildings from an exterior roadway shall be 50 feet. Buildings shall not front on an exterior roadway without the provision of either an intervening parking area or a vegetated screening buffer a minimum of 50 feet in width.
 - [2] The minimum setbacks for buildings facing interior roadways or circulation driveways shall be 20 feet, which shall be increased to 25 feet for dwellings with garages. **[Amended 2-26-2004 by Ord. No. 2004-04]**
 - [3] The minimum setbacks for buildings from interior parking lots shall be 20 feet.
 - [4] The minimum distances between buildings shall be as follows:
 - [a] For attached unit buildings oriented essentially at 90° to each other the minimum distance between same shall be 35 feet.
 - [b] For attached unit buildings oriented essentially side to side to each other, the minimum distance between shall be 25 feet.

- [c] For attached unit buildings oriented essentially with parallel axis facing each other, the minimum distance between same shall be 50 feet.
 - [5] The maximum height of buildings shall be 45 feet, but a maximum of three stories.
 - [6] The minimum distance from any lot line that is adjacent to a residential zone or to the former railroad right-of-way shall be 50 feet.
 - [7] The minimum rear or side yard setback from any exterior lot line shall be 50 feet.
- (j) Bulk requirements (accessory structures).
- [1] The minimum rear or side yard setback from any exterior lot line shall be 50 feet.
 - [2] The minimum rear or side yard setback shall be 20 feet when abutting nonresidentially used or zoned property.
 - [3] The maximum height of accessory buildings shall be 16 feet. **[Amended 2-9-2012 by Ord. No. 2012-06]**
- (k) Minimum parking requirements.
- [1] The minimum number of required parking spaces shall be 2.0 spaces per unit.
 - [2] Additional spaces shall be provided for sales, rental and administrative offices at the rate of one space per 200 square feet of gross floor area.
 - [3] A private driveway to a unit with capacity for off-street parking of one automobile shall be deemed to constitute one parking space.
- (l) Buffer requirements. Buffer requirements shall be provided in accordance with the requirements for planned residential developments, as contained in § 335-48B(2); except that the minimum required buffer of 50 feet may include required yard areas, stormwater management areas, underground utilities and other site plan elements such as parking areas. **[Amended 2-26-2004 by Ord. No. 2004-04]**
- (m) Additional requirements.
- [1] In the event that the property proposed for development pursuant to this section is located between Lacey Road and South Street, residential development shall be subject to the improvement of the former railroad right-of-way for the entire frontage of the property. "Improvement" shall be deemed to be either the existing improvement of the right-of-way, proposed improvement by the developer or the payment of the fair-share assessment by the developer, as provided by ordinance. However, frontage on an improved public street other than U.S. Highway No. 9 shall exempt an applicant from this requirement.

- [2] All first-floor units shall be barrier-free accessible.
 - [3] All first-floor units shall be constructed to be barrier-free adaptable.
 - [4] Ownership, preservation and maintenance of open space. The developer shall make provisions which ensure that common areas and open space shall continue as such and be properly maintained in perpetuity. The developer shall utilize such methods as approved by the Planning Board and Township Committee in ensuring the preservation and maintenance of common areas and open space.
- (20) Liquor stores. Liquor stores may be permitted as a conditional use in the Office-Commercial Zone, provided that the following requirements are met: **[Added 12-23-2004 by Ord. No. 2004-58]**
- (a) Provision shall be made for on-site delivery and unloading in designated areas which the applicant must demonstrate will have minimal impact on surrounding uses. The Planning Board may restrict the hours in which deliveries can be made to lessen any adverse impacts on surrounding areas.
 - (b) The permitted hours of retail operation shall be limited to 6:00 a.m. until 10:00 p.m.
 - (c) Primary parking for customers shall be located in front of the building.
 - (d) The main entrance to the liquor store shall front onto Lacey Road.
 - (e) If the subject property is a corner lot, any side street access to the site shall be limited to the first 150 feet of depth of the lot.
 - (f) The applicant shall provide covered waste and recycling containers in a fully enclosed refuse area with gates for access. The designated refuse area shall be appropriately screened with plantings satisfactory to the Planning Board to ensure visual protection and aesthetics. Refuse and recycling pickup shall be scheduled on a frequent basis, to the satisfaction of the Planning Board, so as not to create any detrimental effects for health, safety or welfare of the vicinity.
 - (g) The applicant shall provide adequate planting screening strips to protect surrounding properties from any detrimental impact from the operation at the premises.
 - (h) The applicant must demonstrate to the satisfaction of the Planning Board that no objectionable noise, smell, smoke, gas or effluent will be emitted from the liquor store which could adversely affect or impair the normal use of any property, structure or dwelling in any residential, office or commercial zone in the vicinity.
- (21) Where permitted as a conditional use by the Lacey Township Zoning Ordinance, age-restricted multifamily residential development in the RO-150 Residential and Office Park Zone shall conform to the following standards: **[Added 5-12-2005 by Ord. No. 2005-41]**

- (a) Purpose. It has been determined that there is a need for alternative housing in Lacey Township for the adult population who no longer maintain a residence for their children and which is comprehensively designed to meet the needs of adults. Age-restricted multifamily residential developments are hereby authorized to be developed as a conditional use in existing RO-150 Zones, upon compliance with the design criteria set forth in this subsection, and approval of the general development plan and/or preliminary and final subdivision/site plan approvals from the Lacey Township Planning Board.
- (b) Location restrictions. Age-restricted multifamily residential buildings shall be permitted no closer than 500 feet from the right-of-way of Lacey Road.
- (c) Types of housing permitted:
 - [1] Garden apartments.
 - [2] Townhouses.
- (d) Permitted principal uses:
 - [1] Dwellings of the permitted types specified.
 - [2] Recreation facilities.
 - [3] Sales rental and administrative offices required for the construction, sale, resale, rental and management of the development.
 - [4] Maintenance facilities associated with operation of the stated principal uses.
- (e) Permitted accessory uses:
 - [1] Common parking areas for guest parking or dedicated for specific parking purposes, such as recreational vehicle and trailer parking.
 - [2] Buildings for storage of vehicles, equipment and supplies associated with operation of the stated principal uses.
 - [3] Outbuildings and structures as part of recreation facilities.
 - [4] Such other facilities and uses commonly associated with the operation of the development.
- (f) Age restriction requirements:
 - [1] A husband or wife, regardless of age, residing with his or her spouse, provided the spouse of such person is 55 or older; or
 - [2] The child or children residing with a permissible occupant, providing the child or children is or are of the age of 19 years or over; or
 - [3] The individual or individuals, regardless of age, residing with and providing physical or economic support to permissible occupant.

- [4] The foregoing occupancy restrictions shall not be construed to prohibit the occupants of any unit from entertaining guests, of any age, in their units, including temporary residency not to exceed three months with no financial or other pecuniary consideration to be paid therefor.
- (g) Permitted density. The maximum permitted density shall be 10 units per gross acre.
- (h) Area and size requirements.
 - [1] The minimum tract size shall be five acres. Such acreage shall be in common ownership and shall be developed as one entity but may be bisected by a public road which is not a state or county highway. Acreage within the public right-of-way shall not be utilized to calculate the five-acre minimum tract size or the minimum lot coverage or open space.
 - [2] The maximum building coverage shall be 30% of the gross tract area.
 - [3] The minimum open space shall be 30% of the gross tract area. Natural features shall be preserved to the maximum extent possible. Open space may include recreation amenities and stormwater mitigation measure areas.
- (i) Bulk requirements (principal structures):
 - [1] The minimum setbacks for buildings from an exterior roadway shall be 50 feet. Buildings shall not front on an exterior roadway without the provision of either an intervening parking area or a vegetated screening buffer a minimum of 50 feet in width.
 - [2] The minimum setbacks for a townhouse facing interior roadways or circulation driveways shall be 20 feet, which shall be increased to 25 feet for dwellings with garages. For garden apartments or condominium buildings, the minimum setback to interior circulation drives shall be 12 feet.
 - [3] The minimum setbacks for buildings from interior parking lots shall be 20 feet for a townhouse and 12 feet for a garden apartment or condominium building.
 - [4] The minimum distances between apartment or condominium buildings shall be as follows:
 - [a] For attached unit buildings oriented essentially at 90° to each other, the minimum distance between same shall be 35 feet.
 - [b] For attached unit buildings oriented essentially side to side to each other, the minimum distance between same shall be 25 feet.
 - [c] For attached unit buildings oriented essentially with parallel axis facing each other, the minimum distance between the same shall be 50 feet.

- [5] The maximum height of buildings shall be 45 feet and a maximum of three stories.
 - [6] The minimum distance from any lot line that is adjacent to a residential zone shall be 50 feet for a garden apartment or condominium building and 30 feet for a townhouse.
 - [7] The minimum rear or side yard setback from any exterior lot line shall be 30 feet.
- (j) Bulk requirements (accessory structures):
- [1] The minimum rear or side yard setback from any exterior lot line shall be 25 feet.
 - [2] The minimum rear or side yard setback shall be 20 feet when abutting nonresidentially used or zoned property.
 - [3] The maximum height of accessory buildings shall be 16 feet. **[Amended 2-9-2012 by Ord. No. 2012-06]**
- (k) Minimum parking requirements:
- [1] The minimum number of required parking spaces shall be 2.3 spaces per dwelling unit for townhouses and 2.0 spaces per dwelling unit for apartments or condominiums or the latest edition of the New Jersey Residential Site Improvement Standards.
 - [2] Additional spaces shall be provided for sales, rental and administrative offices at the rate of one space per 200 square feet of gross floor area.
 - [3] A private driveway to a unit with capacity for off-street parking of one automobile shall be deemed to constitute one parking space.
- (l) Buffer requirements.
- [1] Buffers shall consist of stands of existing vegetation and natural features (such as streams, brooks, wetlands, wooded areas, steep slopes and other areas of scenic and conservation value). Where existing vegetation within the required buffer area is sparse and does not provide a suitable visual screen, supplemental planting within and immediately adjacent to the buffer shall be required. Supplemental planting shall consist of a mix of deciduous and evergreen trees and shrubs in varying sizes, including seedlings, whips and standard size nursery plants, and of native species or species similar to those that exist on the site. Installation of supplemental planting shall not be at the loss of existing healthy vegetation, including shrub masses, within the buffer area.
 - [2] Buffer requirements shall be provided in accordance with the requirements for planned residential developments, as contained in § 335-48B(2); and shall be a minimum width of 50 feet, except that the minimum required 50 feet may include required yard areas, stormwater management areas and underground utilities.

- [3] The minimum width of a tract buffer may be reduced to 25 feet to permit grading, drainage facilities, accessory structures, porches, patios and decks, provided that a combination of supplemental plantings and screen fencing are provided within and immediately adjacent to the buffer area.
- (m) Additional requirements.
 - [1] All first floor units shall be barrier-free accessible.
 - [2] All first floor units shall be constructed to be barrier-free adaptable.
 - [3] Ownership, preservation and maintenance of open space. The developer shall make provisions which ensure that common areas and open space shall continue as such and be properly maintained in perpetuity. The developer shall utilize such methods as approved by the Planning Board and Township Committee in ensuring the preservation and maintenance of common areas and open space.
- (22) Detached single-family dwellings in the FA Zone which are not clustered, in accordance with the standards of § 335-71A(1), may be permitted, provided that: **[Added 9-22-2011 by Ord. No. 2011-19]**
 - (a) The Planning Board finds that:
 - [1] Clustering of the proposed dwellings would be inconsistent with the standards of Article IV, Pinelands Area Development Standards; or
 - [2] Clustering of the proposed dwellings would disrupt the contiguity of the forest ecosystem to a greater degree than nonclustered development.
 - (b) Minimum lot area: 25 acres.
- (23) Where permitted as a conditional use by the Lacey Township Zoning Ordinance, residential cluster development in the R-75, R-75A, R-75B and R-80 Zones shall conform to the following standards: **[Added 12-29-2015 by Ord. No. 2015-15]**
 - (a) Permitted uses. Within the above-referenced zones, the Residential Cluster Development Zone, no premises, lot, land, area, tract, building or structure shall be erected or altered for use, in whole or part, unless it complies with the schedule of general requirements and the regulations of this chapter and is used wholly for one or more of the following uses:
 - [1] Residential cluster developments as defined in § 335-3 herein, on tracts having a minimum contiguous area of at least 30 acres devoted entirely to the use of a residential cluster development consisting of detached single-family dwellings.
 - [2] Recreational and community center buildings and facilities, including swimming pools, tennis courts, shuffleboard courts, picnic grounds, clubhouses and other such recreational, community service and cultural facilities, which are solely for use by the residents of the development and their guests. Recreational and cultural facilities shall not be limited to the foregoing so that the applicant may propose additional facilities with

his submission. All such facilities shall be subordinate to the residential character of the community. No advertising or commercial enterprise shall be permitted.

- [3] Permitted accessory uses. Necessary accessory buildings and uses required for the administration, maintenance, safety and service of the development shall be permitted.

(b) Schedule of minimum requirements.

- [1] Residential cluster development shall be not less than 30 contiguous acres under one ownership or control; provided, however, that an area of less than 30 acres may be added to an existing residential cluster development under the following conditions:

- [a] It is contiguous to the residential cluster development.
- [b] The addition is in compliance with all applicable provisions of this chapter.

- [2] Gross residential density. There shall be no more than five dwelling units per acre. The residential dwelling unit density shall be determined by dividing the proposed number of dwelling units in the development by the number of acres in the development.

- [3] Homes constructed in the Residential Cluster Development Zone shall have a minimum gross floor area of 864 square feet.

(c) Schedule of limitations. The schedule of limitations under § 335-93 of the Lacey Township Code for cluster development is hereby made a part of this section. Said schedule hereby establishes the minimum yard and bulk requirements for all uses within a cluster development unless otherwise regulated hereunder.

(d) Improvements. All improvements shall conform to the design and construction standards set forth in Chapter 297, Subdivision of Land.

[1] Streets and roads.

- [a] Streets and roads within the residential cluster development may either be dedicated to the Township or be retained as private streets maintained by the homeowners' association, which determination shall be made by the Planning Board and the Township Committee. An offer for dedication neither implies nor places any obligation upon the Township of Lacey to accept any or all streets offered for dedication.

- [b] Street design and construction. All proposed streets in the residential cluster development shall be classified in accordance with the definitions set forth in § 297-2 of Chapter 297, Subdivision of Land. The street layout pattern shall be such that proper and safe traffic circulation are maintained at all times. All streets offered for public dedication shall comply with all applicable design and construction standards set forth in § 297-36 of Chapter 297, Subdivision of Land.

[c] Private streets.

- [i] Private streets shall be those streets which have not been dedicated and accepted by the Township of Lacey for continuous maintenance as public streets. The continuous permanent maintenance of all private streets within the residential cluster development shall be the sole responsibility of the homeowners' association or other analogous body. Provisions shall be made to ensure that the maintenance of such roadways and streets shall not become an obligation of the Township of Lacey. All private streets within the residential cluster development shall conform to the requirements set forth in Chapter 297, Subdivision of Land, or as otherwise amended herein.
 - [ii] Every private street shall have an easement of not less than five feet in width on each side of the pavement, which shall provide for right of access by both the homeowners' association and the Township for purposes of utility installation or such other public purposes as may be deemed desirable. Where the developer has provided adequate off-street parking in accordance with the standards and regulations for cluster development set forth in § 285-11 of Chapter 285, Site Plan Review, the Planning Board may waive the width of the paved portion of private streets to a width of not less than 24 feet.
 - [iii] Private streets shall conform with all standards set forth under Chapter 297, Subdivision of Land, including pavement, horizontal and vertical alignment, drainage, curbing and sidewalks, unless any such requirements are specifically waived by the Planning Board.
- [2] Sanitary sewer. Each lot in a residential cluster development shall be served by a central sewer system which conforms to the requirements of the Lacey Municipal Utilities Authority. Each lot shall be a part of the Lacey Municipal Utilities Authority system.
 - [3] Water supply. A central water supply system shall be provided for a residential cluster development. Such system shall comply with the requirements of the Lacey Municipal Utilities Authority.
 - [4] Underground utilities. All utilities, including gas, water, sanitary sewer, electric and cable television, shall be installed below ground level, unless such installation is deemed impractical by the Planning Board.
 - [5] Buffers and screening. Along the exterior boundary line of any land areas developed as a residential cluster development, there shall be provided a buffer zone having a minimum width of not less than 50 feet. This buffer width shall be in addition to any yard or setback areas as required herein. The buffer zone shall include a screening strip in accordance with the provisions of § 335-48 of this chapter. The actual type, size and location of the screening strip, including the required buffer zone, shall be subject

to the approval of the Planning Board or other such agency approving the residential cluster development plan. For those nonresidential uses as permitted in this section, the buffer zone and screening strip shall be in accordance with the provisions and requirements set forth in § 335-48 of this chapter and Chapter 285, Site Plan Review. All buffer zones and screening strips for such permitted nonresidential uses shall likewise be subject to the approval of the Planning Board or other agency approving the residential cluster development plan.

- [6] Sidewalks. The Planning Board may waive sidewalks where they are to be located on local, collector or arterial streets, provided that adequate alternate pathways are provided throughout the development. The alternate pathways shall have a minimum width of six feet and shall have a hard dust-free surface. Bituminous concrete and cementitious concrete shall be acceptable. Timber walkways shall be acceptable if they are constructed throughout with lumber treated to resist decay and insect attack. Any walkway material shall be approved by the Planning Board and shall be constructed as approved by the Township Engineer.

(e) Open space standards.

- [1] Land area equal to a minimum of 30% of the tract of land proposed for a cluster development shall not be utilized for lot development and shall be set aside for open space.
- [2] There should be a close visual and physical relationship between open space and as many dwelling units as is reasonably possible. Open space areas should weave between dwelling units generally respecting a minimum width of 50 feet and periodically widening out into significant and usable recreational areas.
- [3] The configuration of the open space areas should be so arranged that connections can be made to existing or future adjacent open spaces.
- [4] Land dedicated for open spaces shall include, wherever feasible, natural features, such as streams, brooks, wooded areas, steep slopes and other natural features of scenic and conservation value. The developer may be required to plant trees or make other similar landscaping improvements as may be found necessary by the Planning Board to ensure the attractiveness and suitability of the area as open space.
- [5] Portions of the open space shall be developed to afford both passive and active recreational opportunities. A minimum of 5% of the required open space shall be developed to afford passive recreational opportunities. Passive recreational activities may include but are not limited to pedestrian paths, sitting areas and naturally preserved areas. Areas devoted to passive recreation shall be required in addition to active recreation areas. Active recreational areas shall include but are not limited to such facilities as swimming pools, tennis courts, bicycle paths and ball fields. The size, location and type of all such recreational facilities shall be approved by the Planning Board.

- (f) Ownership, preservation and maintenance of common open space. The developer shall make provisions which ensure that the open space land shall continue as such and be properly maintained in perpetuity. The developer shall utilize the following method or such other method as approved by the Planning Board and Township Committee in ensuring the preservation and maintenance of common open space land:
- [1] The developer shall provide for and establish an organization for the ownership and maintenance of all or a specified part of common open space land. The organization shall be a nonprofit homeowners' corporation.
 - [2] The organization shall be organized by the developer and operated with financial subsidization by the developer, if necessary, before the sale of any lots within the development.
 - [3] Membership in the organization shall be mandatory for all residents of the residential cluster development.
 - [4] The organization shall be responsible for maintenance of insurance and payment of any taxes on common open space.
 - [5] The members of the organization shall be responsible for bearing equitably the costs of maintaining and developing common open space in accordance with procedures established by them.
 - [6] The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.
 - [7] In the event that the organization established to own and maintain a common open space or any successor organization shall at any time after establishment of the residential cluster development fail to maintain the common space in reasonable order and condition, in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents and owners of the residential cluster development, setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. Said notice shall include a demand that deficiencies of maintenance be cured within 30 days thereof and shall state the date and place of a hearing thereon, which shall be held within 14 days of the notice. At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modification thereof shall not be cured within said 30 days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the residential cluster development and/or to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for up to one year. Said entry and maintenance shall not vest in the public any rights to use the common open space, the use of which shall be restricted to the residents of the residential cluster development who are members of the homeowners' corporation, except when the common open space is voluntarily dedicated

to the public by the residents and owners and said dedication is accepted. Before the expiration of one year, the Township shall, upon its own initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization or to the residents and owners of the residential cluster development, to show cause why such maintenance by the Township shall not, at the election of the Township, continue for a succeeding year. If the Township shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the Township may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter. The decision of the Township in any such case shall constitute a final administrative decision subject to judicial review.

- [8] The cost of such maintenance by the Township shall be assessed ratably against the properties within the residential cluster development that have a right of enjoyment of the common open space and shall become a tax lien on said properties.
- [9] Provisions for the development plan relating to the use, bulk and location of buildings and structures, the quantity and location of buildings and structures, the quantity and location of common open space and the intensity of use or the density of residential units shall run in favor of the Township and shall be enforceable in law or in equity by the Township without limitation on any power of regulation otherwise granted the Township by law. The development plan shall specify which of its provisions run in favor of and are enforceable by the residents of the residential cluster development and, in addition, the manner in which such residents may modify or release such rights.
- [10] The nonprofit homeowners' corporation shall be incorporated pursuant to the provisions of Title 15 of the New Jersey Statutes. The corporation shall be directed by a Board of Trustees of not less than seven nor more than 11 persons. The organization, procedures and officers of the Board of Trustees shall be in accordance with bylaws initially approved by the Township Attorney. They shall provide a mechanism for amendment by favorable vote of a specified majority.
- [11] The initial Board of Trustees shall be appointed by the developer, and at least one member thereof shall be a resident of the development. In the event that there are not yet any residents at the time of appointment, at least one position shall be reserved for the later appointment of a resident. Such appointment shall occur within 90 days of the first day of occupancy by a resident who is other than an employee of the developer.
- [12] The terms of the initial appointees of the Board of Trustees shall be staggered among terms of not less than one year and not more than three years. Thereafter, all appointed or elected terms shall be for a period of three years.

- [13] The developer shall have the exclusive right to nominate and elect the members of the Board of Trustees for a period of 10 years from the date of the first sale or until the occupancy of 75% of all proposed units is effectuated, whichever shall first occur; provided, however, that at least one member of the Board of Trustees shall be a resident of the development other than an employee of the developer.
- [14] After more than 75% of all proposed units in the development are occupied or after 10 years from the date of the first sale, whichever shall first occur, the replacement of the members of the Board of Trustees who resign or whose terms expire shall be by election by the resident members; provided, however, that the developer shall be assigned at least two seats on the Board of Trustees, to which it may appoint a person of its choice until all units in the proposed development have been occupied.
- [15] Regardless of the manner in which common open space land is occupied or developed, all other areas of the development which are not occupied by buildings, public streets or other required and/or approved public improvements or by lots which are plotted for sale shall be deeded to the homeowners' corporation for maintenance.

(g) Recreational area.

- [1] There shall be in each residential cluster development at least one clubhouse or community building. There shall be at least six square feet of clubhouse building space provided for each proposed dwelling unit. The clubhouse shall be completed, shall have received a certificate of occupancy and shall be in operation before the 100th dwelling unit has been completed.
- [2] Each RCD shall provide a site or sites for recreational facilities for the use of its residents. Recreational facilities shall include but not be limited to such facilities as shuffleboard lanes, barbecue grills, picnic benches and indoor recreation facilities. Swimming pools shall be provided in the event that there are no adequate beach facilities available on site to the residents of the RCD. Swimming pools, as required, shall have a minimum area of 1,800 square feet in size. Swimming pools shall be provided at a ratio of four square feet of pool area per proposed dwelling unit, rounded to the nearest multiple of 100 square feet of pool. The adequacy of proposed recreational facilities shall be reviewed by the Planning Board with the intent of assuring balanced and satisfactory recreational facilities for the use and enjoyment and well-being of the residents of the RCD. If the Planning Board determines that these ends are not being met by the proposed facilities, the Planning Board may require that additional recreational facilities be constructed to eliminate the deficiencies. All grounds surrounding recreational and administrative facilities shall be appropriately landscaped and shall provide adequate walkways. Underground irrigation shall be installed for such areas.
- [3] Where a residential cluster development is a conventional fee simple development, covenants and restrictions and plot plans shall indicate that

recreational areas and green areas shall be dedicated to a homeowners' association or analogous body.

(h) Procedural requirements.

- [1] All subdivision plans and site plans shall be submitted to the Planning Board in accordance with the requirements of Chapter 297, Subdivision of Land, and of this chapter. Where facilities proposed to be built are other than residential dwellings, site plans shall be submitted for review and Planning Board action in conformity with this chapter and Chapter 285, Site Plan Review.
- [2] At such time as the applicant or developer shall submit a subdivision plan or site plan for approval, the following shall also be submitted:
 - [a] Covenants and restrictions for the community or any other plan for or restrictions upon the community property.
 - [b] Bylaws of the proposed homeowners' association.
 - [c] Proposed agreement of sale.
 - [d] Proposed form of deed.
 - [e] Title insurance certificate.
- [3] Said documents shall be forwarded to the Planning Board and shall be subject to the review of the Planning Board and of the Township Committee as to their adequacy to ensure that the residential cluster development shall be constituted so as to be consistent with the purposes and requirements of this section. The proposed documents and restrictions shall indicate a comprehensive and equitable program for the orderly transition of control over the homeowners' association from the applicant or the developer to the actual homeowners in the community.
- [4] A fee of \$1,000 or such fee as is determined, from time to time, by ordinance, shall be paid at the time of filing the aforesaid documents to aid the Planning Board in payment of professional fees to its experts in reviewing the aforesaid submissions. The aforesaid fee shall in no way be construed as a subdivision filing fee which is required under Chapter 297, Subdivision of Land. The Planning Board shall review the aforementioned submissions and shall advise the applicant of any deficiencies or divergence from the standards of the residential cluster development regulations. When and if an applicant has satisfied the requirements of this section, the applicant may make application for final subdivision approval pursuant to Chapter 297, Subdivision of Land, of the Code of the Township of Lacey. Any final approval of the Planning Board shall include a condition for submission and approval of the proposed master deed or deeds.

(i) Development. Development of all the uses and facilities approved as part of the site plan or subdivision shall proceed at the same rate as the dwelling units. To assure compliance with this subsection, the Construction Official shall, from

time to time following the approval of a residential cluster development, review all of the building permits issued for said residential cluster development and examine the construction which has taken place on the site. If he shall find that any type of use, including recreational facilities, is being developed at less than a comparable rate with the dwelling units, he shall report such to the Planning Board and to the Township Committee. The Township may take such action as is deemed appropriate, including issuance of stop-work notices or revocation of building permits until such time as parity in development of the divergent uses is reached.

D. Compliance with standards and regulations; proof required.

- (1) All conditional uses. Satisfactory proof that the general and special standards and regulations set forth in this section and chapter will be complied with by the applicant for a conditional use permit shall be submitted by the applicant. Such proof shall include, but shall not necessarily be limited to, the following:
 - (a) Site plans, in accordance with the provisions of Chapter 285, Site Plan Review, of the Lacey Township Code, and architectural drawings, showing the type and location of all buildings, structures, parking and loading facilities on the lot.
 - (b) Engineering drawings and specifications adequately describing the operations to be conducted and the means and devices to be used to preserve health and safety.
 - (c) A description of the proposed use, including, to the extent applicable to that use, the following:
 - [1] A description of the products to be manufactured or processed and the control of effluents incident thereto.
 - [2] The approximate number of employees.
 - [3] The anticipated number of customers to be serviced.
 - (d) Sworn statements by the owner, developer, designer or other agent to the effect that no danger, hazard or nuisance will be created beyond the boundaries of the lot or lots, on which the use is proposed.
- (2) Industrial conditional uses. Satisfactory proof that the general standards and regulations set forth in this section and chapter will be complied with by the applicant for a conditional use permit shall be submitted by the applicant. Such proof shall include, but shall not necessarily be limited to, the following:
 - (a) All proof required under the foregoing Subsection E(1) of this section.
 - (b) Such proof as is required by the Planning Board in accordance with § 335-68 of this chapter, pertaining to performance standards for all industrial zones.
 - (c) Reports from the below-listed agencies of the State of New Jersey, stating their opinion as to whether or not the proposed use will comply with the accepted industrial tolerance standards of that agency and the effect on the general health and welfare of the public.

- [1] Lacey Township Board of Health.
- [2] New Jersey State Department of Health, Bureau of Adult and Industrial Health, in regard to public health hazards or public nuisances as created by chemicals, dust, noise, smoke, odors and other nuisance factors.
- [3] New Jersey State Department of Health, Division of Environment Sanitation, Bureau of Public Health Engineering, in regard to liquid waste disposal which will be discharged either into the ground or into streams, drains or other bodies of water.
- [4] New Jersey State Department of Conservation and Economic Development, Bureau of Geology and Topography, in regard to the availability of the required water supply and the effect of any necessary wells upon any existing wells in the surrounding area.
- [5] New Jersey State Department of Labor and Industry, Bureau of Engineering and Safety, in regard to safety features of the buildings, compliance with state labor laws and handling of dangerous or poisonous materials.

§ 335-78.1. Temporary use permits.

Temporary use permits may be issued by the Planning Board to such activities of a temporary nature as are beneficial to the Township and in no way exert a detrimental effect on the neighborhood in which they are to be located. Such activities may include mobile health clinics, Red Cross units and public information and education units. These temporary use permits shall expire one year from the date of issue and may be extended by the Board upon a finding that such extension is warranted.

ARTICLE XII
Administration

§ 335-79. Zoning permits. [Amended 2-14-1991 by Ord. No. 5-91; 6-24-1993 by Ord. No. 93-57; 12-9-1993 by Ord. No. 93-100; 12-22-1998 by Ord. No. 98-49; 6-11-2004 by Ord. No. 2004-38; 2-9-2012 by Ord. No. 2012-06; 5-22-2014 by Ord. No. 2014-12]

- A. Zoning permits shall hereafter be secured from the Zoning Officer prior to the construction, erection or alteration of any building or structure or part of a structure or use or development of a building or structure or land. All requests for zoning permits shall be made in writing by the owner or his authorized agent and shall include a statement of the use or intended use of the building or structure or land and shall be accompanied by a plan of the lot delineating thereon the exact size, shape and location of all proposed structures and such other information as may be necessary for the enforcement of this chapter.
- B. In addition, zoning permit applications for new residential construction shall be on the form provided by the Zoning Officer and shall be accompanied by a plot plan of the lot in question, prepared by a licensed land surveyor or engineer, clearly depicted on a sheet size no smaller than 8 1/2 inches by 11 inches, drawn to an appropriate scale, not greater than one inch equals 50 feet, which shall include the following:
- (1) A current survey of the property, including the lot's metes and bounds and the direction and distance to the nearest intersecting street.
 - (2) All existing or proposed easements and/or lands dedicated to public use.
 - (3) All existing or proposed buildings and structures, with all dimensions and with front, side and rear yard setback dimensions indicated, and with required setback lines shown.
 - (4) Any existing or proposed sidewalks and driveways.
 - (5) The name of the street(s) and the composition of the surfaces of the street(s) which the lot abuts.
 - (6) Sufficient street elevations (center-line, gutter and top-of-curb, if applicable) and existing and proposed lot elevations to include, at a minimum, property corners, midpoints of property lines and center of lot, and specifying those for the finished first floor and garage floor elevations of the proposed structure related to the abutting street elevations. The lowest floor of any structure, first floors and any floor area intended as habitable space, other than area conforming to the definitions set forth in the IBC (International Building Code), Uniform Construction Code and this chapter and defined as "basement" or "cellar," shall not be less than 18 inches above the center-line elevation of the abutting street(s). Garages, enclosures, and other areas intended for limited storage shall not be less than eight inches above centerline of the abutting street. All elevations shall be according to the NAVD (North American Vertical Datum of 1988), and the source of datum so noted. Any specific circumstances for which elevation requirements cannot be met will be subject to review by the Zoning Officer and Construction Official on a case-by-case basis. Under no circumstances shall individual lots be graded in such a manner as to redirect stormwater runoff onto adjacent and/or downstream properties or disturb or change the existing drainage patterns of an adjacent lot. Drainage flow arrows shall be

provided to clearly depict the directions of stormwater runoff. No grading or the creation of sump conditions shall be permitted on adjacent lots.

- (7) A grading and stormwater management plan prepared in accordance with the following standards and requirements:
 - (a) Methods or provisions to abate or prevent any adverse surface drainage or stormwater runoff impacts or conditions to adjacent and/or downstream lots.
 - (b) Drainage calculations using the United States Department of Agriculture Soil Conservation Service TR-55 analyses for the twenty-five-year-frequency rainfall for Ocean County. Calculations indicating capacities requiring volumes and rates of recharge shall be prepared and certified by a New-Jersey-licensed professional engineer.
 - (8) The limits of clearing and soil disturbance, any trees to be saved and, in general, the requirements as specified in Chapter 313, Trees, Article II.
 - (9) The locations of any freshwater wetlands or a statement on the plan that none exist.
 - (10) Any other information as may be necessary for the enforcement of this chapter by the Zoning Officer.
- C. Prior to a foundation inspection as required by the Construction Official, and before additional work continues, an as-built foundation survey shall be submitted for the Zoning Officer's approval, clearly depicting the location and elevation of the constructed foundation.
- D. Prior to the issuance of a certificate of occupancy, an as-built survey for all residential, commercial and industrial development shall be submitted to the Zoning Officer for review and inspection by the Township Engineer, clearly depicting the location of all development, grading and direction of stormwater.
- E. There shall be a fee for each zoning permit required by and issued pursuant to § 335-79 as set forth below:
- (1) Base fee: \$25 for the first structure or building for which a permit is required pursuant to § 335-79 and is not specified below; \$10 for each additional structure or building.
 - (2) Temporary signs: \$25 for the first week displayed; \$10 for each week thereafter.
 - (3) Home occupation: \$50.
 - (4) New business: \$75.
 - (5) Pool: \$50.
 - (6) Dwelling: \$100 plus \$325 for Township Engineer's review of plot plan submission and \$175 for an engineering inspection.

§ 335-80. Zoning permits within the Pinelands Area. [Added 2-14-1991 by Ord. No. 5-91]

Zoning permits within the Pinelands Area shall be issued in accordance with the procedures established in Article XVII of this chapter.

§ 335-81. Enforcement. [Amended 8-26-1982 by Ord. No. 25-82; 10-23-2008 by Ord. No. 2008-30; 2-9-2012 by Ord. No. 2012-06]

The provisions of this chapter shall be administered and enforced by the Zoning Officer or, where such Zoning Officer shall not have been appointed, then these duties shall be performed by the Construction Official. Additionally, these duties shall be performed by the Code Enforcement Officer. All references made to the Zoning Officer shall apply to the Construction Official of the Township as well. The Zoning Officer shall not issue any permit for any structure or use which does not conform to the provisions of this chapter. Should it be determined, after a site inspection, that a zoning violation exists, with or without a zoning permit being issued, the Zoning Officer or Code Enforcement Officer may issue a stop-work order until the issue is resolved. It shall be the duty of the Zoning Officer, upon the filing with him of any plans for the construction, alteration or repair of any structure, to require the owner or agent of the owner of such structure or land to certify, in writing, the use or intended use of any structure or land so to be constructed, altered or repaired, and he shall thereupon determine if such structure or use is permitted by the provisions of this chapter or any other ordinance. In case he shall determine that such structure or use, or both, is nonconforming, he shall notify such owner or agent, in writing, to that effect, stating in what respect such building or use is a nonconforming structure or use.

§ 335-82. Reports.

- A. It shall be the duty of the Zoning Officer to keep a record of all applications for permits and a record of all permits and certificates issued, with a notation of all special conditions involved. He shall file and safely keep copies of all plans submitted, and the same shall form a part of the records of his office and shall be available for the use of the Township Committee and of other officials of the Township, county or state.
- B. The Zoning Officer shall prepare a monthly report for the Township Committee summarizing, for the period since his last previous report, all zoning permits and certificates issued by him and all complaints of violations and the action taken by him. A copy of each such report shall be filed with the Township Tax Assessor at the same time it is filed with the Township Committee.

ARTICLE XIII
Board of Adjustment

§ 335-83. Establishment.

Pursuant to the provisions of N.J.S.A. 40:55D-1 et seq., the Municipal Land Use Law, a Zoning Board of Adjustment, which shall consist of seven members, is hereby established.

§ 335-84. Membership; officers; expenditures. [Amended 6-5-1980 by Ord. No. 10-80]

A. Membership; officers. [Amended 3-26-1992 by Ord. No. 92-18]

- (1) The members of the Zoning Board of Adjustment shall be appointed by the Mayor, with the advice and consent of the Township Committee, to serve for terms of four years from January 1 of the year of their appointment. The terms of the members first appointed shall be so determined that to the greatest practical extent the expiration of such terms shall be distributed evenly over the first four years after their appointment, provided that the initial term of no member shall exceed four years. No member may hold any elective office or position under the municipality. A vacancy occurring by expiration of term shall be filled for the unexpired term only. The Board of Adjustment shall, at its annual reorganization meeting, elect a Chairman and Vice Chairman from its members and select a Secretary who may or may not be a member of the Board of Adjustment or a municipal employee.
- (2) There are hereby created the positions of two alternate members of the Board of Adjustment. Said alternate members shall be appointed by the Mayor, with the advice and consent of the Township Committee, and shall be designated as "Alternate No. 1" and "Alternate No. 2." The terms of the alternate members shall be for two years. Alternate members may participate in discussions of the proceedings, but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

B. There is hereby created the office of Attorney to the Zoning Board of Adjustment, who shall be an attorney other than the Municipal Attorney. The Board of Adjustment may also employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary.

C. The Board shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

§ 335-85. Powers and duties.

A. The Board of Adjustment is authorized to adopt bylaws governing its procedural operation. It shall, in addition to those powers set forth in N.J.S.A. 40:55D-1 et seq., also have the following powers and duties: **[Amended 3-26-1992 by Ord. No. 92-18]**

- (1) Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of this chapter or the Official Map.

- (2) Hear and decide requests for interpretation of the Zoning Map⁴⁵ or this chapter or for decisions upon other special questions upon which such Board is authorized to pass by this chapter or the Official Map.
- (3) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographical conditions or physical features uniquely affecting a specific piece of property or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation in this chapter will result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship. Where in an application or appeal relating to a specific piece of property the purposes of the Municipal Land Use Law would be advanced by a deviation from this chapter's requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to this chapter; provided, however, that no variance from those departures enumerated in Subsection A(4) of this section shall be granted under this subsection; and provided further that the proposed development does not require approval of the Planning Board of a subdivision, site plan or conditional use in conjunction with Planning Board review of a variance pursuant to N.J.S.A. 40:55D-60a.
- (4) In particular cases and for special reasons, grant a variance to allow departure from this chapter to permit:
 - (a) A use or principal structure in a district restricted against such use or principal structure.
 - (b) An expansion of a nonconforming use.
 - (c) Deviation from a specification or standard of a conditional use which specification or standard pertains solely to a conditional use.
 - (d) An increase in the permitted floor area ratio as defined in N.J.S.A. 40:55D-4.
 - (e) An increase in the permitted density as defined in N.J.S.A. 40:55D-4, except as applied to the required lot area for a lot or lots for detached one- or two-dwelling-unit buildings which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision. A variance under this subsection shall be granted only by the affirmative vote of at least five members of the Board.
- B. No variance or other relief may be granted under the terms of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and this chapter. Any application under any subsection of this section may be referred to any appropriate person or agency, including the Planning Board, for its report, provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act. **[Amended 3-26-1992 by Ord. No. 92-18]**

45. Editor's Note: A copy of the Zoning Map is included in the pocket at the end of this volume.

- C. Any variances granted within the Pinelands Area which permit a use or structure in a district otherwise restricted against such structure or use or which vary the application of any development standard in this chapter adopted pursuant to the Pinelands Comprehensive Management Plan, N.J.A.C. 7:50-1 et seq., shall not relieve the applicant from also receiving a waiver of strict compliance from the Pinelands Commission. **[Added 2-14-1991 by Ord. No. 5-91]**
- D. Any municipal variance approval which grants relief from the density or lot area requirements set forth in Table 1, Minimum Lot Sizes,⁴⁶ for a residential or principal nonresidential use in the VR or VCR Zones shall require that pinelands development credits be used for all dwelling units or lots in excess of that permitted without the variance. **[Added 1-28-1993 by Ord. No. 92-5; amended 3-27-1997 by Ord. No. 97-14]**

§ 335-86. Additional powers.

The Zoning Board of Adjustment shall, in addition to the powers specified in the foregoing § 335-85, have the power to:

- A. Direct issuance of a permit, pursuant to N.J.S.A. 40:55D-34, for building a structure in the bed of a mapped street or public drainageway, flood-control basin or public area reserved on the Official Map.
- B. Direct issuance of a permit, pursuant to N.J.S.A. 40:55D-36, for a building or structure not related to a street.
- C. Grant, to the same extent and subject to the same restrictions as the Planning Board, subdivision or site plan approval, pursuant to N.J.S.A. 40:55D-37 et seq., or conditional use approval, pursuant to N.J.S.A. 40:55D-67, when there is an application before the Board of Adjustment for a special reasons variance, pursuant to N.J.S.A. 40:55D-70d. However, prior to any final action by the Board of Adjustment, said Board may, upon receipt of any application requesting subdivision, site plan or conditional use approval, forward a copy of said application, together with any relevant documents to the Planning Board Secretary for referral to the Planning Board. Such referral to the Planning Board shall not extend the time for action by the Board of Adjustment. **[Amended 3-26-1992 by Ord. No. 92-18]**

§ 335-87. Appeals and applications.

- A. Appeals to the Board of Adjustment may be taken by any interested party affected by a decision of any administrative officer of the municipality based on or made in the enforcement of this chapter or the Official Map. Such appeal shall be taken within 20 days by filing a notice of appeal with the official from whom the appeal is taken, specifying the grounds of such appeal. The officer from whom the appeal is taken shall immediately transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. **[Amended 3-26-1992 by Ord. No. 92-18]**
- B. A developer may file an application for development with the Board of Adjustment for action under any of its powers without prior application to an administrative officer.

46. Editor's Note: Table 1 is included at the end of this chapter.

- C. The Board of Adjustment may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, interpretation or determination appealed from and to that end have all the powers of the administrative officer from whom the appeal is taken.
- D. An appeal to the Board of Adjustment shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made, unless the officer from whose action the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court upon notice to the officer from whom the appeal is taken and upon due cause shown. **[Amended 3-26-1992 by Ord. No. 92-18]**
- E. The submission requirements and technical checklist set forth in Table 5⁴⁷ are hereby adopted as the submission requirements and technical checklist for applications before the Zoning Board of Adjustment. **[Added 6-11-1992 by Ord. No. 43-92]**

§ 335-88. Appeals to governing body.

Any interested party may appeal to the governing body any final decision of the Board of Adjustment approving an application for a special reasons variance granted pursuant to N.J.S.A. 40:55D-70 and § 335-85A(4) above. Any such appeal shall be pursuant to the provisions of N.J.S.A. 40:55D-17. Within the Pinelands Area, the procedures set forth in Article XVII of this chapter shall be followed.

§ 335-89. Time for decision.

- A. The Board of Adjustment shall render a decision not later than 120 days after the date an appeal is taken from the decision of the administrative officer or the submission of a complete application for development to the Board of Adjustment.
- B. Failure of the Board to render a decision within such one-hundred-twenty-day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant. A certificate of the Planning Board Coordinator as to the failure of the Board of Adjustment to act shall be issued on request of the applicant, and it shall be sufficient in lieu of a written endorsement or other evidence of approval, herein required, and shall be so accepted by the county recording officer for purposes of filing a subdivision plat when appropriate. Whenever review or approval of the application by the Ocean County Planning Board is required pursuant to law, the Municipal Board of Adjustment shall condition any approval that it grants upon timely receipt of a favorable report on the application by the Ocean County Planning Board or approval by its failure to report thereon within the required time. **[Amended 3-26-1992 by Ord. No. 92-18]**

§ 335-90. Rules and regulations.

The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter.

47. Editor's Note: Table 5 is included at the end of this chapter.

§ 335-91. Voting.

All actions of the Board of Adjustment shall be in accordance with the requirements as established in N.J.S.A. 40:55D-9a. When any hearing before the Board of Adjustment shall carry over two or more meetings, a member of the Board who was absent for one or more of the meetings shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one or more of the meetings; provided, however, that such Board member has available to him a transcript or a recording of the meeting from which he was absent and certifies in writing to the Board that he has read such transcript or listened to such recording.⁴⁸

48. Editor's Note: Former § 108-68, entitled "Expiration of variance," which immediately followed this section, was repealed 8-26-1982 by Ord. No. 25-82. In addition, former Article XII, entitled "Fees," which immediately followed this article, was repealed 7-23-1987 by Ord. No. 33-87. For current provisions, see Ch. 211, Land Development Fees.

ARTICLE XIV

Penalties**§ 335-92. Violations and penalties.**

For any and every violation of the provisions of this chapter, the owner, developer, contractor, lessee, tenant or any other person having an interest in any building or premises where such violation has been committed or shall exist, and who neglects or refuses to abate said violation within five days after written notice has been served upon him by personal service or by certified mail, shall, for each and every violation, be subject to a fine of not more than \$500 or to imprisonment for a term not to exceed 90 days, or both, in the discretion of the court before whom a conviction is had. Each and every day that such violation continues after such notice shall be considered a separate and specific violation of this chapter.

ARTICLE XV
Schedules

§ 335-93. Schedules of limitations.

Area, setback, building and yard requirements in the zones specified and for planned residential developments are amended and supplemented in accordance with the schedules of limitations set forth at length on the attached sheets.⁴⁹

49. Editor's Note: The schedules are included at the end of this chapter.

ARTICLE XVI
Zone Descriptions

§ 335-94. R-100 Residence Zone. [Amended 2-16-1979 by Ord. No. 2-79; 9-19-1980 by Ord. No. 25-80; 12-22-1983 by Ord. No. 36-83; 5-23-1985 by Ord. No. 12-85; 7-25-1985 by Ord. No. 18-85; 9-12-1985 by Ord. No. 23-85; 9-8-1994 by Ord. No. 94-41; 7-23-1998 by Ord. No. 98-24]

Those properties included in the R-100 Residence Zone shall be those lots and blocks as identified on the Tax Map of the Township of Lacey as set forth as follows on Schedule A.⁵⁰

§ 335-95. R-100A Residence Zone. [Added 2-16-1979 by Ord. No. 2-79; amended 9-18-1980 by Ord. No. 25-80; 7-23-1998 by Ord. No. 98-24]

Those properties included in the R-100A Residence Zone shall be those lots and blocks as identified on the Tax Map of the Township of Lacey as set forth as follows on Schedule A.

§ 335-96. R-75 Residence Zone. [Amended 9-18-1980 by Ord. No. 25-80; 12-22-1983 by Ord. No. 36-83; 5-23-1985 by Ord. No. 12-85; 6-27-1985 by Ord. No. 16-85; 7-25-1985 by Ord. No. 18-85; 9-12-1985 by Ord. No. 23-85; 7-10-1997 by Ord. No. 97-27; 7-23-1998 by Ord. No. 98-24]

Those properties included in the R-75 Residence Zone shall be those lots and blocks as identified on the Tax Map of the Township of Lacey as set forth as follows on Schedule A.

§ 335-97. R-75A Residence Zone. [Added 9-18-1980 by Ord. No. 25-80; amended 12-12-1983 by Ord. No. 36-83; 7-23-1998 by Ord. No. 98-24]

Those properties included in the R-75A Residence Zone shall be those lots and blocks as identified on the Tax Map of the Township of Lacey as set forth as follows on Schedule A.

§ 335-97.1. R-75B Residence Zone. [Added 7-12-2001 by Ord. No. 01-42]

Those properties included in the R-75B Residence Zone shall be those lots and blocks as identified on the Tax Map of the Township of Lacey as set forth as follows on Schedule A.

§ 335-98. R-80 Residence Zone. [Added 9-18-1980 by Ord. No. 25-80; amended 12-22-1983 by Ord. No. 36-83; 7-23-1998 by Ord. No. 98-24]

Those properties included in the R-80 Residence Zone shall be those lots and blocks as identified on the Tax Map of the Township of Lacey as set forth as follows on Schedule A.

§ 335-99. R-150 Residence Zone. [Amended 9-18-1980 by Ord. No. 25-80; 12-22-1983 by Ord. No. 36-83; 9-8-1994 by Ord. No. 94-41; 7-23-1998 by Ord. No. 98-24]

Those properties included in the R-150 Residence Zone shall be those lots and blocks as identified on the Tax Map of the Township of Lacey as set forth as follows on Schedule A.⁵¹

50. Editor's Note: Schedule A is included at the end of this chapter.

51. Editor's Note: Schedule A is included at the end of this chapter.

§ 335-100. RO-100 Residence and Office Zone. [Added 12-22-1983 by Ord. No. 36-83; amended 12-28-1995 by Ord. No. 95-57; 7-23-1998 by Ord. No. 98-24]

Those properties included in the RO-100 Residence and Office Zone shall be those lots and blocks as identified on the Tax Map of the Township of Lacey as set forth as follows on Schedule A.⁵²

§ 335-101. O-C Office-Commercial Zone. [Added 2-5-1981 by Ord. No. 4A-81; amended 7-23-1998 by Ord. No. 98-24]

Those properties included in the O-C Office-Commercial Zone shall be those lots and blocks as identified on the Tax Map of the Township of Lacey as set forth as follows on Schedule A.⁵³

§ 335-102. RRCD Residential Retirement Cluster Development Zone. [Added 8-26-1982 by Ord. No. 26-82; amended 9-22-1988 by Ord. No. 41-88; 7-23-1998 by Ord. No. 98-24]

Those properties included in the RRCD Residential Retirement Cluster Development Zone shall be those lots and blocks as identified on the Tax Map of the Township of Lacey as set forth as follows on Schedule A.

§ 335-102.1. Age-Restricted Planned Unit Residential Development Zone. [Added 7-27-2000 by Ord. No. 00-40]

Those properties included in the Age-Restricted Planned Unit Residential Development Zone shall be those lots and blocks as identified on the Tax Map of the Township of Lacey as set forth as follows on Schedule A.⁵⁴

§ 335-103. RO-150 Residential and Office Park Zone. [Amended 7-23-1998 by Ord. No. 98-24]

Those properties included in the RO-150 Residential and Office Park Zone shall be those lots and blocks as identified on the Tax Map of the Township of Lacey as set forth as follows on Schedule A.

§ 335-104. C-150 Highway Business Zone. [Amended 9-18-1980 by Ord. No. 25-80; 12-22-1983 by Ord. No. 36-83; 9-22-1988 by Ord. No. 41-88; 7-10-1997 by Ord. No. 97-27; 7-23-1998 by Ord. No. 98-24]

Those properties included in the C-150 Highway Business Zone shall be those lots and blocks as identified on the Tax Map of the Township of Lacey as set forth as follows on Schedule A.⁵⁵

52. Editor's Note: Ordinance No. 5-91, adopted 2-14-1991, provided for the repeal of the following sections, as amended (which sections immediately followed this section): § 108-75, entitled "RIA Rural Zone"; § 108-76, entitled "RRIA Rural Retirement Zone"; § 108-77, entitled "RA Rural Agricultural Zone"; and § 108-78, entitled "REC Rural Recreation Zone." Former § 108-79, entitled "CS-80 Community Service Zone," was repealed 9-18-1980 by Ord. No. 25-80.

53. Editor's Note: Former § 108-80, entitled "RO-80 Residential and Office Zone," which immediately followed this section, was superseded 2-5-1981 by Ord. No. 4A-81.

54. Editor's Note: Schedule A is included at the end of this chapter.

55. Editor's Note: Schedule A is included at the end of this chapter.

§ 335-105. C-200 Limited Business Zone. ⁵⁶ [Added 12-22-1983 by Ord. No. 36-83; amended 7-23-1998 by Ord. No. 98-24]

Those properties included in the C-200 Limited Business Zone shall be those lots and blocks as identified on the Tax Map of the Township of Lacey as set forth as follows on Schedule A.

§ 335-106. C-300 Limited Business Zone. ⁵⁷ [Amended 9-18-1980 by Ord. No. 25-80; 12-22-1983 by Ord. No. 36-83; 7-23-1998 by Ord. No. 98-24]

Those properties included in the C-300 Limited Business Zone shall be those lots and blocks as identified on the Tax Map of the Township of Lacey as set forth as follows on Schedule A.

§ 335-107. C-100 Marine Commercial Zone. ⁵⁸ [Amended 9-18-1980 by Ord. No. 25-80; 12-22-1983 by Ord. No. 36-83; 5-23-1985 by Ord. No. 12-85; 7-23-1998 by Ord. No. 98-24]

Those properties included in the C-100 Marine Commercial Zone shall be those lots and blocks as identified on the Tax Map of the Township of Lacey as set forth as follows on Schedule A.

§ 335-108. M-1 Business Park Zone. ⁵⁹ [Added 7-23-1998 by Ord. No. 98-24]

Those properties included in the M-1 Business Park Zone shall be those lots and blocks as identified on the Tax Map of the Township of Lacey as set forth as follows on Schedule A. ⁶⁰

§ 335-109. M-2 Limited Industrial Zone. ⁶¹ [Amended 9-18-1980 by Ord. No. 25-80; 7-23-1998 by Ord. No. 98-24]

Those properties included in the M-2 Limited Industrial Zone shall be those lots and blocks as identified on the Tax Map of the Township of Lacey as set forth as follows on Schedule A. ⁶²

§ 335-110. M-6 Industrial Zone. [Amended 2-14-1991 by Ord. No. 5-91; 7-23-1998 by Ord. No. 98-24⁶³]

Those properties included in the M-6 Industrial Zone shall be those lots and blocks as identified on the Tax Map of the Township of Lacey as set forth as follows on Schedule A.

56. Editor's Note: Former § 335-105, C-300 Limited Business Zone, was redesignated as § 335-106, C-300 Limited Business Zone, 7-23-1998 by Ord. No. 98-24.

57. Editor's Note: Former § 335-106, C-100 Marine Commercial Zone, was redesignated as § 335-107, C-100 Marine Commercial Zone, 7-23-1998 by Ord. No. 98-24.

58. Editor's Note: Former § 335-107, C-200 Limited Business Zone, was redesignated as § 335-105, C-200 Limited Business Zone, 7-23-1998 by Ord. No. 98-24.

59. Editor's Note: Former § 335-108, M-2 Limited Industrial Zone, was redesignated as § 335-109, M-2 Limited Industrial Zone, 7-23-1998 by Ord. No. 98-24.

60. Editor's Note: Former § 108-86, entitled "M-3 Medium Industrial Zone," as amended, which immediately followed this subsection, was repealed 2-14-1991 by Ord. No. 5-91.

61. Editor's Note: Former § 335-109, M-6 Industrial Zone, was redesignated as § 335-110, M-6 Industrial Zone, 7-23-1998 by Ord. No. 98-24.

62. Editor's Note: Schedule A is included at the end of this chapter.

63. Editor's Note: This ordinance also provided for the repeal of former § 335-10, Municipal parks and recreation areas, as added 9-18-1980 by Ord. No. 25-80.

§ 335-111. ML-Office Zone. [Added 7-23-1998 by Ord. No. 98-24⁶⁴]

Those properties included in the ML Office Zone shall be those lots and blocks as identified on the Tax Map of the Township of Lacey as set forth as follows on Schedule A.

§ 335-112. Historic District. [Added 7-23-1998 by Ord. No. 98-24⁶⁵]

Those properties included in the Lacey Township Historic District Zone shall be those lots and blocks as identified on the Tax Map of the Township of Lacey as set forth as follows on Schedule A.

§ 335-113. State of New Jersey lands. [Added 9-18-1980 by Ord. No. 25-80]

- A. Block 315, Lots 14, 28, 29, 30, 41 and 42 (State Game Farm).
- B. Block 2500, Lot 17.
- C. Block 2600, Lot 28.
- D. Block 4751, Lot 1.
- E. Block 5250, Lots 3, 10 and 15, Plot 1.
- F. Block 5350, Lot 1.

§ 335-114. PA Preservation Area Zone. [Added 2-14-1991 by Ord. No. 91-5; amended 4-28-2005 by Ord. No. 2005-32; 2-23-2006 by Ord. No. 2006-7; 10-12-2006 by Ord. No. 2006-42]

- A. Beginning at a point in the northwesterly line of the corporate boundary line of Lacey Township, Ocean County, New Jersey, said point being 12,750 feet more or less than southwest from the most northerly corner of the Township and from said beginning point running thence:
 - (1) In a north northeasterly direction along the northerly ridge line of the Cedar Creek Drainage Basin to a point 7,000 feet more or less east of the most northerly corner to Lacey Township and in the northerly corporate boundary line of Lacey Township; thence
 - (2) In a generally easterly direction along the corporate boundary line of Lacey Township and along the division lines of Manchester and Berkeley Township to the Garden State Parkway; thence
 - (3) Along the Garden State Parkway in a southerly direction to its intersection with the southern ridgeline of the Cedar Creek Drainage Basin, said point being approximately 1,250 feet north of the intersection of Lacey Road with the Garden State Parkway; thence

64. Editor's Note: This ordinance also provided for the repeal of former § 335-111, Municipal lands, as added 9-18-1980 by Ord. No. 25-80.

65. Editor's Note: This ordinance also provided for the repeal of former § 335-112, School lands, as added 9-18-1980 by Ord. No. 25-80.

- (4) Along the southerly ridge line of the Cedar Creek Drainage Basin in a west southwesterly direction to a point in the southerly corporate boundary line of Lacey Township; said point being 2,000 feet more or less southeasterly of the most northern corner of Ocean Township; thence
 - (5) In a west northwesterly direction 2,000 feet more or less to the most northerly corner of Ocean Township; thence
 - (6) In a west southwesterly direction along the common line between Ocean Township and Lacey Township 1,500 feet more or less to a point in the southerly ridgeline of the Cedar Creek Drainage Basin; thence
 - (7) In a west northwesterly direction along the southern ridgeline of the Cedar Creek Drainage Basin to its intersection with the boundary line of the Greenwood Forest, Fish and Wildlife Management Area; thence
 - (8) Southerly along the boundary line of the Greenwood Forest, Fish and Wildlife Management Area to a point in the common corporate boundary line between Ocean and Lacey Township, said point being 4,300 feet more or less easterly of Route 539; thence
 - (9) In a generally westerly direction along the common line between Ocean and Lacey Townships to a point in the line separating Burlington County from Ocean County; thence
 - (10) Along the common division line between Burlington County and Ocean County, said line being also the most westerly corporate boundary line of Lacey Township, in a northerly direction to the most westerly corner of Lacey Township; thence
 - (11) In a north northeasterly direction along the common division line between Manchester and Lacey Townships to the point and place of beginning.
 - (12) Excepting therefrom the VR Village Residential Zone (Bamber Lake) and the VRC Village Recreational Zone (Bamber Lake).
- B. It is the intention to describe the limits of the preservation area as the same is within Lacey Township and is as shown on a composite map entitled New Jersey Pinelands Growth Management Areas, prepared by Wilcox Gravatt VanSant and signed by George A. VanSant, October 31, 1990.

§ 335-115. FA Forest Area Zone. [Added 2-14-1991 by Ord. No. 5-91]

- A. Tract 1. Beginning at a point in the northwesterly line of the corporate boundary line of Lacey Township, Ocean County, New Jersey, said point being 12,750 feet more or less southwesterly from the most northerly corner of the Township and from said beginning point running; thence
- (1) In a north northeasterly direction along the northerly ridge line of the Cedar Creek Drainage Basin to a point 7,000 feet more or less east of the most northerly corner of Lacey Township and in the northerly corporate boundary line of Lacey Township; thence

- (2) In a generally west northwest direction along the corporate boundary line of Lacey Township to the most northerly corner thereof; thence
 - (3) In a south southeasterly direction along the common boundary line between Manchester and Lacey Townships 12,700 feet to the point and place of beginning.
- B. Tract 2. Beginning at a point along the Garden State Parkway with the intersection of the southern ridge line of the Cedar Creek Drainage Basin, said point being approximately 1,250 feet north of the intersection of Lacey Road with the Garden State Parkway; thence: **[Amended 7-12-2007 by Ord. No. 2007-19]**
- (1) Along the southerly ridge line of the Cedar Creek Drainage Basin in a west southwesterly direction to a point in the southerly corporate boundary line of Lacey Township, said point being 2,000 feet more or less southeasterly of the most northern corner of Ocean Township; thence
 - (2) In an east southeasterly direction along the common line between Ocean and Lacey Townships 23,500 feet more or less to a point in Oyster Creek; thence
 - (3) Along the thread of the stream of Oyster Creek in an east northeasterly direction to its point of intersection with the Garden State Parkway, said line is also the common boundary line between Lacey and Ocean Townships; thence
 - (4) In a northerly direction along the Garden State Parkway to the point and place of beginning.
- C. Tract 3. Beginning at a point along the common corporate boundary line between Ocean and Lacey Townships and in a west southwesterly direction 1,500 feet more or less from the most northerly corner of Ocean Township, said point is also along the ridge line of the Cedar Creek Drainage Basin; thence
- (1) In a west northwesterly direction along the southern line of the Cedar Creek Drainage Basin to its intersection with the boundary line of the Greenwood Forest, Fish and Wildlife Management Area; thence
 - (2) Southerly along the Greenwood Forest, Fish and Wildlife Management Area to a point in the common corporate boundary line between Ocean and Lacey Townships, said point being 4,300 feet more or less easterly of Route 539; thence
 - (3) In an easterly direction along the common corporate boundary line of Ocean and Lacey Townships 7,400 feet more or less to the point and place of beginning.
- D. It is the intention to describe the limits of the forest area of the New Jersey pinelands as the same is within the corporate lines of Lacey Township and is shown on the composited map entitled New Jersey Pinelands Growth Management Areas, prepared by Wilcox Gravatt VanSant and signed by George A. VanSant, October 31, 1990.⁶⁶

§ 335-116. RD Rural Development Zone. [Added 2-4-1991 by Ord. No. 5-91; amended 7-12-2007 by Ord. No. 2007-19]

(Reserved)

66. Editor's Note: This map is on file in the Township offices.

§ 335-117. VR Village Residential Zone (Bamber Lake). [Added 2-14-1991 by Ord. No. 5-91; amended 2-23-2006 by Ord. No. 2006-7; 10-12-2006 by Ord. No. 2006-42]

- A. Beginning at the intersection of the southwesterly right-of-way line of Lacey Road, also known as North Boulevard, with the southwesterly extension of the northwesterly lot line of Lot 48, Block 2811, Tax Sheet 104; thence
- (1) In a northeasterly direction along the common lot lines between Lots 47 and 48 and 19 and 20 of Block 2811 to a point for a corner in the southwesterly right-of-way line of Second Avenue; thence
 - (2) In a southeasterly direction along said southwesterly right-of-way line of Second Avenue to the common corner between Lots 24 and 25 of Block 2811; thence
 - (3) In a southwesterly direction along the common lot line between Lots 24 and 25 of Block 2811; thence
 - (4) In a southeasterly direction along the northeasterly lot lines of Lots 53, 54, 55 and 56 to the easterly corner of Lot 56, Block 2811, said corner being in the division line between Block 2810 and 2811 and also in the northwesterly line of Lot 18, Block 2810; thence
 - (5) In a southwesterly direction along the northwesterly line of said Lot 18, Block 2810, a distance of 10.60 feet more or less to the common corner between Lots 17 and 18, Block 2810; thence
 - (6) In a southeasterly direction along the common lot line between Lots 17 and 18, Block 2810, to a point for a corner in the northwesterly right-of-way line of Delaware Avenue; thence
 - (7) In a northeasterly direction along the northwesterly right-of-way line of Delaware Avenue to its intersection with the northwesterly extension of the northeasterly right-of-way line of Dover Avenue; thence
 - (8) In a southeasterly direction along the northeasterly right-of-way line of Dover Avenue to a point where its southeasterly extension intersects with the southeasterly right-of-way line of Dover Road, also known as Toms River Road; thence
 - (9) In a southwesterly direction along the southeasterly right-of-way line of Dover Road to its intersection with the northeasterly right-of-way line of Lacey Road; thence
 - (10) In a southeasterly direction along the northeasterly right-of-way line of Lacey Road to its intersection with the northwesterly lot line of Lot 1, Block 2700; thence
 - (11) In a northeasterly direction along the northwesterly lot line of said Lot 1, Block 2700, to the northerly corner of said Lot 1; thence
 - (12) In a southeasterly direction along the northeasterly lot lines of Lots 1 and 6, Block 2700, to the easterly corner of said Lot 6; thence
 - (13) In a southwesterly direction along the southeasterly lot line of Lot 6, Block 2700, to the northeasterly right-of-way line of Lacey Road; thence

- (14) In a southeasterly direction along the northeasterly right-of-way line of Lacey Road to a point in the division line between Lots 1 and 2, Block 2701; thence
- (15) In a northeasterly direction along the common lot lines between Lots 1 and 2, Block 2701 to its terminus; thence
- (16) In a southeasterly direction along the northeasterly lot lines of Lots 2 and 3, Block 2701 to a point, said point being the common property corner of Lots 3, 4, 5.01 and 6, Block 2701; thence
- (17) In a northeasterly direction along the common lot lines between Lots 4 and 6, Block 2701 to a point for a corner in the southwesterly right-of-way line of Second Avenue; thence
- (18) In a southwesterly direction along the southwesterly right-of-way line of Second Avenue to the common corner between Lots 26 and 28, Block 2701; thence
- (19) In a southwesterly direction along the common lot lines between Lots 26 and 28 and 25 and 27 to its intersection with the northeasterly right-of-way line of Lacey Road; thence
- (20) In a southeasterly direction along the northeasterly right-of-way line of Lacey Road to the southwesterly corner of Lot 35, Block 2600; thence
- (21) In a northeasterly direction along the northwesterly line of Lot 35, Block 2600, to the northerly corner of said Lot 35; thence
- (22) In a southeasterly direction along the northeasterly line of Lots 35 and 36 to a point in the northwesterly line of Plot 30, Block 2600; thence
- (23) In a northeasterly direction along the northwesterly line of Lot 30, Block 2600, to the northerly corner of Lot 30, Block 2600; thence
- (24) In a southeasterly direction along the northeasterly line of Lot 30, Block 2600, to a point in the northwesterly line of a fifty-foot-wide reserved strip of land; thence
- (25) In a northwesterly direction along the northwesterly line of said fifty-foot-wide reserved strip of land to a point in the southwesterly line of Lot 17, Block 2600; thence
- (26) In a southeasterly direction along the southwesterly line of Lots 17 and 16, Block 2600, to a point corner to Lots 15, 16 and 29, Block 2600; thence
- (27) In a northeasterly direction along the division line between Lots 16 and 29, Block 2600, a distance of 1,000 feet to a point; thence
- (28) In a southeasterly direction parallel with the division line between Lots 15 and 29, Block 2600, to a point corner to Lots 29 and 29.01; thence
- (29) Continuing in a southeasterly direction along the division line between Lots 29 and 29.01, Block 2600, a distance of 500 feet to a point corner to the same; thence
- (30) Still continuing along the same in a southwesterly direction a distance of 1,000 feet to a point corner to the same in the northeasterly line of Lot 34, Block 2600; thence

- (31) In a northwesterly direction along the division line between Lots 29 and 34, Block 2600, to a point at the intersection of the southeasterly right-of-way line of Aspen Road with said division line between Lots 29 and 34; thence
- (32) In a southwesterly direction along said southeasterly line of Aspen Road to the intersection of its southwesterly extension with the southwesterly right-of-way line of Lacey Road; thence
- (33) In a southwesterly direction along said southwesterly line of Lacey Road to a point corner to Lots 2 and 2.02, Block 4000; thence
- (34) In a southwesterly direction along said division line between Lots 2 and 2.02 and the southwesterly extension of the same to a point where said extension intersects the division line between Lots 2 and 6.02, Block 4000; thence
- (35) In a northerly direction along said division line between Lots 2 and 6.02, Lots 3 and 6.02 and Lots 5 and 6.02 to a point distant 208.71 feet southeasterly from where the northwesterly extension of said division line between Lots 5 and 6.02, which extension is parallel with Lacey Road, intersects the north-south division line between Lots 6.02 and 7.02 of Block 4000; thence
- (36) In a southwesterly direction parallel with the north-south division line between Lots 6.02 and 7.02, Block 4000, a distance of 208.71 feet to a point for a corner; thence
- (37) In a northwesterly direction parallel with Lacey Road a distance of 208.71 feet to a point in the division line between Lots 6.02 and 7.02, Block 4000; thence
- (38) In a southwesterly direction along the division line between Lots 6.02 and 7.02, Block 4000, to the southwesterly corner of Lot 6.02, Block 4000; thence
- (39) In a northwesterly direction along a line parallel with Lacey Road and cutting across Lots 7.02, 8 and 10, Block 4000, to a point in the northwesterly line of a thirty-three-foot wide proposed road, which point is also in the southeasterly side of Lot 1, Block 4005; thence
- (40) In a northeasterly direction along said northwesterly line of the thirty-three-foot-wide proposed road to a point where the southeasterly division line between Lots 3 and 3.01, Block 4005, intersects said northwesterly line of the thirty-three-foot-wide proposed road; thence
- (41) In a northeasterly direction along said southeasterly extension of the division line between Lots 3 and 3.01, Block 4005, along the division line of Lots 3 and 3.01 and along the northwesterly extension of said division line across Lots 3 and 5 to a point in the division line between Lot 5, Block 4005, and Lot 1, Block 4028; thence
- (42) In a northeasterly direction along the division line between Lot 5, Block 4005, and Lot 1, Block 4028, to a point for a corner in the southwesterly right-of-way line of Lacey Road; thence
- (43) In a northwesterly direction along said southwesterly right-of-way line of Lacey Road to a point corner to Lot 1, Block 4028, and Lot 7, Block 4029; thence

- (44) In a southwesterly direction along the division line between Lot 1, Block 4028, and Lots 7, 6, 5 and 9, Block 4029, to a point corner to said Lot 1, Block 4028, and Lot 9, Block 4029; thence
- (45) In a southeasterly direction along the division line between said Lot 1, Block 4028, and Lot 9, Block 4029, a distance of 10 feet more or less to a point corner to Lot 1, Block 4028, and Lots 9 and 10, Block 4029; thence
- (46) In a northwesterly direction along the division line between Lots 9 and 10, Block 4029, and along the northwesterly extension of said division line crossing Maple Road and along the division line between Lots 10 and 12, Block 4030, to a point corner to Lots 10, 11, 12 and 13, Block 4030; thence
- (47) In a southwesterly direction along the division line between Lots 12 and 13, Block 4030, to a point corner to Lots 12, 13, 14 and 15, Block 4030; thence
- (48) In a northwesterly direction along the division line between Lots 13 and 15, Block 4030, to a point for a corner in the southeasterly right-of-way line of Holly Road; thence
- (49) In a southwesterly direction along the southeasterly right-of-way of Holly Road to a point where its southwesterly extension intersects with the southwesterly right-of-way line of Pioneer Road; thence
- (50) In a northwesterly direction along the southwesterly right-of-way of Pioneer Road to a point where it intersects with the southeasterly right-of-way line of Phillips Road; thence
- (51) In a southwesterly direction along the southeasterly right-of-way line of Phillips Road to a point of intersection of the extension of the common lot line of Lots 1.01 and 3, Block 4039; thence
- (52) In a northwesterly direction along the southwesterly line of Lot 1.01, Block 4039, across Capshaw Road to a point in the northwesterly right-of-way line of Capshaw Road; thence
- (53) In a northeasterly direction along the northwesterly right-of-way line of Capshaw Road to its intersection with a point in the southwesterly right-of-way line of Pioneer Road; thence
- (54) In a southwesterly direction along the southwesterly right-of-way of Pioneer Road to a point, said point being the intersection of the southeasterly extension of the northwesterly lines of Lots 3, 4, 5 and 6, Block 4027 and the southwesterly right-of-way line of Pioneer Road; thence
- (55) In a northeasterly direction along the extension of and the northwesterly lines of Lots 3, 4, 5 and 6, Block 4027, to a point, said point being the common property corner of Lots 1.01, 2, 3 and 10, Block 4027; thence
- (56) In a northwesterly direction along the common property line of Lots 1.01 and 10, Block 4027 and its northwesterly extension to a point in the northwesterly right-of-way line of Lake Drive; thence

- (57) In a northeasterly direction along the northwesterly right-of-way line of Lake Drive to its intersection with the extended center line of Brinley Road; thence
- (58) In a northwesterly direction at an angle of approximately 45 degrees along a sand road to a point in the high-water line of Bamber Lake; thence
- (59) In a northerly direction along the high-water line of Bamber Lake to its intersection with the southwesterly extension of the northwesterly lot line of Lot 7, Block 4038, which extension is 150 feet northwest of and parallel with the northwesterly right-of-way line of Lake Drive; thence
- (60) In a northeasterly direction along said southwesterly extension of the northwesterly line of Lot 7, Block 4038, and along the division line between Lot 8.02, Block 4500, and Lots 7, 6 and 5, Block 4038, to a point corner to Lots 8.01 and 8.02, Block 4500, and Lot 5, Block 4038; thence
- (61) In a northeasterly direction along the division line between Lot 8.01, Block 4500, and Lots 5, 4, 3, 2 and 1, Block 4038, to a point in the southwesterly right-of-way line of Lacey Road; thence
- (62) In a northwesterly direction along the southwesterly right-of-way line of Lacey Road to its intersection with the southeasterly right-of-way line of Laurel Road; thence
- (63) In a southwesterly direction along the southeasterly right-of-way line of Laurel Boulevard to a point in the division line between Lot 8.01, Block 4500, and Lot 3, Block 4102; thence
- (64) In a southerly direction along the division line between Lot 8.01, Block 4500, and Lot 3, Block 4102, to a point corner to said lots and Lot 8.02, Block 4500; thence
- (65) In a westerly direction along the division line between Lot 8.02, Block 4500, and Lot 3, Block 4102, to a point corner to Lots 1, 2 and 4, Block 4102, and Lot 8.02, Block 4500; thence
- (66) In a southerly direction along the division line between Lot 4, Block 4102, and Lot 8.02, Block 4500, and along the easterly terminus of Good Luck Road and the southerly extension thereof to its intersection with the high-water line of Bamber Lake; thence
- (67) In a general southwesterly direction along the high-water line of Bamber Lake to its intersection with the southerly line of Lot 11, Block 4104; thence
- (68) In a westerly direction along the southerly lot line of Lot 11, Block 4104, to a point corner to said Lot 11 and corner to Lot 8, Block 4500; thence
- (69) In a northerly direction along the division line between Lot 11, Block 4104, and Lot 8, Block 4500, to a point corner to Lots 1 and 11, Block 4104, and Lot 8, Block 4500, in the southwesterly right-of-way line of Good Luck Road; thence
- (70) In a northwesterly direction along the southwesterly right-of-way line of Good Luck Road to its intersection with the northwesterly block limit line of Block 4107, which is the southwesterly extension of the division line between Lot 2, Block 4500, and Lot 7.01, Block 4107; thence

- (71) In a northeasterly direction along said block limit and the division line between Lots 1, 2 and 2.01, Block 4500, and Lots 1, 2, 3, 4, 5, 6 and 7.01, Block 4107, to a point in the southwesterly right-of-way line of Smith Road; thence
- (72) In a northwesterly direction along the southwesterly right-of-way line of Smith Road to a point corner to Lot 8, Block 4500, in the northeasterly line of Lot 1, Block 4500; thence
- (73) In a northeasterly direction along the southeasterly line of said Lot 8, which is the division line between Blocks 4500, 4112 and 4109, to a point in southwesterly right-of-way line of Lacey Road; thence
- (74) In a northwesterly direction along said southwesterly right-of-way line of Lacey Road to the point and place of beginning.

B. Based on Tax Maps current to December 1, 2003.

§ 335-118. VRC Village Recreational Zone (Bamber Village). [Added 2-14-1991 by Ord. No. 5-91]

- A. Beginning at the intersection of the northwest corner of a fifty-foot-wide reserved strip of land and a point in the southwesterly line of Lot 17, Block 2600, Tax Sheet 102; thence
- (1) In a southeasterly direction along the southwesterly line of Lots 17 and 16, Block 2600, to a point corner to Lots 15, 16 and 29, Block 2600; thence
 - (2) In a northeasterly direction along the division line between Lots 16 and 29, Block 2600, a distance of 1000 feet to a point; thence
 - (3) In a southeasterly direction parallel with the division line between Lots 15 and 29, Block 2600, to a point corner to Lots 29 and 29.01; thence
 - (4) Continuing in a southeasterly direction along the division line between Lots 29 and 29.01, Block 2600, a distance of 500 feet to a point corner to the same; thence
 - (5) Still continuing along the same in a southwesterly direction a distance of 100 feet to a point corner to the same in the northeasterly line of Lot 34, Block 2600; thence
 - (6) In a northwesterly direction along the division line between Lots 29 and 34, Block 2600, to a point at the intersection of the southeasterly right-of-way line of Aspen Road with said division line between Lots 29 and 34; thence
 - (7) In a southwesterly direction along the southeasterly line of Aspen Road to the intersection of the projected dividing line of said southwest line of Lot 15, Block 2600, and the northeast line of said fifty-foot-wide reserved strip of land; thence
 - (8) In a northwesterly direction along the northeasterly line of said fifty-foot-wide reserved strip of land to a point in the northwest corner of the intersection of the two fifty-foot-wide reserved strips of land; thence
 - (9) In a northeasterly direction along the northwesterly line of said fifty-foot-wide reserved strip of land to the point and place of beginning.

B. Based on Tax Maps current to January 14, 1986.

ARTICLE XVII
Pinelands Area Procedures
[Added 2-14-1991 by Ord. No. 5-91]

§ 335-119. Applicability of procedures.

- A. No person shall carry out any development within the Pinelands Area without obtaining approval from an approval agency and without obtaining development approval in accordance with the procedures set forth in this article.
- B. Except as provided in Subsection C below, the following shall not be subject to the procedures set forth in this article:
- (1) The improvement, expansion or reconstruction, within five years of destruction or demolition, of any single-family dwelling unit or appurtenance thereto.
 - (2) The improvement, expansion, construction or reconstruction of any structure accessory to a single-family dwelling.
 - (3) The improvement, expansion, construction or reconstruction of any structure used exclusively for agricultural or horticultural purposes.
 - (4) The construction, repair or removal of any sign except for the construction or replacement of any off-site commercial advertising sign.
 - (5) The repair of existing utility distribution lines. **[Amended 3-27-1997 by Ord. No. 97-14]**
 - (6) The clearing of less than 1,500 square feet of land.
 - (7) The construction of any addition or accessory structure for any nonresidential use or multifamily residential structure, provided that said addition or structure will be located on or above 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 1,000 square feet.
 - (8) The demolition of any structure that is less than 50 years old.
 - (9) The installation of utility distribution lines, except for sewage lines, to serve areas which are effectively developed or development which has received all necessary approvals and permits. **[Added 3-27-1997 by Ord. No. 97-14]**
 - (10) The repair or replacement of any existing on-site wastewater disposal system. **[Added 3-27-1997 by Ord. No. 97-14]**
 - (11) The repaving of existing paved roads, provided that no increase in the paved width of said roads will occur. **[Added 3-27-1997 by Ord. No. 97-14]**
 - (12) The clearing of land solely for agricultural purposes. **[Added 3-27-1997 by Ord. No. 97-14]**
 - (13) Fences, provided that no more than 1,500 square feet of land is to be cleared. **[Added 3-27-1997 by Ord. No. 97-14]**

- (14) Aboveground telephone equipment cabinets. **[Added 3-27-1997 by Ord. No. 97-14]**
- (15) Tree pruning. **[Added 3-27-1997 by Ord. No. 97-14]**
- (16) The following forestry activities: **[Added 3-27-1997 by Ord. No. 97-14]**
 - (a) Normal and customary forestry practices on residentially improved parcels of land that are five acres or less in size.
 - (b) Tree harvesting, provided that no more than one cord of wood per five acres of land is harvested in any one year and that no more than five cords of wood are harvested from the entire parcel in any one year.
 - (c) Tree planting, provided that the area to be planted does not exceed five acres in any one year, no soil disturbance occurs other than that caused by the planting activity and no trees other than those authorized by N.J.A.C. 7:50-6.25 are to be planted.
 - (d) Forest stand improvement designed to selectively thin trees and brush, provided that no clearing or soil disturbance occurs and that the total land area on the parcel in which the activity occurs does not exceed five acres in any one year.
- (17) Prescribed burning and the clearing and maintaining of fire breaks. **[Added 3-27-1997 by Ord. No. 97-14]**
- (18) Normal and customary landscape plantings, unless a landscaping plan is required pursuant to § 215-16A of Chapter 215 or § 335-25C. **[Added 3-27-1997 by Ord. No. 97-14]**
- C. The exceptions contained in Subsection B above shall not apply to any historic resources designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154.
- D. Nothing herein shall preclude any local or state agency from reviewing, in accordance with the provisions of any applicable ordinance or regulation, any proposed development which does not require an application to the Pinelands Commission pursuant to this article.

§ 335-120. Application requirements for minor development.

- A. 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; and
 - (b) Soil borings and percolation tests: If on-site sewage disposal is proposed, results or 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 the suitable location with a tract map showing the location, logs and elevation 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 § 335-29.
- (8) A location map, including the area extending at least 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 Agriculture Soil Conservation Services, 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 § 335-123.

§ 335-121. Other application requirements; certificate of filing.

- A. All applications for major development, other than forestry and resource extraction operations, shall be accompanied by the information required in N.J.A.C. 7:50-4.2(b)(5), as well as the following;

- (1) A certificate of filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34 or, until January 14, 1991, evidence of prior approval from the Pinelands Development Review Board or the Pinelands Commission pursuant to the Interim Rules and Regulations; and
 - (2) When prior approval for the development has been granted by an approval agency, evidence of Pinelands Commission review pursuant to § 335-123.
- B. Any application for approval of forestry operations shall be subject to the requirements of N.J.A.C. 7:50-6.43. **[Amended 3-27-1997 by Ord. No. 97-14]**
- C. Any application for approval of resource extraction operations shall be subject to the requirements of N.J.A.C. 7:50-4.2(b)7. **[Amended 3-27-1997 by Ord. No. 97-14]**

§ 335-122. Notices to Pinelands Commission.

- A. Application submission and modifications. Written notification will be given by the Township to the Pinelands Commission within seven 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:
- (1) The name and address of the applicant.
 - (2) The docket number of the certificate of filing issued by the Pinelands Commission and the date on which it was issued.
 - (3) The date on which the application or any change thereto was filed and any docket number or other identifying number assigned to the application by the approval agency.
 - (4) Any written reports or comments received by the approval agency on the application for development which have not been previously submitted to the Commission.
 - (5) The content of any change made to the application since it was filed with the Commission, including a copy of any revised plan or reports.
 - (6) The nature of the municipal approval or approvals being sought.
- B. Hearings. Where a hearing on an application for development approval in the Pinelands Area is required, the applicant shall provide notice to the Pinelands Commission by regular mail or delivery of the same to the principal office of the Commission at least five days prior to such hearing. Such notice shall contain at least the following information:
- (1) The name and address of the applicant.
 - (2) The docket number of the certificate of filing issued by the Pinelands Commission and the date on which it was issued.
 - (3) The date, time and location of the meeting, hearing or other formal proceeding.
 - (4) The name of the approval agency or representative thereof which will be conducting the meeting, hearing or other formal proceeding.

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

§ 335-123. Review by Pinelands Commission.

- A. Upon receipt by the Pinelands Commission of a notice of approval pursuant to § 335-122C above, the application for development approval shall be reviewed in accordance with the provisions in N.J.A.C. 7:50-4.37 through 4.42. The approval of the Township shall not be effective and no development shall be carried out prior to a determination of whether the development approval will be reviewed by the Commission. If the applicant is notified that the Commission will review the application for development, no development shall be carried out until such review has been completed.
- B. Until January 14, 1991, approvals issued by the Pinelands Development Review Board or the Pinelands Commission under the Interim Rules and Regulations shall serve as the basis for Pinelands Commission review of the local approval under this section. Although the Pinelands Commission shall be notified of all denials, no such denial notices are subject to further review and action by the Pinelands Commission.

§ 335-124. Condition on prior approvals by Township.

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

- A. Notification is received from the Pinelands Commission that review of the prior local approval is not required; or

- B. Review of the prior local approval has been completed pursuant to N.J.A.C. 7:50-4.37 through 4.42 and a final order regarding the approval is received by the Township from the Pinelands Commission.

§ 335-125. Effect of Pinelands Commission's decision on Township's approval.

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

§ 335-126. 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.

§ 335-127. Public development.

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

§ 335-128. Environmental Commission Review.

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

§ 335-129. Amendments.

In amending this chapter, Chapter 185, Flood Hazard Areas, Chapter 215, Land Use Procedures, Chapter 285, Site Plan Review, Chapter 297, Subdivision of Land, Chapter 313, Trees, Chapter 319, Vegetation, Obnoxious, Chapter 400, Sewage Disposal Systems, or any other chapter of this Code regulating the use of land or the Township's Master Plan, the Township shall comply with all the requirements of N.J.A.C. 7:50-3.45.⁶⁷

67. Editor's Note: Former Schedule I, General Schedule of Area, Yard and Building Requirements; Schedule II, Planned Unit Residential Development (PRD) Schedule of Area, Yard and Building Requirements; Schedule III, Planned Residential Retirement Community (PRRC) Schedule of Area, Yard and Building Requirements, and Schedule IV, Cluster Residential Development Schedule of Area, Yard and Building Requirements, as amended, which immediately followed this section, were all superseded 2-14-1991 by Ord. No. 5-91.