# CHAPTER 5

# ZONING

## ARTICLE I
## TITLE, PURPOSE, ESTABLISHMENT OF DISTRICTS, GENERAL CONDITIONS

### Section 5.00 Short Title.

This chapter shall be known and may be cited as the Zoning Ordinance of the Township of Lower Alloways Creek, New Jersey.

### Section 5.01 Purpose.

This chapter is adopted pursuant to the Municipal Land Use Law of 1975 (N.J.S.A. 40:55D-1 et seq.) and subsequent amendments and supplements thereto, in order to promote and protect the public health, safety, and general welfare.

### Section 5.02 Application and Implementation of Zoning Ordinance.

The application, implementation and enforcement of this Zoning Ordinance shall be accomplished as prescribed in Section 5.09 of this ordinance.

### Section 5.03 Establishment of Zoning Districts.

For the purpose of this ordinance, the Township of Lower Alloways Creek is hereby divided into the following districts, differentiated according to use, area and bulk requirements, to be designated as follows:

| | |
|---|---|
| AR | Agricultural Residential District |
| VR | Village Residential District |
| I | Industrial District |
| W | Wetlands District |
| CP | Conservation Park District |

## Section 5.04 Zoning Map.*

The boundaries of these zoning districts are established on the map entitled "Zoning Map of the Township of Lower Alloways Creek", dated November 1993, which accompanies and is hereby made part of this ordinance. The Zoning Map shall be the official reference as to the current zoning classification of any land within the boundaries of Lower Alloways Creek Township.

The land designated as a Conservation Park District as shown on the Zoning Map shall only include property owned by the Township and private property containing deed restrictions for conservation. This clarification of intent supersedes any inaccuracy on the Zoning Map concerning the Conservation Park area. (Ord. No. 99-4)

## Section 5.05 Interpretation of District Boundaries.

A. Zoning district boundary lines are intended to follow the center lines of streets, railroad rights-of-way, streams and lot or property lines as they exist on lots of record at the time of enactment of this ordinance unless otherwise indicated by dimensions on the Zoning Map. Any dimensions shown shall be in feet and measured horizontally and, when measured from a street, shall be measured from the street right-of-way line even if the centerline of that street is used for the location of a zoning district line.

B. The exact location of any disputed zoning district boundary line shall be determined by the Zoning Board of Adjustment.

C. The zoning standards, controls and designations apply to every structure, lot and use within each district and the district lines extend vertically in both directions from ground level.

D. Where a zone boundary fixed by dimension on the Zoning Map approximately follows and is not more than twenty (20) feet from a lot line, such lot line shall be construed to be the zone boundary.

E. In unsubdivided land and where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions on the map, shall be determined by the Zoning Officer by application of a scale thereto.

F. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits.

G. Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by subsections above, the Zoning Officer shall interpret the district boundaries.

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***Editor's Note:** The Zoning Map referred to can be found at the end of this Land Develoment.

**Section 5.06 Effect of Establishment of Districts.**

A. Following the effective date of this chapter:

1. Any use not permitted by this chapter shall be deemed to be prohibited.

2. Where the provisions of this zoning chapter impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this zoning ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this zoning ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

B. Prohibited Uses in All Districts: All uses not expressly permitted in this Chapter are prohibited, including, but not by way of limitation, the following:

1. Piggeries.

2. Junkyards including automobile wrecking.

3. The dumping or disposal of waste or scrap material of any kind or the sufferance of such dumping, upon any property by the owner or occupant thereof, except by special permit (exclusive of dumps maintained by the Township Committee of Lower Alloways Creek).

4. Excavation and removal of any earth, soil, clay, gravel or stone for sale or use off premises.

5. No land, building, structure or equipment of any kind in the Township of Lower Alloways Creek shall be used for the temporary or permanent storage or disposal of spent nuclear fuel or radioactive waste material of any kind. However, in connection with the operation of a duly licensed nuclear generating facility, spent nuclear fuel produced only by that generating facility may be temporarily retained at that same generating facility until such time as space becomes available in a spent fuel repository outside the Township or until any means of spent fuel disposal becomes available outside the Township to the operator of that generating facility, whichever happens first, after allowing for normal spent fuel cooling time, if such temporary retention qualifies and is approved as a conditional use pursuant to Section 5.07 B.2 of the Township Land Development Ordinance. Notwithstanding the foregoing, low-level radioactive waste and spent nuclear fuel produced only by duly licensed nuclear generating facilities within the Township may be temporarily stored at one (1) of those same generating facilities if such storage qualifies and is approved as a conditional use pursuant to Section 5.07 of the Township Land Use Ordinance.
(Ord. No. 2001-6)

**Section 5.07 Conditional Uses.**

Uses listed as conditional uses in a particular district may be permitted by the Planning Board only if it has been determined that the development proposal complies with the conditions and standards set forth in this chapter for the location and operation of such use.

A. The only conditional uses permitted are those set forth in this section and shall be obtained in accordance with the following procedures:

Before a construction permit or certificate of occupancy shall be issued for any conditional use as permitted by this section, application shall be made to the Planning Board. The Planning Board shall grant or deny said application within ninety-five (95) days of submission of a complete application by a developer or the Administrative Officer, or within such further time as may be consented to by the applicant.

The review by the Planning Board of a conditional use shall include a site plan review as set forth in the Land Development Ordinance of the Township of Lower Alloways Creek Public notice and a hearing shall be required as set forth in the ordinance.

In all requests for approval of conditional uses, the burden of proof shall be on the applicant. The Planning Board shall give due consideration to all reasonable elements which could affect the public health, welfare, safety, comfort and convenience, such as, but not limited to, the proposed use(s), the character of the area, vehicular travel patterns and access, pedestrian ways, landscaping, lighting, signs, drainage, sewage treatment, potable water supply, utilities, and building and structure location(s) and orientation(s).

B. Conditional Uses Permitted.

1. Storage of Low-Level Radioactive Waste (LLW) in the Industrial District.

a. Intent. It has been determined that there may be a need for onsite, temporary storage of LLW generated by the duly licensed nuclear facility(ies) existing in the Township.

b. The storage of LLW shall be permitted only if it complies with the following conditions and standards:

(1) Only LLW generated by a duly licensed nuclear generating facility(ies) existing within the Township on the date of adoption of this ordinance may be stored.

(2) Storage of LLW must take place

(a) On the site of the nuclear generating facility(ies)

(b) Within the nuclear security fence

(c) Within the Nuclear Regulatory Commission licensed exclusion area of a reactor site, as defined in 10 CFR 100.3(a)

(3) There shall be no more than one (1) LLW storage facility permitted in the Township.

(4) The maximum dimensions of an LLW storage facility shall be:

(a) Area: twenty thousand (20,000) square feet

(b) Height: fifty (50) feet

(c) Storage capacity: sixty-five thousand seven hundred fifty (65,750) cubic feet

(5) The LLW storage facility must be designed and constructed in accordance with applicable NRC regulations and guidelines and any other federal and/or state agency(ies) which have jurisdiction over the storage of LLW.

(6) Provided there is a legally available storage or deposit site for low level radioactive waste, at least fifty (50%) percent of the low level radioactive waste accumulated in the storage facility shall be removed from the Township annually.

(7) Any owner or operator of a low level radioactive waste storage facility existing in the Township on the date of adoption of this ordinance shall be required to make application to the Planning Board for conditional use approval within sixty (60) days of the date of the adoption of this ordinance.

(8) Any approval granted by the Planning Board for the storage of low level radioactive waste shall terminate no later than five (5) years from the date of approval by the Planning Board.

2. Storage of spent nuclear fuel or radioactive waste of any kind in the Industrial District.

a. Intent. It has been determined that there may be a need for onsite, temporary storage of spent nuclear fuel or radioactive waste of any kind generated by the duly licensed nuclear facilities existing in the Township.

b. The storage of spent nuclear fuel and radioactive waste of any kind shall be permitted only if it complies with the following conditions and standards:

(1) Only spent nuclear fuel produced by a duly licensed nuclear generating facility existing within the Township on the date of this ordinance* may be stored and only at that same generating facility which produced it.

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***Editor's Note:** Ordinance No. 2001-6, codified herein, was adopted July 17, 2001.

(2) Temporary storage of spent nuclear fuel must take place

(i) On the site of the nuclear generating facility

(ii) Within the nuclear security fence

(iii) Within the Nuclear Regulatory Commission licensed exclusion area of a reactor site, as defined in 10 CFR 100.333(a).

(3) Such temporary storage may only be permitted until such time as space becomes available in a spent fuel depository outside the Township or until any means of spent fuel disposal becomes available outside the Township to the operator of that generating facility, whichever happens first, after allowing for normal spent fuel cooling time.

(4) Each generating nuclear facility separately licensed for operation by the Nuclear Regulatory Commission shall be treated as a separate generating facility for purposes of this chapter and for this conditional use. For example, under this section, no spent nuclear fuel produced by the Salem II Nuclear Generating Station may be stored or temporarily retained at the Salem I Nuclear Generating Station at any time, or vice versa, nor may spent fuel or radioactive waste produced by any other nuclear generating facilities located outside or inside the Township be stored or temporarily retained at Salem I, Salem II, or Hope Creek generating facilities.

(5) The temporary storage facility for spent nuclear fuel of any kind must be designed and constructed in accordance with applicable NRC regulations and guidelines and any other Federal and/or State agency(ies) which have jurisdiction over the storage of spent nuclear fuel.

(6) Any owner or operator of a storage facility for spent nuclear fuel existing in the Township on date of adoption of this ordinance* shall be required to make application to the Planning Board for conditional use approval within ninety (90) days of the date of the adoption of this ordinance.*

(7) Any approval granted by the Planning Board for the storage of spent nuclear fuel or radioactive waste of any kind shall terminate no later than five (5) years from the date of the approval by the Planning Board.
(Ord. No. 99-5; Ord. No. 99-9; Ord. No. 2001-6)

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*Editor's Note: Ordinance No. 2001-6, codified herein, was adopted July 17, 2001.

**Section 5.08 Temporary Uses.**

Temporary uses of land or temporary activities such as fairs, carnivals and circuses, for a period not to exceed fifteen (15) calendar days for each sponsor in any calendar year shall be permitted in all districts. However, all such temporary uses or activities shall require a special permit issued by the Zoning Officer, and shall be subject to the provisions of adequate off-street parking and control of traffic, noise, glare, dust, sanitary concerns and general public safety.

**Section 5.09 Planning Board and Zoning Board of Adjustment Jurisdiction.**

In this chapter, any reference to the "Planning Board" shall be considered to refer to the Zoning Board of Adjustment in those instances where the Zoning Board of Adjustment has jurisdiction as granted by the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and vice versa.

## ARTICLE II
## DISTRICT REGULATIONS

**Section 5.10 General Requirements.**

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

B. Where a lot straddles a municipal boundary line all minimum lot size and minimum yard dimension requirements must be met by that portion of that lot within Lower Alloways Creek Township. No building or structure located on such a lot shall straddle the municipal boundary line. The principal building or structure on such a lot, if located within Lower Alloways Creek Township, must be located entirely on a portion of such lot that fronts on a public street located in Lower Alloways Creek Township.

C. No subdivision or site plan approval may be given unless each lot contained in the subdivision or site plan complies with all the requirements of the zone in which the lot is located, unless a variance is granted.

D. No lot shall have erected on it more than one (1) residential building, except when the lot contains a structure of historic significance as listed in Appendix A and the following requirements can be met:

1. The lot is a minimum of three (3) acres in size.

2. A minimum distance of fifty (50) feet between structures must be established.

3. The historic structure shall not constitute a hazard to public health or safety. (Ord. No. 2001-9)

**Section 5.11 Use Regulations: Agricultural Residential (AR) District.**

A. Permitted Uses. In the Agricultural Residential district, no building or premises shall be used and no building shall be erected or altered on a lot which is arranged, intended or designed to be used, except for one (1) or more of the following uses:

1. Farm and agricultural uses subject to the regulations contained in Section 5.21F. and Section 5.33 of this ordinance.

2. The sale on a seasonal basis, and processing of agricultural products subject to the regulations contained in Section 5.21F, 5. of this ordinance.

3. Detached single family dwelling units.

4. Residential agriculture as defined herein.

5. Hunting clubs, commercial hunting preserves and boat rentals.

6. Public and non-profit playgrounds, athletic fields, swimming pools, conservation areas, parks and public purpose uses.

7. Temporary buildings, temporary construction office and temporary storage of materials, provided that such use is located on the lot where construction is taking place or on a lot adjacent to or part of the development site, and that such temporary use is to be terminated within thirty (30) days of issuance of a final certificate of occupancy for the total project, or work is abandoned according to N.J.S.A. 5:23-2.5(c)2.

8. Buildings, structures and uses owned and operated by the Township of Lower Alloways Creek.

9. Accessory uses and accessory buildings incidental to the above uses and located on the same lot.

B. Conditional Uses. In the Agricultural Residential district, the following uses may be permitted as conditional uses:

1. Public and private elementary, junior and high schools subject to the requirements of Subsection B, 8. paragraphs a. and b., in addition to the minimum lot sizes as established by the New Jersey State Department of Education for school facilities.

2. Home occupations as part of a continued residential use subject to the regulations contained in Section 5.26 of this ordinance.

3. Public libraries and museums, subject to the requirements of Subsection B, 8. paragraphs a., b. and d. of this section.

4. Water storage tank or tower, water reservoir, water or sewer pumping station and water or sewage treatment plant, subject to the following special requirements:

a. Project is designed to be structurally compatible and in keeping with the architectural character of the neighborhood in which it is to be located.

b. Project is in keeping with the master plan or utility services element of the Master Plan.

c. Project conforms with yard setbacks for the district in which it is to be located.

d. Adequate landscaping in conformance with standards established in Section 5.22 and Section 5.23 of this ordinance.

5. Substations, electric and gas facilities, and all other public utilities no greater than four hundred (400) square feet in gross floor area, subject to the following requirements:

a. All those requirements of Subsection B,4.

b. No storage of materials or trucks and no repair facilities or housing of repair crews, except within completely enclosed buildings.

6. Transmission lines, transmitting and receiving antennae or aerials, subject to the following special requirements:

a. None shall exceed fifty-five (55) feet in height.

b. None shall be of such height or position that aircraft warning lights are required by any governmental agency.

7. Day care centers, day camps, kindergartens, pre-schools, day nursery schools provided such use complies with N.J.S.A. 40:55D-66.5.b and subject to the following special requirements:

a. At least one hundred (100) square feet of outdoor play space per child shall be provided.

b. Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land unsuited by other usage or natural features for children's active play space.

8. Church or other place of worship, parish house or religious school building, subject to the following special requirements:

a. Location of access driveways, landscaping and site plan design are compatible with the neighborhood, in which it is to be located.

b. No building or part thereof or any parking or loading area shall be located nearer than fifty (50) feet to any street line or lot line.

c. A parish house, rectory or parsonage shall conform to the requirements for a single-family dwelling.

d. Minimum lot area shall be two (2) acres.

9. Cluster development, provided public sewer is available and subject to the provisions of certain Planning Board findings for planned developments. (Ord. No. 2000-9)

**Section 5.12 Bulk and Area Regulations: Agricultural Residential (AR) District.**

A. The following shall be the standards for the Agricultural Residential district:

1. Minimum lot area: One and one-half (1.5) acres.*

If depth to seasonal high water table in the vicinity of the proposed septic system is three (3) feet or less: 150,000 square feet is the minimum lot area required.

2. Minimum lot width: Two hundred (200) feet.

3. Minimum lot depth: Two hundred (200) feet.

4. Minimum setbacks:

a. Front yard:

Local roads: 75 feet.
State/county roads: 100 feet.

b. Rear yard: Fifty (50) feet.

c. Side yard: Twenty (20) feet.

5. Maximum residential building coverage: Ten (10) percent.

6. Maximum impervious coverage permitted for nonresidential uses permitted as conditional uses: Twenty (20) percent.

7. Maximum building height: Two and one-half stories, but not to exceed thirty-five (35) feet.

* In the AR district, lot areas may be increased based on the results of permeability tests performed on said lots. All such permeability tests shall be witnessed by either the Township Engineer or Salem County Health Department, at the applicant's expense. All lots created containing existing dwellings serviced by on-site septic systems shall also be subject to the following requirements:

Minimum lot areas shall increase in addition to the minimum one and one-half (1.5) acres according to the following calculation:

Lot Area Increment (square feet) = Lot Area Factor X 43,560 SF.

$$\text{Lot Area Factor} = \frac{(2\text{-Permeability Rate})}{2} + \frac{72\text{"-DSHW}^{**}}{24\text{"}}$$

** Depth to Seasonal High Water. Lot area increments shall be based solely upon calculations involving positive numerical values. Any negative values derived during calculations shall be disregarded.

A permeability rate greater than twenty (20) inches per hour or less than 0.2 inches per hour is not acceptable.

All State standards, specifically NJDEP Standards for the Construction of Individual Subsurface Sewage Disposal Systems, January 1, 1990 as amended, shall apply.

(Ord. No. 2000-9)

**Section 5.13 Use Regulations: Village Residential (VR) District.**

A. Permitted Uses. In the Village Residential district, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses.

1. Detached single family dwelling units.

2. Attached two-family dwelling units.

3. Professional offices as defined herein.

4. Buildings, structures and uses owned or operated by the Township of Lower Alloways Creek.

5. Accessory uses and accessory buildings incidental to the above uses located on the same lot and within the same zoning district permitting the principal use.

B. Conditional Uses. In the Village Residential district, the following uses may be permitted as conditional uses:

1. Personal service establishments (tailor, barber or beauty shop) subject to the following:

a. The facility is designed to be structurally and architecturally compatible with the neighborhood in which it is to be located.

b. Landscape screening in accordance with Section 4.19N. of this ordinance shall be provided.

c. No building or any parking or loading area shall be located closer than twenty (20) feet to any street line or lot line.

d. Access driveways shall be a minimum distance of ten (10) feet from adjoining property lines.

2. Nursing home, rest home or home for the aged, subject to the following special requirements:

a. The minimum lot area required for each four (4), or remainder over a multiple of four (4), resident patients or resident guests shall be required for each dwelling unit in the district in which the use is to be created.

b. Such buildings shall conform to the Manual of Standards of Nursing Homes issued by the Department of Institutions and Agencies of the State of New Jersey and be duly licensed under appropriate law.

c. A landscape strip shall be provided along each side or rear property line in accordance with the standards established in Section 4.19N. of this ordinance.

3. All farm and agricultural uses permitted in residential districts in accordance with the provisions set forth in Section 5.21F. and Section 5.33 of this chapter.

4. Home occupations as part of a continued existing residential use may occur subject to the criteria governing such home occupations as contained in Section 5.26 of this chapter.

5. Public libraries and museums, subject to the requirements of Subsection B,6. paragraphs a., b. and d. of this section.

6. Church or other place of worship, parish house or religious school building, subject to the following special requirements:

a. Location of access driveways, landscaping and site plan design are compatible with the neighborhood, in which it is located.

b. No building or part thereof or any parking or loading area shall be located nearer than fifty (50) feet to any street line or lot line.

c. A parish house, rectory or parsonage shall conform to the requirements for a single-family dwelling.

d. Minimum lot area shall be two (2) acres.
(Ord. No. 2000-9)

**Section 5.14 Bulk and Area Regulations: Village Residential District.**

The following shall be the standards for the Village Residential district:

A. Minimum lot area: Eight thousand five hundred (8,500) square feet.

B. Minimum lot width: Sixty (60) feet.

C. Minimum lot depth: One hundred twenty-five (125) feet.

D. Minimum setbacks:

1. Front yard: Twenty (20) feet.

2. Rear yard: Thirty (30) feet.

3. Side yard: Ten (10) feet.

E. Maximum residential building coverage: Twenty-five (25) percent.

F. Maximum building coverage for nonresidential uses permitted as conditional uses: Thirty-five (35) percent.

G. Maximum building height: Two and one-half stories, but not to exceed thirty-five (35) feet.

**Section 5.15 Use Regulations: Industrial (I) District.**

A. Permitted Uses. In the Industrial district no building or premises shall be used and no building shall be erected or altered which is arranged, intended, or designed to be used, except for one or more of the following uses, and such use shall be subject to the Township's Site Plan Ordinance:

1. Public utility uses.

2. General offices as defined herein.

3. Computer centers.

4. Municipal activities including buildings and structures, public recreation, libraries, community theaters, other cultural activities and associated public or semi-public uses.

5. All farm and agricultural uses permitted in residential districts in accordance with the provisions set forth in Section 5.21F. and Section 5.33 of this chapter.

6. Residential agriculture as defined herein.

7. Planned industrial development and industrial parks on tracts of land at least twenty-five (25) contiguous acres in area comprised of any combination of the uses listed hereinabove.

8. Accessory uses and accessory buildings on the same lot and within the same zoning district with and customarily incidental to any of the permitted principal uses which may include but not be limited to:

a. Restaurant or cafeteria primarily for supplying meals only to employees and guests of the principal use.

b. In-service training schools for employees.

c. Custodial living quarters.

d. Indoor and outdoor recreation facilities, provided that all such accessory buildings and uses shall be planned as an integral part of the principal use development.

e. Assembly halls for meetings incidental to the business of the principal use.

f. Maintenance, utility and storage facilities incidental to the fully-enclosed buildings.

g. Buildings, structures and uses owned or operated by the Township of Lower Alloways Creek.

9. Limited manufacturing.

B. Conditional Uses. In the Industrial district, the following uses may be permitted as conditional uses:

1. Substations, electric and gas facilities, and all other public utilities, subject to the requirements of Section 5.11B,4.

2. Transmission lines, transmitting and receiving antennae or aerials, subject to the requirements of Section 5.11B,6.

3. Research office and limited industrial park development, notwithstanding any other requirements of this chapter, shall be subject to the following special requirements:

a. Minimum park area: Twelve (12) acres in contiguous parcels.

b. Minimum lot area: Three (3) acres.

c. Minimum park and lot frontage: Two hundred fifty (250) feet.

d. Maximum building height: Three (3) stories but not to exceed forty-five (45) feet.

e. Minimum yards:

(1) Front yard: Seventy-five (75) feet with a twenty-five (25) foot landscaped area at the street right-of-way.

(2) Rear yard: Forty (40) feet.

(3) Side yard: There shall be two (2) side yards with a minimum width of twenty (20) feet each.

(4) Yards abutting residential districts: The above yard requirements, including the landscape transition and buffer and screen requirements shall be increased by twenty (20) feet in those instances where they abut, in whole or in part, a residential district or lot line.

f. Maximum FAR: The maximum permitted FAR shall vary according to the following schedule depending on the intended use and building height:

| Primarily Manufacturing/Warehousing Uses* | Maximum FAR |
|---|---|
| (1) Uses in one story buildings | .30 |
| (2) Uses in multi-story buildings | .40 |

* "Primarily" shall mean more than eighty (80) percent of total building use on lot. The maximum FAR shall be adjusted proportionately where less than eighty (80) percent of the designated building uses are proposed for a lot.

g. Maximum improvement coverage: Sixty (60) percent.

**Section 5.16 Bulk and Area Regulations: Industrial (I) District.**

The following shall be the standards for the Industrial district:

A. Minimum lot area: Three (3) acres.

B. Minimum lot width: Two hundred (200) feet.

C. Minimum lot depth: Two hundred (200) feet.

D. Minimum setbacks:

1. Front yard: Seventy-five (75) feet with a twenty-five (25) foot landscape area at the street right-of-way.

2. Rear yard: Thirty (30) feet.

3. Side yard: There shall be two (2) side yards with a minimum forty (40) feet each.

4. Yards abutting residential districts: The above yards including the landscape transition buffer and screen requirements shall be increased by twenty (20) feet in those instances where they abut, in whole or in part, a residential district or lot line.

E. Maximum FAR: The maximum permitted FAR shall be allowed to vary according to the following schedule depending on the intended use and building height:

| | Maximum FAR |
|---|---|
| 1. Uses in one-story buildings | .22 |
| 2. Uses in multi-story buildings | .30 |

F. Maximum improvement coverage: Fifty (50) percent.

G. Maximum building height: Three (3) stories, but not to exceed forty-five (45) feet.

**Section 5.17 Use Regulations: Wetlands (W) District.**

A. Permitted Uses. In the Wetlands district, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses.

1. Low intensive recreational facilities and areas which will have an insignificant impact on surrounding uses or on the environmental integrity of the area, such as hiking, hunting, trapping, fishing, canoeing, nature study and bicycling.

2. Buildings, structures and uses owned or operated by the Township of Lower Alloways Creek.

3. All farm and agricultural uses permitted in residential districts in accordance with the provisions set forth in Section 5.21F. and Section 5.33 of this chapter.

4. Accessory uses and accessory buildings incidental to the above uses located on the same lot and within the same zoning district permitting the principal use.

B. Conditional Uses. In the Wetlands district, the following uses may be permitted as conditional uses:

1. Hunting clubs and preserves, detached single family dwellings subject to the following:

a. Minimum lot size: Five (5) acres.

b. Maximum permitted density: 0.2 dwelling units per acre.

c. Maximum building envelope size: Forty (40) percent of the lot or twenty thousand (20,000) square feet, whichever is less.

d. Maximum total lot disturbance: Fifty (50) percent of the lot area or twenty five thousand (25,000) square feet, whichever is less.

e. Minimum spacing between building envelopes and tract boundary or off-site public street: Fifty (50) feet.

f. Minimum setback of building envelope from lakes or ponds: One hundred (100) feet.

## Section 5.18 Bulk and Area Regulations: Wetlands (W) District.

The following shall be the standards for all permitted uses in the Wetlands district:
A. Minimum lot area: Ten (10) acres.
B. Minimum lot width: One hundred fifty (150) feet.
C. Minimum lot depth: Two hundred (200) feet.
D. Minimum setbacks:

1. Front yard: Fifty (50) feet.

2. Rear yard: Fifty (50) feet.

3. Side yard: Twenty (20) feet.

E Maximum Building Coverage: Fifteen (15) percent.

F. Maximum Building Height: Two and one-half stories, but not to exceed thirty-five (35) feet.

## Section 5. 19 Use Regulations: Conservation Park (CP) District.

A. Permitted Uses. In the Conservation Park district, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except for one or more of the following uses.

1. Public and non-profit park, recreation and conservation purposes.

2. Accessory uses and accessory buildings *incidental* to the above uses located on the same lot and within the same zoning district permitting the principal use.

B. Conditional Uses. In the CP district, the following uses may be permitted as conditional uses: None.

## Section 5.20 Bulk and Area Regulations: Conservation Park (CP) District.

The following *shall* be the standards for all permitted uses in the Conservation Park district:

A. Minimum lot area: Twenty five (25) acres.
B. Minimum lot width; Two hundred fifty (250) feet.
C. Minimum lot depth: Two hundred (200) feet.
D. Minimum setbacks:

1. Front yard: One hundred fifty *(150)* feet.
2. Rear yard: Three hundred (300) feet.
3. Side yard: One hundred (100*)* feet.

E. Maximum building coverage: One and one-half (1 1/2) percent.

F. Maximum building height: Two and one-half stories, but not to exceed thirty-five (35) feet.

**Section 5.20.1 Use Regulations: Commercial (C) District.**

A. .The following uses are permitted in a Commercial (C) District:

(1) Retail sale or services store or shop with all sales and merchandise to be contained within a building.

(2) Food sales or service.

(3) Offices and clinics to include post office and government offices.

(4) Any business which is not primarily a retail or service business, but which, in the opinion of the reviewing board, is consistent with the permitted uses of the district.

B. The following uses are permitted as conditional uses, subject to the approval of the Planning Board:

(1) A motel, subject to the following regulations:

(a) The lot shall be not less that one (1) acre in size, with not less than one hundred fifty (150) feet fronting on a public road and with a front set back of fifty (50) feet.

(b) Access driveways shall be located not less than thirty (30) feet from the side property line, with twenty-five (25) feet for each side yard and thirty (30) feet for the rear yard.

(c) A minimum four thousand (4,000) square feet of lot area shall be provided for each overnight rental unit.

(d) The maximum coverage shall be thirty-five percent (35%) of the usable area.

(2) A service station provided that:

(a) The area for use by motor vehicles, except access drives thereto, as well as any structure, shall not encroach on any required yard area.

(b) No fuel pump shall be located within twenty (20) feet of the side lot line nor within thirty-five (35) feet of the rear lot line.

(3) Shopping Center.

**Section 5.20.2 Bulk and Area Regulations: Commercial (C) District.**

The following shall be standards for the Commercial District:

(a) Minimum required lot area: ten (10,000) thousand square feet for one-story building; fifty (50,000) square feet for building more than one story in height.

(b) Minimum required lot width: one (100) hundred feet for one-story building; three hundred fifty (350) feet for building more than one-story in height.

(c) Minimum required building front set back: forty (40) feet for one- story building; fifty (50) feet for building more than one-story in height.

(d) Minimum required building side set back: twenty (20) feet for one-story building; fifty (50) feet for building more than one-story in height.

(e) Minimum required building rear set back: twenty-five (25) feet for one-story building; fifty (50) feet for building more than one-story in height.

(f) Minimum permitted building height: thirty-five (35) feet.

(g) Maximum coverage: thirty-five (35) percent.

## ARTICLE III
## GENERAL PROVISIONS AND SUPPLEMENTAL REGULATIONS GOVERNING CERTAIN USES

### Section 5.21 Accessory Structures and Uses.

A. Accessory Building as Part of Principal Buildings. Any accessory building attached to a principal building shall be considered part of the principal building and the total structure shall adhere to the yard requirements for the principal building regardless of the technique of connecting the principal and accessory buildings.

B. Accessory Buildings Not to be Constructed Prior to Principal Building. No construction permit shall be issued for the construction of an accessory building prior to the issuance of a construction permit for the construction of the main building upon the same premises.

C. Height of Accessory Buildings. The height of accessory buildings shall be as prescribed for principal structures in Article II.

D. Location. The following provisions shall govern the location of accessory uses:

1. Accessory uses shall be permitted only on the same lot and within the same zoning district, unless otherwise indicated, with the principal building to which they are accessory except for parking as required in the Site Plan Ordinance and retention/detention basins as noted in the Provisions Applicable to Site Plans and Subdivisions Ordinance.

2. All accessory uses shall be such as do not alter the character of the premises on which they are located or impair the neighborhood. Such accessory uses shall not be located within required front, side or rear yard area, unless otherwise permitted in this chapter. Access to off-street parking and loading areas may cross front yard areas or the yard area abutting a principal street from which site access is to be provided.

3. Bulk Area Regulations. No distinction is made in the dimensional limitations between principal and other buildings or structures referred to as accessory, except as permitted in this chapter. All such accessory buildings, or structures or uses shall be governed by the bulk and area regulations of the district within which they are located.

F. Farm and Agricultural Uses. In the districts where farm and agricultural uses are permitted the following additional provisions governing their use shall apply:

1. Such uses are conducted upon a lot not less than five (5) acres in area.

2. No building or structure used for shelter or enclosure of fowl, game, horses, farm livestock, or adult dogs shall be closer to any property line than two hundred (200) feet.

3. Buildings used for the shelter of fowl of any kind shall have a maximum usable floor area of two thousand (2,000) square feet for the first ten (10) acres and five thousand (5,000) additional square feet for each additional acre.

4. One domestic horse for the personal use of the occupants of the residence may be maintained on any lot at least three (3) acres in size. An additional two (2) acres shall be required for each additional horse.

5. The display for sale of products grown or raised by the owner, tenant or lessee on a roadside stand shall only be permitted where:

a. The sale of any such products shall not have a deleterious effect on adjoining properties by reason of nuisance or health hazard.

6. Intensive fowl or livestock farms shall be prohibited.

G. Swimming Pools, Tennis Courts and Similar Personal Recreational Facilities in Residential Zones. Except for portable swimming pools less than three (3) feet in height and less than ten (10) feet in length or diameter, the following regulations shall apply to permanent and portable swimming pools, tennis courts and similar recreational facilities accessory to a residential use.

1. Said use shall comply with the minimum setback and yard requirements for principal structures.

2. Said use shall be appropriately screened and fenced so as not to adversely affect adjoining properties.

3. Said use shall meet all applicable codes and ordinances of the Township of Lower Alloways Creek and any regulations of a county or State agency.

4. A pool or water surface shall not be counted as part of a lot's maximum building coverage requirements.

H. Storage Sheds in Residential Districts. Storage sheds not exceeding one hundred (100) square feet facilities on the same lot as the principal structure may be located within ten (10) feet of the required side and rear yards but shall conform to front yard setback requirements for principal structures. Storage sheds on corner lots shall not be located closer to the side street property line than the required setback line for a front yard in the zoning district within which the lot is located.
(Ord. No. 2000-9)

**Section 5.22 Landscape Transition Buffers, Strips, Fences and Screening of Nonresidential Uses from Residential Uses.**

A. Landscape Transition Buffer. A landscape transition buffer satisfactory to the Planning Board of not less than twenty-five (25) feet in width shall be provided and maintained by the owner or lessee of a property between any nonresidential use and contiguous residentially zoned districts.

1. The Planning Board may waive the requirements to provide a transition buffer where natural or manmade physical barriers exist such that an effective visual separation exists between residential and nonresidential uses or a landscape strip, screen or fence as stipulated in Subsection B. of this section is provided.

2. Yard requirements shall be deemed to be counted as part of the landscape transition buffer area. Where yard areas are less than the required buffer area, they shall be increased accordingly.

B. Landscape Strips, Fences or Screens. A landscape strip of at least ten (10) feet in width, or in lieu thereof, a fence, shall be provided and maintained by the owner or lessee of a property within landscape transition buffers or in any case where a nonresidential use as permitted in this chapter, is contiguous to or abuts upon any property or area classified for residential purposes, or the rear or either side line which abuts upon a street separating it from any property classified for residential purposes. Such landscape strip, screen or fence shall be of such a type and designed in such manner as to obscure from view at ground level such non-residential property from the contiguous or abutting or neighboring residential properties and be constructed of materials and be of a design subject to the special requirements for such strips, screens or fences as stipulated in the Site Plan Ordinance. Such planting strip, screen or fence shall be not less than six (6) feet high at the time of installation nor shall a fence be more than eight (8) feet high.

C. Fences in Residential Districts. No fence or wall within fifty (50) feet of a public right-of-way shall exceed four (4) feet in height.

D. Site plans and subdivision plans shall show a buffer strip of one hundred (100) feet in width in addition to the required minimum lot size and minimum yard dimensions, along any boundary with land that is assessed and qualified farmland under the "New Jersey Farmland Assessment Act." Said buffer strip shall not be included in measurements for establishing setbacks for construction and for yard requirements on the lot. Said buffer strip shall be restricted by deed and by final subdivision plat against construction of any buildings or structures other than fences, walls or drainage facilities and against removal of any screen of trees or hedges, so long as the adjacent land is assessed or qualified as farmland under the "New Jersey Farmland Assessment Act," or is actively farmed should the "Farmland Assessment Act" be revoked or substantially modified. The right to enforce said restrictions shall be held separately and may be exercised independently by the Township of Lower

Alloways Creek or by the owner of the adjacent farmland. In addition, the developer shall be required to plant a screen of trees, hedges or shrubbery, and/or may, at the sole discretion of the approving authority, be required to construct a fence within the agricultural buffer along the boundary line with the adjacent property meeting the following specifications:

1. The buffer fence, when required, shall be a four (4) to six (6) foot high fence, installed along any property line abutting farmland. The fence shall be installed by the applicant and/or developer. The Planning Board shall determine the type of fence after considering the recommendations of its professionals as well as comments of the owners or farmers of adjacent farmland. The Board may grant exceptions to this requirement as may be reasonable and within the general purpose and intent of the provisions of this section if literal enforcement of the requirement is impractical or will exact undue hardship because of peculiar conditions pertaining to the land in question.

2. The screen planting or landscaping shall be planted and/or constructed in the case of mounds or berms in reasonable proximity to any fencing required as set forth hereinabove. The plant material shall be of such type and nature as to provide a visual and dust screen and must be at least six (6) feet in height when installed. This screen planting requirement may be waived by the approving authority to the extent that a screen of trees or natural plan material already exists on either side of the boundary line between the nonagricultural use lands and the farmland. The approving authority shall determine the type of plant material to be used at the time of site plan and/or subdivision approval and shall take into consideration recommendations of its professionals as well as the owners or farmers of adjacent farmland in making such determination.
(Ord. No. 97-5)

**Section 5.23 Landscaping.**

A. Landscaping in Nonresidential Districts. Other provisions of this chapter notwithstanding, in any nonresidential district, the entire lot, except for areas covered by buildings or surfaced as parking, recreation or service areas, shall be seeded, sodded or planted with ground cover and suitably landscaped in accordance with an overall landscape plan consistent with natural surroundings. All landscaping shall be properly maintained throughout the life of any use on said lot. Existing trees or landscaping located within twenty (20) feet of any street line, lot or zoning district line shall not be removed except upon written approval from the Planning Board; nor shall the existing grade within that space be disturbed without such approval.

B. Landscaping Requirements Where Parking is in Front Yard Areas. So as to obstruct from view, at the street line, any parking area in the front yard, the front yard area not containing parking shall contain a landscape strip, or screen. Landscaped earth berms may also be used in front yard areas where there is sufficient area to allow for their construction and long term maintenance. Such landscaping shall be subject to the approval of the Planning Board and shall be maintained throughout the effective period of any certificate of occupancy.

1. Landscaping within Parking Areas. Any single parking area with fifty (50) or more spaces shall, notwithstanding other requirements of this ordinance, provide at least five (5) percent of its area in landscaping.

C. Natural Landscape Area along Watercourses. Except for residential and agricultural uses, no building or parking area shall be located within two hundred (200) feet from the center line of any stream, or within a flood hazard area. Such area shall be deemed to be part of any landscape area or landscape transition buffer when required.

D. Screening of Outdoor Storage. Except for agricultural uses, any article or material stored outside an enclosed building as an incidental part of the primary operation on a lot shall be so screened by fencing, walls or evergreen planting that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on the ground level.

## Section 5.24 Exceptions and Supplemental Requirements to Bulk and Area Regulations for All Districts.

A. Corner Lots.

1. Obstruction to Vision at Street Intersections. At all street intersections in all districts, no obstructions to vision exceeding thirty (30) inches in height above curb level shall be erected or maintained on any lot within the sight triangle as required by the Township's Subdivision Ordinance. This requirement shall apply to existing as well as proposed street intersections.

2. Yards. On a corner lot, one (1) yard other than the front yard shall be deemed to be a rear yard and the other or others, side yards.

B. Through Lots. On a through lot, front yards are required on all street lines.

C. Lot Frontage/Width. When a lot adjoins a cul-de-sac or is on a curved alignment with an outside radius of less than five hundred (500) feet, such frontage may be reduced to not less than one-half (1/2) the required lot width, and the minimum lot width at the setback line may be reduced to not less than seventy-five (75) percent of the required lot width.

D. Lot Depth. For any individual lot, the required lot depth at any point may be decreased by twenty-five (25) percent if the average lot depth of the individual lot conforms with the minimum requirement.

E. Measurement of Setbacks. Where a building lot has frontage upon a street, or streets, in the case of a corner lot, which on the Master Plan or Official Map of Lower Alloways Creek Township is contemplated for right-of-way widening, the required setback distance shall be measured from such proposed right-of-way line.

F. Height Exceptions. The height limitations of this chapter shall not apply to silos, church spires, belfries, cupolas and domes not used for human occupancy; nor to chimneys or

radio and television antennae less than fifty-five (55) feet above average grade which grade shall be substantially unchanged from the natural grade at the time of a construction permit application. Mechanical equipment such as penthouse elevators, condensers, exhaust fans, air conditioners and similar equipment, stair enclosures and skylights or atrium structures may exceed the maximum permitted height in the district by up to ten (10) feet, provided that such structures in the aggregate do not exceed ten (10) percent of the roof area on which they are located and are properly shielded or screened. Except for walls of elevators and stair enclosures when required by the plan of the building, all such screened mechanical equipment structures may be either ten (10) feet from the perimeter walls of a building or integral with the front facade of the building if designed as an architectural extension of the facade and containing similar building materials.

G. Minimum Net Habitable Floor Area. Minimum net habitable floor areas for permitted residential uses in this chapter shall comply with the least restrictive of the most current minimum floor areas as promulgated by the New Jersey Housing Finance Agency or by the U.S. Department of Housing and Urban Development minimum property standards manuals.

H. Number of Buildings Restricted. There shall be not more than one (1) principal structure on each lot in any residence district. In commercial or industrial zones, applicants seeking to develop more than one (1) principal structure on each lot shall comply with the provisions of the Site Plan Ordinance and submit for Planning Board approval a site plan showing existing, proposed and all future developments on the site.

I. Frontage Upon a Street. Every principal building shall be built upon a lot with the minimum lot width fronting upon an improved and approved public street in accordance with the road standards established by the Township or on a private road shown on an approved site plan.

J. Minimum Occupancy Requirements. The number of occupants per permitted residential use in this chapter shall comply with the most current occupancy guidelines as established by the U.S. Department of Housing and Urban Development (Manual 7465.1) which establishes reasonable criteria limiting the number of occupants per dwelling unit to available sleeping and bedroom facilities.

## Section 5.25 Off-Street Parking and Loading Requirements.

Off-street parking and loading for uses allowed in this Zoning Ordinance shall be subject to the requirements stipulated in the Township's Site Plan Ordinance.

## Section 5.26 Home Occupations.

A. Home occupations shall be permitted in all residence districts as a conditional use provided that:

1. A maximum of two (2) members of the family residing on the premises plus one (1) outside employee shall be engaged in such occupation. The person whose occupation is being operated from the home shall reside on the premises.

2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the principal dwelling on the lot, except those used for farm purposes, shall be used in the conduct of the home occupation.

3. Such occupation shall be pursued only in single-family dwelling units, shall give no external evidence of nonresidential use other than a small nameplate sign not to exceed two (2) square feet in size, and shall not display products visible from the street.

4. The lot upon which the premises is located is three-fourths (3/4) acre or larger, and no traffic or parking shall be generated in excess of three (3) passenger automobiles at any one time in addition to those used by the owner or tenant, all of which must be parked off-street, in properly designed spaces, except that a home occupation may be located in a single-family dwelling unit on a lot smaller than three-fourths (3/4) acre if no employees are hired therefor, the occupation does not generate more than one (1) passenger automobile at any one time in addition to those used by the owner or tenant, and only one (1) off-street parking space is provided for use of customers of the home occupation.

5. No mechanical or electrical equipment is used that will be detectable to the normal senses or that will create electrical or audio interference.

6. The retail sale of goods shall not be construed to be a home occupation under the terms of this chapter.

7. There shall be no more than one (1) home occupation in any one (1) dwelling unit.

## Section 5.27 Utilities.

Electric and telephone lines shall be underground to the structures from existing utility poles.

## Section 5.28 Flag Lots.

Flag lots are permitted, subject to the provisions of Subdivision Ordinance, Section 2.22G. Only one (1) flag lot shall be approved by the Planning Board from the same original parcel provided none have been granted since December 6, 1978.

## Section 5.29 Calculation of Floor Area.

For developments located in nonresidential zoning districts, the total square footage of a building to be permitted shall be computed on the basis of the permitted floor area ratio (FAR)

of the nonresidential zone multiplied by the net acreage of a tract remaining after exclusion of environmentally constrained areas located on the lot. Environmentally constrained areas shall include areas designated as wetlands, water bodies, and flood hazard areas. Detailed soil engineering and geotechnical test data undertaken in accordance with acceptable engineering standards and practices or permits received from governmental agencies having jurisdiction over such wetlands or flood plains indicating a different geographic area, may be submitted by an applicant if he seeks amendment of the boundary limits which define such environmentally constrained areas.

**Section 5.30 Nonconforming Uses.**

A. General. The following provisions shall apply to all buildings and uses lawfully existing on the effective date of this chapter which do not conform to the requirements set forth in this chapter and to all buildings and uses that become nonconforming by reason of any subsequent amendment to this chapter.

B. Regulations. Any nonconforming use of buildings or open land and any nonconforming buildings may be continued indefinitely, but such uses:

1. Shall not be enlarged, altered, extended, reconstructed or restored except as provided in Section 5.31 herein nor placed on a different portion of the lot or parcel of land occupied by such use on the effective date of this chapter, nor shall any external evidence of such use be increased by any means whatsoever.

2. Shall not be moved to another location where such use would be nonconforming.

3. Shall not be reestablished if such use has been voluntarily discontinued for any reason for a period of one (1) year or more, or has been changed to, or replaced by, a conforming use.

4. Shall not be restored for other than a conforming use after substantial destruction thereof.

**Section 5.31 Additions and Alterations to Nonconforming Buildings.**

Nothing in this article shall be deemed to prevent normal maintenance and repair, structural alteration in, or the reconstruction, of a noncomplying building, provided that such action does not increase or extend the degree of, or create any new nonconformity with regard to the regulations pertaining to such buildings or the lot upon which they are constructed (e.g., an undersized house, situated closer to the street line than now specified may have an addition on the back, provided side and rear yards are not invaded); except that the floor area of a single family house that occupies a lot that is smaller than the minimum lot area for the district in which the house is located, may be increased by not more than twenty (20) percent of the floor area existing as of the date of adoption of this chapter provided all other provisions of this

chapter are complied with. Yard reductions for such undersized lots may be permitted according to criteria established in Section 5.32 of this article. This latter exception shall not apply to those lots in which an increase in floor area of a nonconforming building has occurred since June 4, 1971.

**Section 5.32 Nonconforming Lots of Record.**

A. No nonconforming vacant lot shall be further reduced in size. In residential districts, such lots as well as those which are consolidated into a single lot but still are nonconforming in area or dimension, may be improved for a single family residence and its permitted accessory uses without appeal for variance relief provided the following provisions are met:

1. The lot is in separate ownership and not contiguous to lots in the same ownership and owner had made a conscientious effort to acquire additional property. However, in the case of two (2) or more contiguous lots under the same ownership, regardless of whether or not each may have been approved as a subdivision, acquired by separate conveyance or by other operation of law, where one (1) or more of said lots does not conform with the area and/or division requirements for the zone in which it is located, the contiguous lots shall be considered as a single lot and the provisions of the applicable zoning district shall apply.

2. As appropriate, all necessary health approvals are obtained.

3. Floor Area Ratio/Maximum Improvement Coverage (FAR/MIC) exceptions.

a. The FAR/MIC of the zoning district in which the vacant lot is located may either be the maximum permitted FAR/MIC of the zoning district or one hundred twenty (120) percent of the average FAR/MIC of dwellings immediately adjacent to the vacant lot, whichever is smaller. In the case of all vacant lots in a particular block or area, the permitted FAR/MIC of the zoning district may be increased by ten (10) percent.

4. Yard exceptions.

a. Where the lot does not have the required width, each side yard may be reduced by one (1) foot for each five (5) feet that the lot is below the minimum required width except that no side yard shall be less than one-half (1/2) that required by the zoning district.

b. Where the lot does not have the required depth, the rear yard may be reduced six (6) inches for every foot below one hundred (100) feet in depth except that no rear yard shall be less than one-half (1/2) that required by the zoning district.

c. If after application of exceptions, paragraphs 4,a. and 4,b. above, front yard infringement is necessary, no building shall be set back less than seventy-five (75) percent of required front yard in the zoning district.

**Section 5.33 Right to Farm.**

A. The right to farm all land is hereby recognized to exist as a natural right and is hereby ordained to exist as a permitted use everywhere in the Township of Lower Alloways Creek regardless of zoning designations and regulations in the local Zoning Ordinance.

B. The right to farm, as it is used in this ordinance, includes the use of irrigation pumps and equipment and the maintenance and repair related thereto, aerial and ground seeding and spraying, large equipment and the maintenance and repair related thereto, farm laborers, the application of fertilizers, manures, insecticides and herbicides; all for the purpose of producing from the land agricultural products such as vegetables, grains, hay, fruits, fibers, wood, trees, plants, shrubs, flowers and seeds.

C. This right to farm shall also include the right to use land for grazing by animals and raising of livestock, hunting, trapping and fishing, subject to State and Federal laws.

D. The foregoing uses and activities included in the right to farm is hereby permitted on weekdays, weekends, holidays, and specifically are permitted as part of the exercise of this right.
(Ord. No. 97-5; Ord. No. 2000-9)

**Section 5.34 Signs.**

A. Temporary Signs, General. The erection, installation, or maintenance of temporary signs other than as set forth below is hereby prohibited. They shall be subject to sign standards contained in the Township's Site Plan Ordinances, except as may be modified herein. Persons placing signs on property in which they do not have an interest which permits them to do so shall secure the permission of the owner. No sign shall be placed on utility poles.

1. Temporary Signs for Fund-Raising, Charitable, or Religious Events. Such temporary signs shall be permitted in all districts for a period of thirty (30) days prior to the particular event. They shall be removed within seven (7) days subsequent to the event by the respective organizations. Such signs shall not exceed sixteen (16) square feet and no side of any sign shall be more than six (6) feet in any linear dimension.

2. Temporary Political Signs. Temporary political signs shall be permitted in all districts for a period of two (2) months prior to a primary, general and/or special election and for one (1) week thereafter. Said signs shall not exceed sixteen (16) square feet and no side of any sign shall be more than six (6) feet in any linear dimension.

3. Temporary Signs Containing Noncommercial Messages. Temporary signs in addition to those set forth in paragraphs A,1., A,2. and A,4. hereof shall be permitted in all districts, provided that they do not advertise, promote, or indicate the location of any business, commodity, service, or entertainment or contain other commercial information. No more than one (1) such sign shall be placed on any one (1) lot, and the total square footage of the sign shall not exceed sixteen (16) feet. Signs permitted by

paragraphs A,1. and A,4. hereof shall not be treated as signs coming within the purview of this section.

4. Temporary Signs, Real Estate, and Development. Such temporary signs shall be permitted in applicable districts according to the criteria stipulated in Table A "Temporary Real Estate and Development Sign Regulations."

**TABLE A**
**Temporary Real Estate and Development Sign Regulations**

| Sign Type | Sign Function/Control | Non-Residential Projects | Residential Projects |
|---|---|---|---|
| T-A | Identifies architects, engineers, contractors, developers doing work on the site. Remove when work ceases or is abandoned according to N.J.S.A 5:23-2.5(c) 2, or a final C.O. for total project is issued. | 4 SF per entity or if all such entities are combined one one sign it shall not exceed 36 SF | |
| T-B | Real estate signs on individual properties for sale, rent or lease. Removed when property withdrawn from market or within one week of date of sale/rental agreement. | 12 SF | 32 SF for initial occupancy<br>12 SF for subsequent occupancy |
| T-C | Identifies nonresidential project under construction, opening date for occupancy. Removed within one year of issuance of sign permit or at time of final C.O., whichever comes first. One per lot or one per existing road frontage. | N/A | 32 SF |
| T-D | Identifies new housing development under construction. Removed when 90 percent of all initially approved lots or units are sold. One per tract or one per existing road frontage. | 32 SF plus 20 SF in connection with and on same lot as sales office. | |

B. Permanent signs shall be subject to the requirements stipulated in the Township's Site Plan Ordinance. Temporary signs shall be governed by the regulations contained in Subsection A. of Section 5.34 herein with design standards not stipulated in Article I, conforming to the Township's Site Plan Ordinance. Each site plan application shall include a sign plan showing the specific design, location, size, height, construction and illumination of proposed signs in accordance with the following regulations:

**Schedule of Sign Use Regulations.** Signs shall be permitted in each zoning district according to the following use regulations and other applicable requirements of this section. Standards for the types of signs permitted herein are set forth in Section 5.34C. of this article.

1. Permitted Signs in Residential Districts.

| Uses or Function | Type of Sign Permitted | Other Regulations |
|---|---|---|
| Advertising | Not Permitted | Not Permitted |
| Business Wall | Ground, Hanging | Only one (1) type permitted per lot. |
| Directory | Ground, Wall | Only one (1) type permitted per lot. |
| Identification | Ground, Integral, Wall | Only one (1) type permitted per lot. Notwithstanding size standards contained in Section 5.34C., this article, the maximum size of a sign shall not exceed four (4) square feet. |
| Instructional | Ground, Wall | Quantity not restricted but subject to safety considerations. Notwithstanding size standards contained in Section 5.34C., this article, the maximum size of a sign shall not exceed two (2) square feet per instructional message. |
| Nameplate | Ground, Hanging, Integral, Wall | Only one (1) type of sign permitted per lot. Notwithstanding size standards contained in Section 5.34C. of this article, the maximum size of a sign shall not exceed one and one-half (1 1/2) square feet. |
| "No Solicitation" | Wall | Sign shall be located on or within two (2) feet of front door and shall not exceed one (1) square foot. |

2. Permitted Signs in Nonresidential Districts.

| Uses or Function | Type of Sign Permitted | Other Regulations |
|---|---|---|
| Advertising | Ground | Only one (1) per lot permitted on undeveloped lots. |
| Business | Ground, Hanging, Marquee, Wall | Only one (1) type of sign permitted for each separate street frontage of a business occupancy. Marquee signs shall be permitted only for movie or other theatrical establishments and subject to special requirements of Section 5.34F. of this article. |
| Directory | Ground, Wall | Notwithstanding Section 5.34B. of this article, only two (2) signs per lot are permitted at its main ingress or egress points. |
| Identification | Ground, Integral, Wall | Only one (1) type of sign permitted for each occupant of a lot. Notwithstanding size standards contained in Section 5.34.C. of this article, the maximum sign area shall not exceed four (4) square feet. |
| Instructional | Ground, Wall | Quantity not limited but subject to safety considerations. Notwithstanding size standards contained in Section 5.34C. of this article, the maximum sign area shall not exceed two (2) square feet. |
| Nameplate | Ground, Hanging, Wall, Integral | Only one (1) type of sign permitted per lot. Notwithstanding Section 5.34C. of this article, maximum sign area shall not exceed four (4) square feet. |

C. Sign Standards. The types of signs permitted in Section 5.34A. shall comply with the standards listed in the schedule below and shall also be subject to other applicable regulations as set forth herein.

The aggregate total area of all permanent signs on a lot shall not exceed the limitations of Section 5.34B. Permanent signs visible on or through windows, and signs on vehicles belonging to the business and parked in public view on the lots, are included within these limitations.

1. Schedule of Sign Standards.

| | Type of Sign | | | | |
|---|---|---|---|---|---|
| | **Ground** | **Hanging** | **Integral** | **Marquee** | **Wall** |
| 1. Illumination Permitted | | | | | |
| (a) Residential Districts | No | No | Yes | n.p. | Yes |
| (b) Nonresidential Districts | Yes | Yes | Yes | Yes | Yes |
| 2. Maximum #/Lot | | | | | |
| (a) Residential Districts | 1[a] | 1[a] | 1 | n.p. | 1 |
| (b) Nonresidential Districts | 1[a] | 1[a] | 1 | 1 | 1[a] |
| 3. Maximum Area (Sq. Ft.) | | | | | |
| (a) Residential Districts | 12[e] | 6[e] | 4[e] | n.p. | 12[e] |
| (b) Nonresidential Districts | 12[b/c] | 6 | 4 | d | 12 |

**NOTES:**

n.p. Not permitted.

a Except where larger quantities are permitted by Section 5.34A.

b One-half (1/2) square foot of sign area for each linear foot of building in a business district measured along a single frontage or a maximum of up to sixty (60) square feet for said structure, whichever is less; or one-half (1/2) square foot of sign area for each linear foot of a building in an industrial district measured along a single frontage or a maximum of up to one hundred (100) square feet for said structure, whichever is less.

c Two (2) square feet for each occupant when listed on a directory sign.

d Refer to special regulations contained in Section 5.34F.

e Provisions of home occupation signing as set forth in the Township's Zoning Ordinance shall supersede these requirements.

D. Prohibited Signs. Any other provisions of this section notwithstanding, the following signs shall be prohibited in all zoning districts:

1. Signs which contain or are an imitation of an official traffic signal or hide from view any traffic street signal or sign.

2. Billboards and other signs which advertise, promote, indicate the location of, or otherwise direct attention to a business, commodity, service or entertainment that is not available on the lot upon which the sign is located.

3. Signs which are designed to move, either by mechanical or other means.

4. Signs which contain or consist of banners, posters, pennant ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices.

5. Signs which flash, except for time and temperature indicator.

6. Signs which emit odors or smoke or produce noise or sounds capable of being heard even though the sounds produced are not understandable.

7. Silhouetted or three-dimensional signs; e.g., signs lacking a background and having letters, figures, or devices silhouetted against the sky or other open space not a part of the sign, and/or signs in which objects or representational devices are present in the round, or other than in a vertical plane.

8. Any freestanding sign or any sign projecting from a building, within a triangular area bounded by the intersection of two (2) right-of-way lines and a line connecting points thirty (30) feet from such intersection along the right-of-way lines, whether existing or shown on the master plan or in sight clearance triangles specified in other regulations.

E. General Sign Provisions.

1. Signs Not Covered. Any sign for which the purpose, location, type, or definition is not clearly permitted or prohibited by this article shall be considered as being a sign of the most closely resembling purpose, function, type or definition as established by this article.

2. Nonconforming Signs. Nonconforming signs which are structurally altered, relocated, or replaced shall comply with all provisions of this article.

3. Structural Requirements. All signs shall comply with structural requirements as established by the Township's building code. This article, however, shall, where applicable, take precedence over that code in all matters pertaining to the regulation of design and location.

F. Supplementary Sign Regulations and Design Considerations. The following regulations shall also apply to all permitted signs as set forth herein:

1. Interior Signs. No interior sign shall cover more than twenty-five (25) percent of the window upon which it is affixed, displayed, or painted. The Construction Official may, upon written application, grant permission during or prior to community-wide sales days for the erection or installation of interior signs to cover not more than fifty (50) percent in area of each window, but such signs shall not be maintained for more than fifteen (15) days.

2. Marquee Signs. Signs shall not be permitted on any marquee, other than signs built into and forming a part of the structure of the marquee. Such signs shall not exceed a height of three (3) feet, a total area of twenty-one (21) square feet on any one (1) side of the marquee and shall not extend beyond the edge of the marquee. Further, only that portion of the marquee containing such sign may be illuminated. Minimum clearance, when over a walkway or sidewalk, not in a public right-of-way, shall be eight (8) feet; when over a thoroughfare, not in a public right-of-way, it shall be ten (10) feet.

3. Wall Signs. Wall signs shall be attached to the face of the building in a plane parallel to such face and projecting not more than twelve (12) inches therefrom and shall not extend higher than the top of the parapet in case of one story buildings; and in the case of other buildings, they shall not extend above the sill of the windows of the second story, nor extend more than fifteen (15) feet above the outside grade.

a. No wall sign or combination of signs on any single frontage in a business district, including interior signs, shall exceed an area equivalent to one hundred (100) percent of the linear length of the structure on such frontage or a maximum of sixty (60) square feet, whichever is less, for said structure.

b. Where an establishment for which business signs are permitted has a rear entrance on a public way or frontage on two (2) or more streets, such as a corner, wall signs shall be permitted for ground type signs as established in Section 5.34B,1. of this article.

c. Wall signs shall not cover wholly or partially any wall opening including doors, fire escapes, and windows, nor project beyond the ends of the wall to which it is attached. All such signs must be safely and adequately attached to said building wall by means satisfactory to the Construction Official.

4. Height of Signs. The maximum height to the top of all permitted freestanding signs shall not exceed the permitted height limit of the principal structure to be located on the lot or twenty (20) feet, whichever is less.

5. Sign Location. Signs may be located on a lot so that they shall not be in or within the public right-of-way nor interfere with sight distances at street intersections or ingress and egress points to a lot. Signs designed to be seen from vehicles should be perpendicular to the line of travel while signs designed to be read on foot can be parallel with walks. To the extent possible, adjacent signs on the same or adjoining buildings should be placed within the same horizontal band and be of reasonably harmonious materials and colors.

6. Maximum Sign Dimension. The minimum outline dimension of a sign in any direction shall be no less than one-third (1/3) the maximum outline dimension of a sign.

7. Design Theme. There should be a consistent sign design theme throughout a particular project. The design theme would include style of lettering, construction, material, type of pole or standard, (wood or metal, for example), size, and lighting. Color of letters and background should be carefully considered in relation to the color of the material of buildings or where the signs are proposed to be located. Signs should be a subordinate rather than predominant feature of a plan.

8. Sign Lettering. The general standard for directional signs is a letter size of two (2) inches plus one (1) additional inch for each twenty-five (25) feet of viewing distance. A sign designed to be read from one hundred (100) feet should have letters of at least six (6) inches high. Adjacent signs should be of the same height.

**Section 5.35 Travel Trailers or Motor Homes.**

A. A travel trailer or motor home shall be permitted as a temporary dwelling place for the owner of the lot on which it is located and the owner's immediate family after all of the following conditions have been met:

1. Within three (3) months prior to commencement of such use of a travel trailer or motor home, a residential dwelling on the same lot has been made uninhabitable by fire or natural disaster and such residential dwelling was legally occupied as the principal residence at the time of such fire or natural disaster by the same owner and the owner's family as occupy the travel trailer or motor home.

2. A permit has been issued by the Construction Official for repair or reconstruction of the residential dwelling made uninhabitable by fire or natural disaster, said permit being for the restoration for use as the principal residence for such owner and the owner's immediate family, and such repair or reconstruction work has begun.

3. A permanent water supply and sewerage facilities for the repaired or reconstructed residential dwelling have been installed and duly certified and have been connected temporarily to the travel trailer or motor home.

4. The owner signs a statement agreeing that the owner will permanently disconnect the travel trailer or motor home from the sewer and water systems and cease using same as a temporary residence upon the issuance of a certificate of occupancy for the residential dwelling or one (1) year following the placement of the travel trailer or motor home on the lot, whichever occurs earlier.

5. A non-renewable zoning permit has been issued by the Zoning Officer to the owner permitting such use of the travel trailer or motor home and a fee of ten ($10.00) dollars for same has been paid.

6. The owner shall provide a plot plan showing the proposed placement of the travel trailer or motor home on the lot. The placement of the travel trailer or motor home shall, whenever possible, be placed such as to comply with the setback requirements of that particular district. The Construction Official shall have the discretion to determine whether the travel trailer or mobile home can reasonably be placed in a position to comply with the setback requirements of that district and grant any variation therefrom that the Construction Official deems reasonable.

B. The right to use a travel trailer or motor home on any lot as a temporary dwelling as granted by the foregoing provisions shall be limited to a one (1) year period and shall not be

renewable or extendible except that the Township Committee may grant one ninety (90) day extension if the owner, on appeal to the Committee, clearly demonstrates that the delay in repairs to the existing residential dwelling was beyond the owner's control despite the owner's best efforts.
(Ord. No. 2000-9)

**Section 5.36 Lot Restrictions and Exceptions.**

A. Open Area Restrictions. All open areas shall be maintained with no portion of such area used as building area or covered by an imprvious surface. The following shall constitute the only exceptions:

Air-conditioner pad
Animal feeding areas
Barbeques or outdoor fireplaces
Bays
Chimneys
Cornices and gutters
Cultivated field or garden
Driveways
Fences
Flagpoles and clothesline poles
Outdoor furniture
Playground equipment or games
Ponds and streams
Power generating plants
Sewage disposal plants
Sidewalks
Swimming pool
Temporary garden structures
Tree walls
Water systems
(Ord. No. 2001-6)

# CHAPTER 6

# ADMINISTRATION

## ARTICLE I
## SEVERABILITY, REPEALER, ENFORCEMENT, VIOLATIONS AND PENALTIES, EFFECTIVE DATE

### Section 6.00 Severability.

If for any reason any part or section of this ordinance shall be declared to be unconstitutional by the courts, the remaining sections thereof shall remain in full force and effect.

### Section 6.01 Repeal of Conflicting Ordinances.

All land development regulations previously adopted by the Township of Lower Alloways Creek, and amendments thereto shall be and are hereby are repealed. All other ordinances or parts thereof inconsistent with the terms of this ordinance are hereby repealed.

### Section 6.02 Enforcement.

This ordinance shall be enforced by the Zoning Officer of the Township. Requirements for enforcement and penalties for noncompliance shall be as set forth herein.

### Section 6.03 Violations and Penalties.

A. Any owner or agent, any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, who shall erect, structurally alter, enlarge, rebuild or move any building or buildings or any structure, who shall put into use any lot or land in violation of any detailed statement or plan submitted and approved hereunder or who shall refuse reasonable opportunity to inspect any premises shall be guilty of a misdemeanor and, upon conviction, shall be liable for a fine of not more than one thousand ($1,000.00) dollars or to imprisonment for not more than ninety (90) days, or to such fine and imprisonment. Each and every day such violation continues shall be deemed a separate and distinct violation.

B. The owner of any building or structure, lot or land, or part thereof, where anything in violation of this ordinance shall be placed or shall be placed or shall exist and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall each be guilty of a separate

misdemeanor and, upon conviction therefor, shall be liable to a fine or imprisonment or both, herewith specified.

**Section 6.04 Effective Date.**

This ordinance shall take effect immediately upon its passage and publication as required by law.

# LAND USE APPENDIX

# APPENDIX

## to

# LAND DEVELOPMENT