

ORDINANCE NO. 2019 – 05

AN ORDINANCE OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 15 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF LITTLE EGG HARBOR, ENTITLED “LAND USE AND DEVELOPMENT”

WHEREAS, the purpose of this Ordinance is to amend Chapter 15, Land Use and Development, of the Code of the Township of Little Egg Harbor in response to amendments to the Pinelands Comprehensive Management Plan effective January 3, 2012, September 2, 2014, and March 5, 2018.

BE IT ORDAINED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend Chapter 15 entitled “Land Use and Development,” so as to amend § 15-4.25 entitled “PA Preservation Area Zone” so as to replaced subsection B(9) in its entirety so that it shall read as follows:

- (9) 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: In the Preservation Zone: berry agriculture; horticulture of native Pinelands plants; forestry; beekeeping; fish and wildlife management; agriculture employee housing as an accessory use; 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 five percent of the parcel, and no more than one percent of the parcel will be covered with impermeable surfaces; and accessory uses. In all other Pinelands Zoning Districts: agriculture; forestry; and low intensity recreational uses.

SECTION 2. The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend Chapter 15 entitled “Land Use and

Development,” so as to amend § 15-13.1 entitled “Supplementary design and performance standards,” so as to revise subsection A(4)(a) as follows:

- (a). Except as provided in Paragraph (4)(b) below, the following shall not be subject to the procedures set forth in this section:

[1]-[6] [No change.]

- [7] The construction of any addition or accessory structure for any non-residential use or any multi-family residential structure provided that:

[a] If the addition or structure will be located on or below an existing impervious surface, either the existing use is served by public sewers or the addition or structure will generate no wastewater flows, and said addition or structure will cover an area of no more than 4,999 square feet; and

[b] If the addition or structure will not be located on or below an impervious surface, said addition or structure will generate no wastewater flows and will cover an area of no more than 1,000 square feet.

[8]-[10] [No change.]

- [11] The repaving of existing paved roads and other paved surfaces, provided no increase in the paved width or area of said roads and surfaces will occur.

- [12] The clearing of land solely for agricultural or horticultural purposes.

[13]-[18] [No change.]

- [19] The installation of an accessory solar energy facility on any existing structure or impervious surface.

- [20] The installation of a local communications facilities antenna on an existing communications or other suitable structure, provided such antenna is not inconsistent with any comprehensive plan for local communications facilities approved by the Pinelands Commission pursuant to N.J.A.C. 7:50-5.4(c)6.

- [21] The establishment of a home occupation within an existing dwelling unit or structure accessory thereto, provided that no additional development is proposed.

- [22] The change of one nonresidential use to another nonresidential use, provided that the existing and proposed uses are or will be served by public sewers and no additional development is proposed.

SECTION 3. The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend Chapter 15 entitled "Land Use and Development," so as to amend § 15-13.2 entitled "Additional procedure requirements for development approval," so as to replace subsections C through F in their entirety as follows:

- C. Application submission and modifications. Written notification shall be given by the Township, by email or regular mail, to the Pinelands Commission within seven days after a determination is made by the Township that an application for development in the Pinelands Area is complete or if a determination is made by the approval agency that the application has been modified. Said notice shall contain:
- (1) The name and address of the applicant;
 - (2) The legal description and street address, if any, of the parcel that the applicant proposes to develop;
 - (3) A brief description of the proposed development, including uses and intensity of uses proposed;
 - (4) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
 - (5) The date on which the application, or any change thereto, was filed and any application number or other identifying number assigned to the application by the approval agency;
 - (6) The approval agency with which the application or change thereto was filed;
 - (7) The content of any change made to the application since it was filed with the Commission, including a copy of any revised plans or reports; and,
 - (8) The nature of the municipal approval or approvals being sought.
- D. Notice of hearings or meetings. Where a meeting, hearing or other formal proceeding on an application for development approval within the Pinelands Area is required, the applicant, in addition to the requirements set forth in Subsection 15-8.8. of this chapter, shall provide notice to the Pinelands Commission by email, regular mail or

delivery of the same to the principal office of the Commission at least five days prior to such meeting, hearing or other formal proceeding. Such notice shall contain at least the following information:

- (1) The name and address of the applicant;
- (2) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
- (3) The date, time and location of the meeting, hearing, or other formal proceeding;
- (4) The name of the approval agency or representative thereof that 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 that have not been previously submitted to the Commission;
- (6) The purpose for which the meeting, hearing or other formal proceeding is to be held; and
- (7) Proof of provision of said notice shall be submitted to the local approval agency.

E. Notice of approvals. The Pinelands Commission shall be notified of all approvals and 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 or denial give notice by email or regular 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 parcel that the applicant proposes to develop;
- (3) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
- (4) The date on which the approval or denial was issued by the approval agency;

- (5) Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission;
- (6) Any revisions to the application not previously submitted to the Commission; and
- (7) A copy of the resolution, permit, or other documentation of the approval or denial. If the application was approved, a copy of any preliminary or final plan, plot or similar document that was approved shall also be submitted.

F. Appeal of decision. Where an appeal of a decision is made to the Board of Adjustment or governing body, the applicant shall notify the Pinelands Commission by email or regular mail of the decision of the Zoning Board of Adjustment or governing body within five days following the decision of such an appeal. Such notification shall contain the information set forth in Paragraph E. above.

SECTION 4. The Township Code of the Township of Little Egg Harbor is hereby amended and supplemented so as to amend Chapter 15 entitled "Land Use and Development," so as to amend § 15-13.4 entitled "Supplemental Pinelands Area design and development standards and management programs," so as to revise subsection A(8)(a)[5] as follows:

- [5] Individual on-site septic waste water treatment systems which are intended to reduce the level of nitrate/nitrogen in the wastewater, provided that:
 - [a] (no change)
 - [b] If the proposed development is nonresidential, it is located:
 - [i] In the PV zoning district; or
 - [ii] In the FA or FAC zoning districts, subject to the standards of N.J.A.C. 7:50-6.84(a)5iii(2)
 - [c] (no change)

SECTION 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 7. After introduction of this ordinance, the Township Clerk shall send a copy of this ordinance to the Township Planning Board for its review and comment. The Township shall send a copy of the ordinance to the Ocean County Planning Board pursuant to N.J.S.A. 40:55D-16.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Little Egg Harbor held on the 14th day of February, 2019, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 14th day of March, 2019, at 7:00 p.m. at the Municipal Building located at 665 Radio Road, Little Egg Harbor, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.


DIANA K. MCCRACKEN, RMC, Clerk
Township of Little Egg Harbor

Introduction

Motion: *Gormley*

Second: *Kehm*

Motion to Introduce:

Stevens	<u>yes</u>
Scibetta	<u>yes</u>
Gormley	<u>yes</u>
Kehm	<u>yes</u>
Crea	<u>yes</u>

Second Reading & Adoption

Motion: *Gormley*

Second: *Hevens*

Motion to Adopt:

Stevens	<u>yes</u>
Scibetta	<u>yes</u>
Gormley	<u>yes</u>
Kehm	<u>yes</u>
Crea	<u>abstract</u>