

# Egg Harbor Township

## Ordinance No. 4

2019

### **An ordinance to amend the Code of the Township of Egg Harbor, Chapter 225, entitled “Zoning” in response to amendments to the Pinelands Comprehensive Management Plan**

**BE IT ORDAINED**, by the Township Committee of the Township of Egg Harbor, in the County of Atlantic, New Jersey as follows:

**PURPOSE:** The purpose of this Ordinance is to amend Chapter 225, Zoning, of the Code of the Township of Egg Harbor in response to amendments to the Pinelands Comprehensive Management Plan effective January 3, 2012, September 2, 2014 and March 5, 2018.

**SECTION 1.** Chapter 225, Zoning, Article I, General Provisions, §225-3, Definitions, is hereby amended by replacing or adding to subsection B the following definitions:

**IMMEDIATE FAMILY** - Those persons related by blood or legal relationship in the following manner: spouses, domestic partners, great-grandparents, grandparents, great-grandchildren, grandchildren, parents, sons, daughters, brothers and sisters, aunts and uncles, nephews, nieces and first cousins.

**SOLAR ENERGY FACILITY** - A solar energy system and all associated components, including, but not limited to, panels, arrays, footings, supports, mounting and stabilization devices, inverters, electrical distribution wires and other on-site or off-site infrastructure necessary for the facility, which converts solar energy into usable electrical energy, heats water or produces hot air or other similar function.

**SECTION 2.** Chapter 225, Zoning, Article VIA, Pinelands Area Procedures, §225-53.1, Applicability of Procedures, is hereby amended by revising subsection B as follows:

B. In addition to other development review procedures set forth in the Code of the Township of Egg Harbor, all development located within the Pinelands Area shall comply with the procedures set forth in this article. The following shall not be subject to the procedures set forth in this article, except as provided in § 225-53.1C and is hereby amended as follows:

(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.

(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.

(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.** Chapter 225, Zoning, Article VIA, Pinelands Area Procedures, §225-53.4, Notices to Pinelands Commission, is hereby amended by replacing the entirety of the section with the following:

**§ 225-53.4 Notices to Pinelands Commission.**

A. 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 Township 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 Township 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.

B. Hearings. Where a meeting, hearing or other formal proceeding on an application for development approval in the Pinelands Area is required, the applicant shall provide notice to the Pinelands Commission by email, regular mail or delivery of the same to the principal office of the Commission at least 5 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; and
- (6) The purpose for which the meeting, hearing or other formal proceeding is to be held.

C. Notice of approvals and denials. The Pinelands Commission shall be notified of all approvals 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.

**SECTION 4.** All ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

**SECTION 5.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held 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 6.** This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF EGG HARBOR, IN THE COUNTY OF ATLANTIC AND STATE OF NEW JERSEY, HELD FEBRUARY 6, 2019, AND WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE AFTER A PUBLIC HEARING THEREON AT A REGULAR MEETING OF SAID TOWNSHIP COMMITTEE IN THE TOWNSHIP HALL, IN SAID TOWNSHIP ON MARCH 6, 2019 AT 6:00 P.M.

Dated: February 6, 2019

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Eileen M. Tedesco, RMC  
Township Clerk