

**TOWNSHIP OF PENNSVILLE
SALEM COUNTY, NEW JERSEY**

LAND DEVELOPMENT ORDINANCE

ORDINANCE NO.: A-20-2005

Adopted: August 16, 2005

Effective Date: August 24, 2005

CHAPTER I – TITLE AND PURPOSE

SECTION 1.1 – TITLE

This Ordinance is entitled “A comprehensive ordinance regulating and limiting the uses of land and the uses and locations of buildings and structures; regulating and restricting the height of buildings and structures and determining the area of yards and other open spaces; regulating and restricting the density of population; dividing the Township of Pennsville into districts for such purposes; adopting a map of said Township showing boundaries and the classification of such district; establishing rules, regulations and standards governing the subdivision and development of land within the Township; establishing a Planning Board pursuant to the provision of *N.J.S.A. 40:55D-1, et seq.*; providing for the powers and duties of said Board; fixing procedures governing applications to said Board for review and action on such applications, and for appeals therefrom; and prescribing penalties for the violation of its provisions.” The short title of this Ordinance is “The Pennsville Township Land Development Ordinance”. This Ordinance supercedes the Land Development Ordinance (1989) and the Zoning Ordinance of 1971 (01-18-51, Sec. 103; 24.1-4; Am. 11-22-71).

SECTION 1.2 – PURPOSE

It is the intent and purpose of this Ordinance to exercise the authority delegated to municipalities by the Municipal Land Use Law, *N.J.S.A. 40:55D-1, et seq.*, to establish a pattern for the uses of land and of the buildings and structures thereon based on the Land Use Element of the Master Plan as adopted and as may be amended from time to time, to carry out the goals of the Master Plan, and to promote the following intents and purposes which are enumerated in *N.J.S.A. 40:55D-2*:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- b. To secure safety from fire, flood, panic and other natural and man-made disasters;
- c. To provide adequate light, air and open space;
- d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;

- f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;
- h. To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- l. To encourage senior citizen community housing construction;
- m. To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- n. To promote utilization of renewable energy resources; and
- o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

CHAPTER 2 – WORD USAGE AND DEFINITIONS

A word used in any tense includes every tense of the word; words used in the singular number include the plural number and vice versa; the word “used” shall include “arranged”, “designed”, “constructed”, “altered”, “converted”, “rented”, “leased”, or “intended to be used”; the word “lot” includes the words “plot”, “premises” and “tract”; the word “building” includes the words “structure”, “dwelling” or “residence”; the word “shall” is mandatory and not discretionary; the word “zone” includes “district” and vice versa; and the word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

Unless otherwise stated in the context of this Ordinance, the words and phrases set forth in the following definitional paragraphs shall have the meaning therein indicated. Any word not defined herein shall be used with a meaning of standard usage. Moreover, whenever a term is used in the Ordinance which is defined in *N.J.S.A. 40:55D-1, et seq.*, such term is intended to have the meaning as defined in *N.J.S.A. 40:55D-1, et seq.*, unless otherwise specifically defined in or stated in the context of this Ordinance.

Accessory building, structure or use means a building, structure or use located on the same lot as the principal building, structure or use and which is customarily incidental and subordinate to the principal building, structure or use.

Administrative officer means the zoning officer of the Township, unless otherwise specified in this Ordinance.

Adverse effect means conditions or situations creating, imposing, aggravating or leading to impractical, unsafe or unsatisfactory conditions on a property or off-tract property such as, but not limited to, improper circulation and drainage rights of way, inadequate drainage facilities, insufficient street widths, unsuitable street grades, unsuitable street locations to accommodate prospective traffic or coordinate and compose a convenient system, locating lots in a manner not adaptable for the intended purposes without danger to health or safety, providing for lots of insufficient size, and neither providing nor making future allowance for access to the interior portion of the lot or for other facilities required by this Ordinance.

Agriculture means the production of agricultural or horticultural products worth \$500 or more annually at a lot of no less than five acres which satisfies the eligibility criteria for differential property taxation pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c. 48 (*N.J.S.A.* 54:4-23.1, *et seq.*), and which does not involve the business of buying agricultural or horticultural (or non-agricultural or non-horticultural) products for resale except in connection with a farm stand or accessory nursery as defined in this ordinance. For purposes of this ordinance "agriculture" shall not include (1) the erection, alteration, enlargement, or reconstruction of any structure for residential occupancy other than structures at a farm for occupancy by seasonal farm laborers employed by the owner of the farm; or (2) any business activity that involves admission of the general public for any purpose except a seasonal farm stand or accessory nursery as defined in this ordinance. For purposes of this definition, the word "seasonal" means any period or periods between the months of March and November, inclusive.

Alterations or additions, structural means any modifications to the supporting members of a building such as walls, beams, columns, guides, posts or piers, including change to or rearrangement of structural parts or existing facilities whether the same be by enlargement, extension, reduction, or relocation.

Antenna means a system of electrical conductors that transmit or receive radio frequency signals for wireless communications.

Antenna support structure means a structure, other than a telecommunications tower, that is attached to a building or other structure on which one or more antennas are located.

Apartment building means a structure that houses multiple apartment units.

Apartment complex means a group of structures that house multiple apartment units.

Apartment unit means a dwelling unit designed for the living facilities of a single family, including equipment or provisions for cooking, and does not mean the building or structure itself.

Application for development means the application or appeal forms, checklists, and all accompanying documents required by this Ordinance for approval of a preliminary or final subdivision plat, preliminary or final site plan, conditional use, zoning variance or direction for the issuance of a special permit pursuant to *N.J.S.A.* 40:55D-34 or *N.J.S.A.* 40:55D-36, or any other application made pursuant to this ordinance with respect to a single lot or multiple contiguous lots that are to be combined or reconfigured as part of a single development. Applicants should refer to Chapter 4 of this Ordinance for notice requirements relating to applications for development. Minor subdivisions that include no request for

variance relief shall not require public notice, and public notice requirements may be waived by the Board for minor site plan applications.

Approving authority means the Township of Pennsville Planning Board, unless a different agency is designated by Ordinance when acting pursuant to the authority of *N.J.S.A. 40:55D-1, et. seq.*

Basement means a story of a building that is partly underground, and which has more than one-half (1/2) its interior height, measured from the floor to finished ceiling, below the average finished grade of the ground adjoining the building.

Billboard means any on-premise or off-premise sign as defined at *N.J.A.C. 16:41C-2.1* which has a display area of more than 50 square feet or a height of more than 20 feet when measured at its highest point, including supporting structures and borders, from grade at its base.

Building means a structure of materials supporting a roof, and including all porches, decks, patios, terraces, steps, awnings and overhangs, that is or can be adapted to permanent, temporary or continuous occupancy by persons or animals, or to permanent, temporary or continuous use for shelter, storage, operation and/or maintenance of any animate or inanimate objects.

Building, attached means a building which has one or party walls or points of connection with a building or buildings on the same lot.

Building, detached means a building which has no party wall or point of connection with any other building on the same lot.

Building envelope means the minimum area within a lot, excluding setbacks, existing and proposed rights-of-way, wetlands and wetlands transition areas, and existing and proposed sight triangle, drainage or other municipal, county or state easements, which meets dimensional requirements as set forth in this ordinance, and within which structures may be lawfully built or located.

Club means any organization catering exclusively to members and their guests, or any organization for religious, vocational, civic or recreation purposes, which is not conducted for financial gain.

Collocation means use of a common personal wireless telecommunications facilities (PWTF) or a common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology, and/or placement of a PWTF on a structure owned or operated by a public utility as defined in *N.J.S.A. 40:55D-6*, or a federal, state, or municipal entity.

Common open space means an open space area within or related to a site designated as a development and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

Conditional use means a use designated as such by this Ordinance pursuant to *N.J.S.A. 40:55D-67* that is permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this Ordinance, and upon the issuance of an authorization thereof by the Planning Board.

Conditional accessory uses and structures means certain accessory uses and structures that are permitted only upon confirmation by the administrative officer that such uses and structures conform with conditions specified in this ordinance, subject to all applicable site plan and other requirements of this

ordinance, but not subject to review or approval by the Planning Board as a “conditional use” pursuant to *N.J.S.A. 40:55D-67*. Conditional accessory uses and structures which do not conform to such conditions shall be deemed prohibited as dual or multiple principal uses or structures unless approved by variance pursuant to *N.J.S.A. 40:55D-70(d)(1)*.

Coverage, accessory building means the aggregate area occupied by all accessory buildings on a lot, including all roofed areas, fixed or temporary, as measured on a horizontal plane around the periphery of each building, and expressed in terms of square footage or as a percentage of the total “lot area” as defined herein.

Coverage, impervious materials means the percentage or square foot area of a lot covered by buildings, structures, paving and all other impervious materials, such as but not limited to roads, parking areas, passageways, plazas, walkways, driveways, patios, decks, swimming pools, and other facilities, but excluding all pervious areas that are covered with gravel or crushed stone, expressed in terms of square footage or as a percentage of the total “lot area” as defined herein.

Coverage, principal building means the area occupied by the principal building or buildings on a lot, including all roofed areas, as measured on a horizontal plane around the periphery of each such building or buildings, and expressed in terms of square footage or as a percentage of the total “lot area” as defined herein.

Coverage, total building means the total of all principal and accessory building coverage.

Density, gross means the permitted number of dwelling units per gross acre of land to be developed after subtracting land in which no development may occur due to existing or proposed public and private rights of way, drainage, sight triangle and other easements or restrictions of record, freshwater wetlands and wetlands transition areas, riparian areas, stream encroachment setbacks, and other environmental limitations.

Development means the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure; or of any mining, excavation or landfill; and any use or change in the use of any building or structure, or land or extension of use of land, for which permission may be required pursuant to *N.J.S.A. 40:55D-1, et. seq.*

Development regulation means any provision of this Ordinance or other Township regulation of the use and development of land, or amendment thereto.

Drainage means the removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff during and after construction or development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen non-point pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

Drainage easement means a limited property right assigned by deed or other legal means permitting the use of a specified area for drainage purposes, including but not limited to the installation and maintenance of storm water sewers or drainage ditches, or the restriction of areas along a natural or artificial stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Dwelling means dwelling unit.

Dwelling, single family detached means a detached building containing only one dwelling unit.

Dwelling unit means a building or portion thereof designed or used primarily for family residence which includes its own sleeping, sanitary and general living quarters, and no more than one kitchen for the occupying family's shared cooking needs. The terms "dwelling" or "dwelling unit" shall not include other buildings, structures or areas designed or used for temporary or seasonal occupancy such as but not limited to boarding or rooming houses, hotels, motels, campgrounds, mobile home parks, or any portions thereof. For purposes of this definition, "temporary" means no more than 14 days total per calendar year (consecutive or non-consecutive), and the word "seasonal" means no more than one period of up to 120 consecutive days per calendar year.

Environmental Impact Statement means a written description and analysis of all possible direct and indirect effects the development will have upon the development's site as well as upon the surrounding region affected thereby, with particular reference to the effect of the development upon the public health, welfare and safety, the protection of public and private property, and the preservation and enhancement of the natural environment.

Family means any number of persons who live together as a single housekeeping unit in a dwelling unit.

Farm means a lot of no less than five acres on which agricultural or horticultural products worth \$500 or more are produced annually, which satisfies the eligibility criteria for differential property taxation pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c. 48 (*N.J.S.A. 54:4-23.1, et seq.*), and which is not used in the business of buying agricultural or horticultural (or non-agricultural or non-horticultural) products for resale except in connection with a farm stand or accessory nursery as defined in this ordinance.

Farm stand means a temporary or permanent structure together with its surrounding produce display and off-street parking areas located at a farm and operated by the farm operator, and which is used primarily for the seasonal retail sale of farm products grown by the farm operator. Products not grown by the farm operator may be sold at a farm stand provided that such products constitute no more than five (5%) percent of products on display at the farm stand at any given time. A single farm stand which occupies less than three hundred (300) square feet of lot area at a farm, provides at least six (6) off-street parking spaces, and is operated only during daylight hours shall not be subject to site plan review or approval. For purposes of this definition, the word "seasonal" means any period or periods between the months of March and November, inclusive.

Field change means a proposed deviation from a technical or design requirement or specification of an earlier granted, unexpired development approval (not including any requirement or specification regulated by the Residential Site Improvement Standards) that is confirmed by the Township Engineer to be so minor that it would not result in any difference in function or appearance at or near the project site, or any change in the estimate(s) by which performance and maintenance guarantees are calculated.

Final approval means the official action of the planning board taken on a preliminarily approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion and maintenance, or an approval conditioned upon the posting of such guarantees.

Flag lot means a lot whose lot width is greater than its lot frontage.

Floor area, gross means the sum of the horizontal areas of the several floors or a building, excluding basement space, but including the area of permanently roofed porches and terraces. All dimensions shall be measured from the outside face of exterior walls or from the centerline of a party of common wall.

Floor area, gross habitable means the portion of gross floor area assigned for human habitations and fully enclosed by the inside surfaces of walls, windows, doors, and partitions; having a head room of at least six (6) feet, six (6) inches; including living, eating, cooking and other household space but excluding garages, carports, porches, basements and unheated sheds. Attics or portions thereof may be considered habitable floor area provided they are fully finished and meet the proper height requirements.

Floor area ratio means the sum of the area of all floors of buildings or structures compared to the total lot area of the site.

Garage, private means a building used by the occupying owner or tenant of the premises for the storage of noncommercial motor vehicles owned by the occupying owner or tenant of the premises as an accessory use/structure to the principal residential use/structure.

Garage, public means a building, not a private garage, used for the storage, repair, or servicing of motor vehicles of any type or ownership.

Gasoline mart means a combination of buildings and structures on a lot used principally used for the retail sale of fuels for automobiles, light trucks and other light vehicles, and for convenience store sales of limited groceries, snacks and sundries, and prepared food for off-premises consumption, and which may also include one single-bay automated car wash as an accessory use/structure.

Height, building means the vertical dimension measurement from the average elevation of the finished lot grade at the base of a building to the height of the highest point of such building's roof, or to the height of the highest point of the highest structure or other item that is attached to the building and which projects above the roof (such as a chimney, spire, elevator house, tank, or utility, wireless telecommunication, or other transmission equipment), whichever is greater. In all cases where this Ordinance provides for height limitations by reference to a specified height and a specified number of stories, the intent is to limit height to the specified maximum footage as well as the specified number or stories within said footage.

Height, structure means the vertical dimension measurement from the average elevation of the finished lot grade at the base of a structure (other than a building) to the height of the highest point of such structure or to the height of the highest point of the highest structure or other item that is attached to such structure and which projects above it, whichever is greater.

Home occupation means a professional, instructional, or consultation service or business, or the business of providing child care services or scholastic tutoring for five or fewer children at any one time, provided that such service or business must be conducted entirely within a single dwelling unit, and conducted only by the family members who occupy the dwelling unit and no more than one other non-resident person who may serve only as a secretary, receptionist, bookkeeper or assistant. No more than one home occupation may be conducted at a dwelling unit. No more than two clients or customers may be present at any one time at a dwelling unit where a home occupation is being conducted, except that in the case of a home occupation business of providing child care or scholastic tutoring services, five or fewer children may be present at the dwelling at any one time. The home occupation must be clearly secondary and subordinate to the principal residential use of the dwelling unit, and occupy no more than twenty-five (25%) percent of the dwelling unit. Home occupations cannot be conducted in accessory structures, nor may accessory structures be used in any manner for home occupation accessory purposes. One single-sided, non-illuminated sign having a façade area (including all borders and supporting structures) of no

more than two (2) square feet and indicating the business name and/or type of the home occupation may be used in connection with a home occupation, provided that such sign must be affixed to one of the exterior walls or doors of the dwelling unit at which the home occupation occurs. A zoning permit is required for all home occupations and home occupation signs.

Impervious materials means materials that do not readily permit the natural absorption and permeation of soils by rain or other surface water including, but not limited to, concrete, asphalt, chemical treatment of soils, or artificial ground covering (*see definition for Coverage, impervious materials, above*).

Interested party means: (a) in a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey; and (b) in the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire, or enjoy property is or may be affected by any action taken under this act, or whose rights to use, acquire, or enjoy property under this act, or under any other law of this State or of the United States have been denied, violated or infringed by an action or a failure to act under the Municipal Land Use Law (*N.J.S.A. 40:55D-1, et seq.*)

Junkyard means the use of any space, whether inside or outside a building or structure, for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition, salvage, resale, or abandonment of automobiles or other vehicles, appliances, equipment, machinery, structures, or parts thereof.

Kennel means any structure, establishment, premises or refuge wherein or whereupon the business of boarding or selling non-agricultural animals, or breeding non-agricultural animals for sale is carried on, including animal shelters and animal hospitals, but not including pet shops.

Lot means a designated parcel, tract or area of land entirely within Pennsville Township, established by a plat, depicted on the Pennsville Township Tax Map, or otherwise as permitted by law, to be used, developed or built upon as a unit.

Lot area means the area contained within the lot lines of a lot, excluding existing and proposed right-of-way areas, wetlands or wetlands transition areas, and existing and proposed sight triangle, drainage, emergency access, or other municipal, county or state easements or restrictions against development.

Lot, corner means a lot at the junction of two or more intersecting streets. Each corner lot shall have front yards along each street line and side yards along all other lot lines.

Lot coverage (*see definition for “coverage, impervious materials”*).

Lot depth means the distance measured perpendicular from the midpoint of each street line to the nearest street line or lot line opposite it. The lot depth for a corner lot is the averaged total of lot depths measured in this manner from all street lines.

Lot frontage means each length of uninterrupted lot line measured along the street lines abutting a lot. In the case of a corner lot, any street line having at least one such uninterrupted length that meets the minimum required lot frontage may be considered the street line from which lot frontage is measured. In the case of a lot having more than one instance of frontage on the same street, at least one of the uninterrupted lengths of frontage on at least one of the abutting streets must meet the minimum required lot frontage.

Lot line means a lot boundary.

Lot line, front means each of the street lines on which the lot fronts or abuts.

Lot line, rear means, in the case of a lot bounded by only one street, the lot line other than the street line which is the furthest lot line from the street line. Corner lots have only front and side lot lines; corner lots do not have rear lot lines (see definition of “lot, corner”).

Lot line, side means any lot line other than a front or rear lot line.

Lot line adjustment means a minor subdivision which reconfigures existing lots without creating additional new lots.

Lot width means the distance of a line drawn perpendicular to and intersecting the midpoint of the line which measures lot depth, as measured between the lot lines that are nearest to it. Corner lots are not subject to width requirements.

Maintenance guarantee means any security which may be accepted by the Township for the maintenance of any improvements pursuant to the provisions of this Ordinance or the Municipal Land Use Law, including but not limited to surety bonds, letters of credit under the circumstance specified in *N.J.S.A. 40:55D-53*, and cash.

Major site plan means any site plan not classified as a minor site plan (see definitions for “minor site plan” and “site plan”, below).

Major subdivision means any subdivision not classified a minor subdivision.

Master plan means a composite of one or more written or graphic proposals for the development of the municipality as set forth in and adopted pursuant to *N.J.S.A. 40:55D-28*.

Minor amendment means a proposed deviation from a technical requirement or design specification of an earlier granted, unexpired development approval (not including any requirement or specification regulated by the Residential Site Improvement Standards) that is confirmed by the Planning Board to be so minor that it would result in only a slight difference in function or appearance at or near the project site, and would probably not be an issue of any concern for any interested party, nearby property owner, or the general public.

Minor site plan means a plan or proposal for development within a single lot that requires site plan review but which will involve clearing, grading, excavation, fill, paving, construction, and/or the creation of additional impervious materials coverage only within a total combined area of less than one thousand (1,000) square feet, provided that the development plan or proposal (a) does not involve planned development or any new street or extension of any off-tract improvement which is to be prorated pursuant to *N.J.S.A. 40:55D-42*; and (b) does not involve or propose the creation, continuation or expansion of a prohibited use or structure (or any combination of prohibited uses or structures) or a request for variance relief pursuant to *N.J.S.A. 40:55D-70(d)*. All site plan applications which are not classified as minor site plans will be classified as applications for preliminary site plan approval (also referred to as preliminary “major” site plan approval).

Minor subdivision means a subdivision of land, including a “lot line adjustment”, that does not involve the creation of more than two lots, in addition to one retained or remainder parcel; provided that such subdivision does not involve (1) a planned development, (2) any new street or (3) the extension of any off-tract improvement, the cost of which is to be prorated pursuant to *N.J.S.A. 40:55D-42*. In counting

lots to determine whether or not a proposed subdivision is a minor subdivision, the following lots shall be counted:

- a. All lots to be created by or resulting from the proposed subdivision, including all retained or remainder parcels;
- b. All lots created by prior subdivisions out of the original parcel of contiguous land under common ownership, use, dominion or control as it existed on September 1, 1987; and
- c. No lots shall be counted twice, and in the case of resubdivisions or lot mergers any lot eliminated or replaced shall be deducted.

Nonconforming lot means a lot (1) the lot area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment, and (2) whose owners do not have title to, ownership of, or dominion or control over property adjoining the lot since the date of such adoption, revision or amendment.

Nonconforming structure means a structure the size, dimension or location of which were lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

Nonconforming use means a use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

Nonresidential district means any CONS-Conservation, MU-Mixed Use, LI-Light Industrial, and HI-Heavy Industrial zoning districts in Pennsville Township.

Offsite means located outside the lot lines of the lot in question but within the property of which the lot is a part, which is the subject of a development application or the closest half of the street or right-of-way abutting the property of which the lot is a part.

Off-tract means not located on the property which is the subject of a development application nor on the closest half of the abutting street or right-of-way.

Onsite means located on the lot in question and excluding any abutting street or right-of-way.

On-tract means located on the property which is the subject of a development application or on the closest half of an abutting street or right-of-way.

Open space means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

Ordinance means the Pennsville Township Land Use Ordinance.

Performance guarantee means any security, which may be accepted by the Township pursuant to this Ordinance or the Municipal Land Use Law, including but not limited to surety bonds, letters of credit under the circumstances specified in *N.J.S.A. 40:55D-53.5*, and cash.

Personal wireless telecommunications equipment facilities (PWTEF) means accessory facilities serving and subordinate in area, extent, and purpose to, and on the same lot as, a telecommunication tower or antenna location. Such facilities include, but are not limited to, transmission equipment, storage sheds, storage buildings, driveways and parking areas, and security fencing.

Personal wireless telecommunications facilities (PWTF) means facilities for the provision of wireless communications services, including, but not limited to antennas, antenna support structure, telecommunications towers, and related facilities other than personal wireless telecommunications equipment facilities (PWTEFs).

Personal Wireless Telecommunications Facilities Site Registration Fee (“PWTF Fee”) means a fee paid to Pennsville Township upon the initial and each subsequent annual PWTF registration to cover Pennsville Township’s administrative costs relating to PWTF registration.

Plant nursery means a use involving temporary or permanent structures including but not limited to greenhouses and barns, together with any surrounding display and off-street parking areas, which is operated either as a principal use at a lot or as an accessory use to the principal agricultural use of a farm, and which primarily involves the retail sale of plants grown by its operator. Plants not grown by the operator may be sold at a nursery provided that such plants constitute no more than five (5%) percent of plants on display at the nursery at any given time. A nursery which (1) is operated as an accessory use at a farm; (2) occupies less than one (1) acre of area that is open to the public; (3) provides no more than six (6) off-street parking spaces; and (4) is operated only during daylight hours, shall not be subject to site plan review or approval.

Preliminary Approval means the conferral of certain rights pursuant to *N.J.S.A. 40:55D-46* or *-48* and the provisions of this Ordinance prior to final approval after specific elements of a development plan have been agreed upon by the Planning Board and the applicant.

Principal structure means the main building, or if no building, the main structure in, on, at or by which the principal use of a lot occurs.

Principal use means the main purpose for which a lot, building or structure is used.

Public areas means (1) public parks, playgrounds, trails, paths and other recreational areas; (2) other public open spaces; (3) scenic and historic sites; and (4) sites for schools and other public buildings and structures.

Public drainage way means the land reserved or dedicated for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the biological as well as drainage function of the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion and to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, and to lessen non-point pollution.

Public open space means an open space area conveyed or otherwise dedicated to the Township, a municipal agency, board of education, State or county agency, or other public body for recreational or conservational uses.

Public utility means any public utility regulated by the Board of Regulatory Commissioners and defined pursuant to *N.J.S.A. 48:2-13*.

Residence, single family means a building containing only one dwelling unit.

Resubdivision means (1) the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law, or (2) the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

Right-of-way means land occupied, intended to be occupied, or designated as available to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade tree, or other public, public utility, or special purpose.

Right-of-way line means the boundary of a right-of-way.

Shopping center means a retail or commercial center that is planned, developed, owned and managed as a single unit on a single lot, consisting of at least two stores or other permitted uses located in a single building. A shopping center may be an enclosed building, such as a mall, containing multiple stores or other permitted uses that are accessed from within, or a strip center with each store or other permitted use having its own separate exterior façade and entrance.

Sight triangle means a portion of land established by easement at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sign means any building or structure or portion thereof, or any banner, flag, statue, monument, placard, screen, balloon or other material, thing or device, whether durable or ephemeral, and including but not limited to inflatable or semi-inflatable, or robotic or animatronic devices, projections of light, or any costume or object worn by a person or animal at or within a specific area or location, on which any announcement, declaration, demonstration, display, illustration or insignia used to identify, advertise, or promote the interest of any person, business, or product when the same is placed in view of the general public.

Sign, banner means a banner made of vinyl, canvas or other cloth fabric having a width of no more than 24 inches, a height of no more than 72 inches, and a weight of no more than 16 ounces, which is designed to be affixed to a utility pole along a public roadway as part of a series of like banners for the purpose of promoting the Township and subscribing business enterprises.

Sign, street means metal posts of the type, design, and specifications utilized at intersections throughout the Township, each of which supports two small double-sided rectangular signs mounted perpendicular to one another to display the names of intersecting streets. The location of street signs shall be determined by the Planning Board in applications for development and otherwise by the Township Committee. All street signs shall be located in such a manner as to be free of visual obstruction.

Sign, temporary means any sign (as defined herein) which is temporarily installed upon a premises to announce or advertise a business or profession conducted on the premises where the sign is located, including but not limited to movable illuminated or non-illuminated metal, plastic or wood framed signs which contain removable letters to accommodate a change of message. For purposes of this definition, “temporary” means no more than sixty (60) days total per calendar year (consecutive or non-consecutive).

Site plan (also referred to as “major” site plan) means a development plan of one or more lots on which is shown (1) the existing and proposed conditions of the lot or lots, including but not limited to topography,

vegetation, drainage, flood plains, marshes and waterways, (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices, and (3) other information as required by this Ordinance.

Site plan, minor (see definition for “minor site plan”, above).

Story means that portion of a building that is between a floor level and the next higher level or roof above. A story that occupies the attic space within roof lines, and which has no vertical walls except for those which may be incorporated into dormers, constitutes a half-story for purposes of this ordinance.

Street means any street, avenue, boulevard, road, parkway, drive, or other way that (1) is an existing State, county or municipal roadway, or (2) is shown on a plat heretofore approved pursuant to law; or (3) is approved by official action as provided by *N.J.S.A. 40:55D-1, et.seq.*; or (4) is shown on a plat duly filed and recorded in the office of the County Clerk prior to the appointment of the Planning Board and the grant to the Board of the power to review plats. The term “street” includes the land between street lines, whether improved or unimproved, and may comprise pavement shoulders, gutters, sidewalks, parking areas and other areas within the street lines.

Street line means the right-of-way line of a street.

Structure means a combination of materials to form a construction for occupancy, use, or ornamentation whether installed on, above, or below the surface of a parcel of land. This shall include but not be limited to all buildings, sheds, porches, steps, decks, patios, walkways, driveways, parking lots, parking areas, towers, greenhouses, pools, septic systems, wells, outside storage containers, trailers, truck trailers, and truck and car bodies parked or placed on a lot and used for storage or occupancy in a stationary position rather than for transportation, but shall not include temporary or seasonal structures as defined herein.

Structure, temporary or seasonal means temporary or seasonal shelters constructed of poles and canvas or other cloth covering, and secured to the ground only by ropes and/or stakes (such as temporary or seasonal tents used for recreational purposes, and temporary or seasonal boat or vehicle shelters), and temporary or seasonal portable above-ground wading or children’s pools which are less than eighteen (18) inches deep and have a diameter of less than six (6) feet, which temporary or seasonal shelters and temporary or seasonal portable pools shall not be subject to lot coverage or yard setback requirements. As used in this definition, the word “temporary” means no more than 14 days total per calendar year (consecutive or non-consecutive), and the word “seasonal” means no more than one period of up to 120 consecutive days per calendar year.

Subdivision means the division of a lot, tract, or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development, and also includes the term “resubdivision”. The following shall not be considered subdivisions within the meaning of this ordinance, if no new streets are created:

- a. divisions of land found by the planning board to be for agricultural purposes where all resulting parcels (i) are five (5) acres or larger in size on which agricultural or horticultural products worth \$500 or more are produced annually; and (ii) satisfy the eligibility criteria for differential property taxation pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c. 48 (*N.J.S.A. 54:4-23.1, et seq.*);
- b. divisions of property by testamentary or intestate provisions;
- c. divisions of property upon court order, including but not limited to judgments of foreclosure;
- d. consolidation of existing lots by deed or other recorded instrument; and

- e. the conveyance of one or more adjoining lots, tracts or parcels of land titled to, or subject to the ownership, dominion or control of the same person(s), if each such adjoining lot, tract or parcel of land to be separately conveyed is found and certified by the administrative officer to conform to all requirements of the this ordinance, and is shown and designated as a separate lot on the Pennsville Township Tax Map.

Subdivision, major (see definition for “major subdivision”, above).

Subdivision, minor (see definition for “minor subdivision”, above).

Swimming pool, commercial means any swimming club as defined herein, and also all pools associated with permitted hotel and motel land uses.

Swimming club means a public or privately-owned pool and accessory facilities which is open to the public on a fee or annual membership basis.

Swimming pool, private residential means a privately owned pool constituting an accessory use/structure to a residential unit or units and located on the same lot therewith. Temporary or seasonal portable above-ground wading or children’s pools which are less than eighteen (18) inches deep and have a diameter of less than six (6) feet are not “private residential swimming pools” for purposes of this Ordinance, and are not subject to lot coverage or yard setback requirements.

Telecommunications tower means a freestanding structure, such as a lattice tower, guyed tower, monopole, or similar structure, whose primary purpose is to support one or more antennas.

Use means the specific, rather than categorical, activity or undertaking that occurs at or upon a lot or at, upon or within a structure, or the specific, rather than categorical, purpose for which a lot or structure is occupied or employed.

Use category means a classification given to groups of uses having some similar characteristics, such as but not limited to “agricultural”, “residential”, “commercial” and “industrial”.

Variance means permission to depart from the literal requirements of the Zoning Chapter of this ordinance pursuant to applicable provisions of *N.J.S.A. 40:55D-1, et. seq.*

Wireless communications means any personal wireless service as defined in the Federal Telecommunications Act of 1996 (FTA), which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist, or that may in the future be developed. It does not include any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively to receive only antennas, nor does it include non-cellular telephone service.

Yard means an area of open space along each lot line or street line of a lot, having a minimum width measured perpendicular from each such lot line or street line as specified in this ordinance, which area must be unobstructed by buildings or structures from the ground to the sky, except by driveway entrances, curbs, sidewalks, mail and paper boxes, landscaping, wells and septic systems, and public utility improvements and facilities for provision of electric, gas, water, sewerage, telephone and cable television services, and except as otherwise provided in this Ordinance.

Yard, front means the yard extending along any lot frontage of a lot (see definition of “lot line, front”).

Yard, rear means the yard extending along the rear lot line of a lot (see definition of “lot line, rear”).

Yard, side means the yard extending along any side lot line of a lot (see definition of “lot line, side”).

Zoning district means a finite area of land, as designated by its boundaries on the Zoning Map, throughout which specific and uniform regulations govern the use of land and/or the locations, sizes and uses of buildings and structures.

Zoning map means the map dated February 10, 2005, prepared by Ron Rukenstein & Associates, P.O. Box #1, Titusville, New Jersey 08560, annexed to and made a part of this chapter indicating zoning districts within Pennsville Township.

Zoning officer means the municipal official appointed by the Township Committee to carry out certain duties as specified in this Ordinance or as otherwise directed by the Township Committee.

Zoning permit means a document which must be signed and issued by the Pennsville Township Zoning Officer prior to the commencement of any use, or any land clearing, grading or other non-agricultural land disturbance, or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building, to confirm that such clearing, grading, use, structure or building complies with all provisions of this Ordinance and any Planning Board or other municipal approvals.