

55-41. PA - PRESERVATION AREA ZONE. [Amended 4-3-89 by Ord. No. 1989-8; 6-5-89 by Ord. No. 1989-14; 8-20-90 by Ord. No. 1990-26; 4-1-91 by Ord. No. 1991-8; 4-5-93 by Ord. No. 1993-8; 12-16-96 by Ord. No. 1996-60 §§ 2-10]

The following regulations apply in the PA Zone: A. *Permitted Uses*.

- (1) Detached single-family dwellings on three and two-tenths (3.2) acre lots or one (1.0) acre lots, in accordance with § 55-64.
- (2) Raising and keeping of farm animals for domestic use on a lot having not less than one (1) acre. Additional farm animals shall not exceed one (1) per every one (1) additional acre. There shall be no

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storage of manure within one hundred (100) feet of any adjoining property line.

- (3) Berry agriculture and horticulture of native plants and other agricultural activities compatible with the existing soil and water conditions that support traditional Pinelands berry agriculture.
- (4) Forestry activities, subject to the provisions of § 55-292 of this chapter.
- (5) Fish and wildlife management.
- (6) Beekeeping.
- (7) Pinelands development credits.

B. Accessory and Temporary Uses.

- (1) Building and other structures customarily accessory to permitted residential and agricultural uses, including detached private garages, barns, shed, greenhouses, and the like.
- (2) Private residential tennis courts and swimming pools, provided that such pools are enclosed by safety fences of not less than four (4) feet in height.
- (3) Off-street parking and loading space as provided for in §§ 55-173 to 55-175.
- (4) Temporary on-site construction trailers for which permits may be issued for periods up to one (1) year, subject to renewal.
- (5) Signs as follows, provided that no sign shall be permitted which does not conform to the provisions of § 55-299D.
 - (a) Official public safety and information signs displaying road names, numbers and safety directions;
 - (b) On-site signs advertising the sale or rental of the premises, provided that:

[1] The area on one (1) side of any such sign shall not exceed six (6) square feet.

- (6) Agricultural commercial establishments for the sale of farm products grown or raised on the premises by the owner or operator of the farm. There shall be a limit of one (1) establishment per farm. Such stands shall be set back a minimum of sixty (60) feet from the street line.

C. *Conditional Uses.* The following uses shall be permitted in the PA Zone subject to issuance of a conditional use permit in conformance with the provisions of this chapter:

- (1) Public utility uses, such as water towers, electric substations, radio towers and transmission lines which must be provided above ground, provided that the applicant can demonstrate that there is no feasible alternative and that the use serves only the needs of the Preservation Area.

Centralized waste water treatment and collection facilities shall be permitted to service the Preservation Area District only in accordance with N.J.A.C. 7:50-6.84(a)2.

- (2) [Deleted 3-20-95 by Ord. No. 1995-15 § 2; 8-5-96 by Ord. No. 1996-27 § 2]
- (3) Expansion of intensive recreational uses, provided that:
- (a) The intensive recreational use was in existence on February 7, 1979 and the capacity of the use will not exceed two (2) times the capacity of the use on February 7, 1979;
- (b) The use is necessary to achieve recreational use of a particular element of the existing Pinelands environment; and

- (c) The use is environmentally and aesthetically compatible with the character of the Preservation Area District and the characteristics of the particular basin in which the use is to be located, taking into consideration the proportion of cleared and developed land, ambient water quality, ecologically sensitive areas and unique resources, and will not unduly burden public services.
- (4) Low intensity recreational uses, including but not limited to camping provided that:
- (a) The parcel proposed for low intensity recreational use has an area of at least fifty (50) acres.
 - (b) The recreational use does not involve the use of motorized vehicles except for necessary transportation.
 - (c) Access to bodies of water is limited to no more than fifteen (15) linear feet of frontage per one thousand (1,000) feet of water body frontage.
 - (d) The parcel will contain not more than one (1) campsite per two (2) acres, provided that the campsites shall not be clustered at a net density exceeding six (6) campsites per acre.
 - (e) Clearing of vegetation, including ground cover and soil disturbance, does not exceed five percent (5%) of the parcel.
 - (f) No more than one percent (1%) of the parcel will be covered with impermeable surfaces.
- (5) Continuation of resource extraction operations in accordance with the standards of N.J.A.C. 7:506.63. **[Amended 7-16-01 by Ord. No. 2001-291]**

D. Lot and Building Requirements.

(1) Minimum lot size:

- (a) For lots with detached single family dwellings which meet the requirements of this section: three and two-tenths (3.2) acres.
- (b) For other uses: five (5) acres, or as necessary to meet the standards of the Pinelands Comprehensive Management Plan as contained in this chapter.
- (c) Notwithstanding the minimum lot areas set forth above, no such minimum lot area for a nonresidential use within the PA zone shall be less than that needed to meet the water quality standards of § 55-291.B(4), whether or not the lot may be served by a centralized sewer treatment or collection system.

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

(3) Minimum yard requirements:

- (a) Front yard: two hundred (200) feet, except that if compliance with this minimum is constrained by physical or environmental considerations, involves a farm operation, or development within one thousand (1,000) feet has front yards less than two hundred (200) feet, a setback of not less than seventy-five (75) feet may be permitted.
- (b) Side yard: fifty (50) feet for principal buildings; ten (10) feet for accessory buildings.
- (c) Rear yard: seventy-five (75) feet for principal buildings; ten (10) feet for accessory buildings.

(4) Maximum lot coverage: twenty percent (20%).

- (5) Maximum building height: two and five-tenths (2.5) stories on thirty-five (35) feet.

E. Allocation of Pinelands Development Credits.

- (1) Except for land which was owned by a public agency on January 14, 1981, land which is thereafter purchased by the State for conservation purposes, land which is subject to an easement limiting the use of land to nonresidential uses, or land otherwise excluded from entitlement in paragraph E(2) below, every parcel of land in the Preservation Area District shall have a use right known as "Pinelands development credits" that can be used to secure a density bonus for lands located in a Regional Growth Area.

Pinelands development credits may also be allocated to certain properties in the Township by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.61 et seq.

- (2) Pinelands development credits are hereby established in the Preservation Area District at the following ratios:
- (a) Uplands which are undistributed but currently or previously approved for resource extraction pursuant to this chapter: two (2) Pinelands development credits per thirty-nine (39) acres;
 - (b) Uplands which are mined as a result of a resource extraction permit approved pursuant to this Chapter: zero (0) Pinelands development credits per thirty-nine (39) acres;
 - (c) Other uplands: one (1) Pinelands development credits per thirty-nine (39) acres; and

- (d) Wetlands: two-tenths (0.2) Pinelands development credits per thirty-nine (39) acres.
- (3) The allocations established in (2) above shall be reduced as follows:
- (a) Any property of ten (10) acres or less which is developed for a commercial, industrial, resource extraction, intensive recreation, institutional, campground or landfill use shall not receive Pinelands development credit entitlement. For such an improved property of more than ten (10) acres, the area actively used for such use or ten (10) acres, whichever is greater, shall not receive Pinelands development credit entitlement.
 - (b) The Pinelands development credit entitlement of a parcel of land shall be reduced by one-quarter (1/4) PDC for each existing dwelling unit on the property.
 - (c) The Pinelands development credit entitlement for a parcel of land shall be reduced by one-quarter (1/4) PDC for each reserved right to build a dwelling unit on the parcel retained by the owner of the property pursuant to paragraph E(7) below or when a variance for cultural housing is approved by the Township pursuant to § 55-64B of this chapter. [Amended 7-16-01 by Ord. No. 2001-29]
 - (d) The Pinelands development credit entitlement for a parcel of land shall also be reduced by one-quarter (1/4) PDC for each dwelling unit approved pursuant to N.J.A.C. 7:50-4.61 et seq. when a waiver of strict complaint is granted by the Pinelands Commission.

- (4) The owners of parcels of land which are smaller than thirty-nine (39) acres shall have a fractional Pinelands development credit at the same ratio established in paragraph E(2) above.
- (5) Notwithstanding the provisions above, the owner of record of one-tenth (0.10) or greater acres of land in the Preservation Area Zone as of February 7, 1979 shall be entitled to one-quarter (0.25) Pinelands Development Credits, provided that the parcel of land is vacant, was not in common ownership with any contiguous land on or after February 7, 1979 and has not been sold or transferred except to a member of the owner's immediate family. The provisions of this section shall also apply to owners of record of less than one-tenth (0.10) acres of land in the Preservation Area Zone, as of February 7, 1979, provided that said owners acquire vacant, contiguous lands to which Pinelands Development Credits are allocated pursuant to paragraph E(2) above which lands, when combined with the acreage of the parcel owned prior to February 7, 1979, total at least one-tenth (0.10) of an acre.
[Amended 7-16-01 by Ord. No. 2001-29]
- (6) No Pinelands development credit may be conveyed, sold, encumbered or transferred unless the owner of the land from which the credit has been obtained has received a Pinelands Development Credit Certificate from the New Jersey Pinelands Development Credit Bank pursuant to N.J.A.C. 3:42-3 and has deed restricted the use of the land in perpetuity to those uses set forth in N.J.A.C. 7:50-5.47(b) by a recorded deed restriction which is in favor of a public agency or not-for-profit incorporated organization and specifically and expressly enforceable by the Pinelands Commission.

- (7) Notwithstanding the provision of paragraph (6) above, an owner of property from which Pinelands development credits are sold may retain a right for residential development on that property provided that the recorded deed restriction expressly provides for same and that the total allocation of Pinelands development credits for that property is reduced by one-quarter (1/4) PDC for each reserved right to build a dwelling unit. Subdivision of the property shall not be required until such time as the residential development right is exercised.
- (8) No conveyance, sale, or transfer of Pinelands development credits shall occur until the municipality with jurisdiction over the parcel of land from which the Pinelands development credits were obtained, the agency or organization to which the restriction is in favor, and the Pinelands Commission have been provided with evidence of recordation of a restriction on the deed to the land from which the development credits were obtained.
- (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:
 - (a) In the Preservation Area District: Berry agriculture; horticulture of native Pinelands plants; forestry; beekeeping; fish and wildlife management; agricultural employee housing as an accessory use; and low intensity recreational uses in which the use of motorized vehicles is not permitted except for necessary transportation, access to water bodies is limited to no more than fifteen (15) feet of frontage per one thousand (1,000) feet of frontage on the water body, clearing of vegetation does not exceed five percent (5%) of the parcel, and no more than one percent

(1%) of the parcel will be covered with impermeable surfaces.

(b) In all other zones within the Pinelands Area: Agriculture; forestry; and low intensity recreational uses.

(10) Any owner of land within the Township's PA Zone may, pursuant to N.J.A.C. 7:50-4, Part VI, secure a letter of interpretation from the Pinelands Commission as to the Pinelands development credits allocated to that parcel of land.

(11) No development involving the use of Pinelands development credits shall be approved until the developer has provided the Commission and the Township approval agency with evidence of his ownership and redemption of the requisite Pineland development credits; provided, however, that the Township approval agency may grant general development plan, preliminary subdivision or preliminary site plan approval conditioned upon such evidence being presented as a prerequisite to final subdivision or site plan approval. For such a final subdivision or site plan, the developer shall provide evidence of Pinelands development credit ownership and redemption to secure the same proportion of lots or residential units as was approved for Pinelands Development Credit use in the preliminary approval or, as appropriate, the general development plan. Notification of any such development approval shall be made to the Pinelands Commission pursuant to Section 55-277 and to the New Jersey Pinelands Development Credit Bank in accordance with N.J.A.C. 3:42-3. Redemption of the requisite Pinelands development credits shall occur in accordance with N.J.A.C. 3:42-3.6, prior to the memorialization of the resolution granting final subdivision or site plan approval, or if no such approval is required,

prior to the issuance of any construction permits.
[Amended 6-4-01 by Ord. No. 2001-15]

(12) Pinelands development credits shall be used in the following manner:

- (a) To permit development of parcels of land in the RH, RL and RL/AC Zones according to the density and lot area requirements set forth in §§ 55-43 and 55-47 of this chapter;
- (b) When a variance of density or minimum lot area requirements for the RH, RM, RL or RL/AC Zones is granted by the Township, Pinelands development credits shall be used for all dwelling units or lots in excess of that otherwise permitted without the variance;
[Amended 7-16-01 by Ord. No. 2001-29]
- (c) When a variance or other approval for a nonresidential use not otherwise permitted in the RH, RL or RL/AC Zones is granted by the Township, Pinelands development credits shall be used at fifty percent (50%) of the maximum rate permitted for Pinelands Development Credit use in the zone in which the nonresidential use will be located for parcels under ten (10) acres in size; at seventy-five percent (75%) of the maximum rate for parcels between ten (10) and twenty (20) acres in size; and at one hundred percent (100%) of the maximum rate for parcels over twenty (20) acres in size. This requirement shall not apply to a variance or other approval which authorizes the expansion of or changes to existing nonresidential uses in accordance with N.J.A.C. 7:50-5.2.
[Amended 6-4-01 by Ord. No. 2001-15]

- (d) When a variance or other approval for a residential use in the Regional Growth Area portion of the CN Zone is granted by the Township, Pinelands development credits shall be used for fifty percent (50%) of the authorized units for parcels under ten (10) acres in size; for seventy-five percent (75%) of the authorized units for parcels between ten (10) and twenty (20) acres in size and for one hundred percent (100%) of the authorized units for parcels over twenty (20) acres in size. [Amended 6-4-01 by Ord. No. 2001-151]
- (e) When a variance for cultural housing is granted by the Township in accordance with § 55-64A of this chapter; and
- (f) When a waiver of strict compliance is granted by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.61 et seq.
- (g) When a variance of density or lot area requirements for a residential or principal nonresidential use in the PV Zone or in that portion of the CN Zone located in a Pinelands Village is granted by the Township, Pinelands development credits be used for all dwelling units or lots in excess of that permitted without the variance.