

DOWNE TOWNSHIP ZONING ORDINANCE



**Prepared by the
Downe Township Planning Board
With Technical Assistance From The
Cumberland County
Department of Planning & Development**

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DOWNE TOWNSHIP ZONING ORDINANCE
"Downe Township Zoning Ordinance of 1979"
Revised and Adopted April 19, 2000

This Ordinance, known as the "Downe Township Zoning Ordinance of 1979" was revised with assistance from the Cumberland County Department of Planning & Development. The revised ordinance was adopted on April 19, 2000 by the Downe Township Committee after a review and recommendation by the Downe Township Combined Planning & Zoning Board and a review by both the solicitor for the Planning & Zoning Board and the solicitor for the Downe Township Committee.

The content of this Ordinance belongs solely to Downe Township. The implementation and interpretation of these regulations shall be made by the appropriate Township officials and regulatory bodies. The County of Cumberland shall have no responsibility or role in the interpretation and implementation of the content of this Ordinance.

DOWNE TOWNSHIP ZONING ORDINANCE

ARTICLE I PURPOSES; SCOPE; INTERPRETATIONS; SHORT TITLE

Section 100 Purposes

This Ordinance is enacted for the following purposes: To promote the health, morals, and general welfare of the inhabitants of the Township of Downe; To lessen congestion of the streets; secure safety from fire, panic and other dangers; provide adequate light and air; prevent the overcrowding of land or buildings; avoid undue concentration of population; and to conserve the value of property and encourage the most appropriate use of land. The Ordinance is also intended to implement the goals of the Township Master Plan and to promote development that is compatible with that of neighboring municipalities, the County, and the State.

Section 101 Scope

From and after the effective date of this Ordinance, the use of all land and every building or portion of a building erected, altered with respect to height and area, added to, or relocated, and every use within a building or use accessory thereto, in the Township of Downe shall be in conformity with the provisions of this Ordinance. Any existing building or structure and any existing use of a building or land not in conformity with the regulations herein prescribed shall be regarded as nonconforming, but may be continued, extended, or changed subject to the special regulations herein provided with respect to nonconforming buildings or uses, as prescribed in Article IX of this Ordinance.

Section 102 Interpretation

In interpreting and applying the provisions of this Ordinance, said provisions shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation this Ordinance shall be controlling. Nothing herein contained shall be construed to prohibit or prevent the use of higher standards, if such standards shall be prepared and appropriately adopted by the Township Committee.

Section 103 Short Title

This Ordinance shall be known and may be cited as "The Downe Township Zoning Ordinance of 1979, as amended April 2000."

ARTICLE II DEFINITIONS

Section 200 Intent

For the purposes of this Ordinance, all words used in the present tense include the future tense. All words used in the plural number include the singular number, and all words in the singular number include the plural number, unless the natural construction of the word indicates otherwise. The word "shall" is mandatory and directory. The words "used" and "occupied" include "designed, intended, or arranged to be used or occupied." The word "person" shall include a firm, association, company, corporation, organization, partnership, and trust, as well as an individual.

Section 201 Specific Words and Phrases Defined

Certain words, phrases, and terms in this Ordinance are to be interpreted and defined as follows:

Accessory Use or Structure. A subordinate use or structure, the purpose of which is incidental to that of the main use or structure and on the same lot. The accessory use or structure is subordinate in area, extent, and purpose to the principal use or structure on the same lot.

Agriculture. The growing and harvesting of crops and/or the raising or breeding of poultry and livestock including such uses as nurseries, greenhouses, dairies, vegetable operations, grain and orchard operations, but excluding swineries. An agricultural operation shall include all those accessory buildings and structures typically incidental to normal farming practices. Aquaculture shall also be considered an agricultural use for the purposes of this Ordinance.

Alterations. As applied to a building or a structure, means a change or rearrangement in the structure or in the existing facilities, or an enlargement whether by extension of a side or by increasing in height or by moves from one location or position to another.

Apartment. A dwelling unit that is typically rented and/or occupied by persons other than the owner and attached to one or more additional dwelling units.

Applicant. Any person applying for a zoning permit or other action prescribed by this Ordinance.

Area, building (Ground Coverage). The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

Area, Livable or Habitable, Floor. All gross floor area having a clear ceiling height of at least seven feet, except that not more than ten per cent of the habitable floor area may have a ceiling height less than seven but not less than five feet; any cellar, open porches, carports, garages or utility space, bay windows not extending more than three feet, balconies and terraces shall not be considered in the computation of habitable floor area.

Area, Gross Floor. The sum of the gross horizontal areas of every floor of a building, measured from the inside face of exterior walls or from the center line or party or common walls separating two dwelling units.

Aquaculture. The commercial raising, selling, producing of fish or seafood, generally in large tanks or ponds on the property.

Bed & Breakfast Establishment. A single family, primary dwelling or duplex in which the owner occupant also provides temporary overnight accommodations to guests for a fee as an accessory use in any zoning district where a single family detached dwelling is a permitted use. The operation of a Bed & Breakfast Establishment shall be considered a home occupation for the purposes of this Ordinance.

Board. Unless specifically stated otherwise, shall mean the combined Planning & Zoning Board of Downe Township.

Board of Adjustment. Shall mean the combined Planning and Zoning Board of Downe Township.

Building. Any structure having a roof supported by columns, piers, or walls including tents, lunch wagons, trailers, mobile homes, prefabricated or modular structures, pole barns, garden sheds, dining cars, camp cars, or other structures on wheels, or having other supports.

Building Coverage. That percentage of the lot area covered by building area.

Building Height. The vertical dimension measured from the average elevation of the finished grade at the perimeter of the building to the highest point of the roof.

Building Inspector. Shall mean the duly appointed Construction Officer of Downe Township.

Building Line. A line formed by the vertical projection to the ground of the exterior surface of the building on any side. In case of a cantilevered or projected section of a building, the projection will not coincide with the surface nearer to the lot line allowed for a structure. A building line shall not be closer to the street line than the required front yard depth.

Camping Unit. A typical camping shelter such as a tent, lean-to, or recreational vehicle temporarily erected on a campsite in an authorized and approved campground.

Campground. A seasonal operation for the use of campers and the temporary placement of tents and recreational vehicles on designated and improved sites complete with the facilities and amenities, and meeting the prescribed conditions outlined in Section 1010 of this Ordinance.

Conditional Use. A use 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 therefore by the planning & zoning board.

Condominium. An individually owned and occupied dwelling unit that is generally part of a multi-family complex of similar units

Construction Official. Refers to the duly appointed Construction Officer of Downe Township.

Duplex. A single building straddling two lots in which there are two similarly designed and independently owned dwelling units sharing a common wall. For the purposes of this Ordinance, two or more dwelling units in a single building in which one or more is an apartment or condominium, shall be referred to as a multi-family dwelling.

Dwelling, Multi-Family. A single building or group of buildings in which there are two or more dwelling units capable of accommodating two or more families.

Dwelling, Single Family Detached. A dwelling unit in a single building that is not attached to other buildings or dwelling units. It is used by one family and is located on a single lot and includes manufactured homes.

Dwelling Unit. One or more rooms providing residential living facilities for one family, including equipment for cooking or provisions for the same as well as sleeping and sanitation facilities.

Essential Utilities. The erection, construction, alteration or maintenance by public utilities, telephone or municipal or other governmental agencies of underground or overhead gas, electric, steam, water or sewage transmission or distribution systems, including buildings, poles, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for public health, safety, or general welfare, not including telecommunications towers.

Extractive Area. That area which is the excavated mining area proposed as part of an application and site plan for a mining permit.

Family. Any number of persons sharing a dwelling unit but not including more than three (3) persons unrelated by blood, marriage, or adoption.

Fence or Wall. A structure which permanently or temporarily prohibits or inhibits unrestricted travel between properties or portions of properties or between the street or public right-of-way and a property.

Farmstand or Roadside Farmstand. A temporary or seasonal structure or other facility used for the sale of agricultural products grown or produced on the property where the farmstand is located. Farmstands shall be devoted primarily for the sale of farm produce in season and shall not be used for the year-round sale of other goods and commodities. Carts, trucks, other vehicles, or readily mobile conveyances shall not constitute a farm stand under this Ordinance.

Garage, Private. A building or space accessory to a residence which provides for the storage of vehicles or boats and in which no occupation, business, or service for profit is carried on.

Garage, Public. A building or part thereof, other than a private garage, used for the storage of motor vehicles or boats for profit and may include the sale of fuels or accessories, or keeping of vehicles for hire as a secondary use.

Garden Apartment. One kind of a single family attached dwelling generally located in a multi-storied building in which each unit has its own balcony or patio.

Governing Body. The elected Committee of Downe Township, Cumberland County, New Jersey.

Home Occupation. Any occupation, craft, or skill, that is clearly incidental to the residential use of a property or lot and which does not pose measurable health or safety risks to neighboring property owners. A home occupation is one that is performed solely by a member of the family living in that home without the benefit of additional employment in the home.

Home Professional Office. The office, studio, or occupational room of a physician, surgeon, dentist, architect, licensed professional engineer, surveyor, or other licensed individual, or lawyer engaged in indirect personal service.

Junkyard. Any property on which more than two (2) unregistered vehicles or boats are kept or where vehicle parts, scrap metal, wastepaper, rags, machinery in disrepair, glass, and other used or discarded items commonly referred to as junk are stored outside of a fully enclosed building. This definition shall not refer to authorized recycling centers and collection facilities as approved by the Cumberland County Improvement Authority under the Cumberland County Solid Waste Management Plan.

Kennel. Any property on which five (5) or more dogs or other household animals are kept, boarded, groomed, or housed for a fee. A kennel shall not include those properties on which animals are kept solely by the owners or renters of said property for their personal enjoyment.

Loading Space. Any off-street space not less than twelve feet in width, thirty-five feet in length, and fourteen feet in height available for the loading or unloading of goods and having direct useable access to the street or alley.

Lot. A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Lot Area. An area of land enclosed by the boundary line of the lot and expressed in terms of square feet or acres. Any portion of a lot included in a public right-of-way shall not be included in calculating lot area.

Lot, Corner. A lot bounded on two or more sides by a public right-of-way.

Lot Coverage. Shall refer to the amount of impervious coverage on the lot, including such things as paved roadways, building footprints, parking lots, structures, and driveways.

Lot, Depth. A mean horizontal distance between the front and rear lot lines, measured in the same general direction as the side lot lines.

Lot, Frontage. The horizontal distance measured along the full length of a street line. In the case of corner lots, the shorter of the two street lines shall be considered as the frontage.

Lot Line, Front. The predominant street line on which the lot fronts or abuts as determined by the Building Inspector.

Lot Line, Rear. The predominant lot line most nearly opposite the front lot line, as determined by the Building Inspector.

Lot Line, Side. Any lot line not a front lot line or a rear lot line, including a lot line of an offset portion of a lot.

Lot Width. The distance between the side lot lines measured at right angles to its depth at the front setback line.

Manufactured Home (Modular Home). A unit of housing that is constructed off site in transportable sections and subsequently joined together and affixed to a permanent foundation on site. The standards for such housing shall be governed by the State of New Jersey's Uniform Construction Code.

Mining. The extraction of soil, sand, clay, stone, gravel, humous, peat, or other organic or mineral materials from the earth for an economic or commercial value.

Mobile Home. A single family dwelling intended for permanent occupancy and contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated, and capable of being towed on its own axles. A mobile home shall not include travel trailer or recreational vehicle.

Mobile Home Park. Any lot, parcel, or tract of land designed, maintained, or intended for the purpose of supplying a location or accommodation for more than one (1) mobile home or upon which more than one (1) mobile home is provided or located, whether or not a charge is made for the use of the mobile home park and its facilities, and shall include all buildings and structures used or intended for use as a part of the park. Mobile home park shall not include a mobile home sales lot upon which unoccupied mobile homes are parked for the purpose of inspection or sale.

Motor Vehicle Service Station. A place where gasoline or other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale at retail to the public, which may include the sale of accessories, oiling, greasing, washing, and light motor vehicle repairs on the premises, but excluding the keeping or storage or more than three (3) unregistered vehicles on the premises.

Nonconforming Building. A building which in its design, use or location upon a lot does not conform to the regulations of this Ordinance for the zone in which it is located.

Nonconforming Lot. A lot the area, dimension or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision, or amendment.

Nonconforming Use. A use or activity which was lawful prior to the adoption, revision or amendment of this 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.

Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or 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 offstreet parking and other improvements that are designed to be incidental to the natural openness of the land.

Package Treatment System. A small sewage treatment system designed to accommodate multiple users that is permitted and approved by the Department of Environmental Protection and managed by a professional wastewater management agency or authority.

Permit, Building. A certificate issued by the Building Inspector for the construction, reconstruction, remodeling, alteration or repair of a building upon approval of the submitted plans for said building change and where applicable, also states that the purpose for which a building or land is to be used is in conformance with the uses permitted and all other requirements under this Ordinance for the zone in which it is located or is to be located.

Permit, Conditional Use. A certificate issued by the Zoning Officer for the conduct of a conditional use which states that the requirement governing conditional uses in the Ordinance and all other applicable requirements have been complied with as certified by the Downe Township Combined Planning & Zoning Board or other municipal authority having jurisdiction.

Permit, Certificate of Occupancy. A certificate issued by the Construction Official upon completion of the construction of a new building or upon a change in the occupancy of a building which certifies that all requirements of this Ordinance have been met and the necessary approvals have been granted.

Permit, Temporary Use. A certificate issued by the Construction Official for the conduct of a use otherwise prohibited by the Ordinance for a limited time period and stating that the special requirements governing said use and all other applicable requirements have been complied with as certified by the Planning & Zoning Board.

Place of Worship. Refers to a building being used for religious services by a recognized denomination or religious order.

Plat. Means a map or maps of a subdivision or site plan.

Planning Board. Shall mean the Combined Planning & Zoning Board of the Township of Downe, Cumberland County, New Jersey.

Principal Building. A building in which is conducted the main or principal use of the lot on which said building is situated.

Recreational Vehicle. A travel trailer or self contained motor home.

Residential cluster. An area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.

Restaurant. Any establishment, however designated, where food is prepared and sold for take out or consumption on the premises. However, a snack bar or refreshment stand at a public, semi-public or community swimming pool, playground, playfield or park operated by the agency or group owning the recreation area or by an approved vendor of said owners and for the conveniences of patrons of the recreation area shall not be deemed to be a restaurant. All restaurants shall be licensed and inspected according to law.

Sand & Gravel Operation. See definition of mining.

Sign. Any device, structure or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others, but not including any flag of any public, quasi-public, civic, charitable, or religious group.

Sign, Area of. The area included within the frame or edge of the sign. Where the sign has no such frame or edge, the area shall be defined by an enclosed four-sided (straight sides) geometric shape which most closely outlines said sign.

Sight Line. Shall refer to the clear line of sight at intersections of roadways as established by the American Association of State Highway and Transportation Officials. The municipal standards for establishing a clear line of sight are found in the Township Subdivision and Site Plan Regulations.

Street Line. The right-of-way line of any road, street, or public thoroughfare.

Structure. A combination of materials used to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

Subdivision and Site Plan Regulations. Refers to the duly adopted ordinance of Downe Township governing the subdivision, redivision, and development of land.

Swinery. A facility or group of facilities devoted entirely or substantially to the raising of ten (10) or more pigs.

Temporary Use Permit. A permit which shall be issued by the Construction Official of Downe Township for the temporary placement of any structure or the temporary use of property as allowed by this Ordinance. The term temporary shall refer to a period of time not to exceed six (6) months.

Townhouse. A type of single family attached dwelling which is constructed alongside and attached to a cluster of similar dwellings.

Village Retail Uses. Small, commercial uses in keeping with the scale of the residential villages of Downe Township. Such uses as antique shops, bakeries, candy stores, novelty shops, barber shops, and beauty

shops are examples of village retail uses.

Zoning Board of Adjustment. The Downe Township Combined Planning & Zoning Board.
Zoning Officer. The term "Zoning Officer" shall mean the person or persons who are charged with the enforcement of this Ordinance.

Zoning Permit. A certificate issued by the Zoning Officer stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Ordinance for the zone in which it is located.

Zoning Variance. Permission granted by the Combined Downe Township Planning & Zoning Board to depart from the literal requirements of this Ordinance pursuant to N.J.S.A. 40:55D, et seq.

ARTICLE III ESTABLISHMENT OF ZONES

Section 300 Names of Zones.

For the purpose of this Ordinance, the Township of Downe is divided into the following zones.

- R-1 RURAL RESIDENTIAL ZONE
- R-2 RESORT RESIDENCE ZONE
- V-1 VILLAGE CONSERVATION ZONE
- V-2 VILLAGE COMMERCIAL ZONE
- C-1 RURAL CONSERVATION ZONE
- L-1 LIGHT INDUSTRIAL ZONE
- I-1 INSTITUTIONAL ZONE
- M-1 EXTRACTIVE INDUSTRIES ZONE
- M-2 EXTRACTIVE INDUSTRY/PUBLIC USE ZONE

Section 301 Zoning Map

The boundary lines of all zones shall be shown on a map attached to and made a part of this Ordinance and known as the Zoning Map of the Township of Downe dated March 22, 1979, *amended March 15, 2000*. Said map and all notations and reference thereon are hereby incorporated into and declared to be part of this Ordinance, (See page 60.)

Section 302 Zone Boundaries.

Where uncertainty exists as to any of said boundaries as shown on the Zoning Map described in Section 301 of this Ordinance, the following rules shall apply.

Zone boundary lines are intended to follow the center line of streets or rail rights-of-way, streams, and lot or property lines as they exist on plats of record at the time of passage of this Ordinance, unless such zone boundary lines are fixed by dimensions as shown on the Zoning Map.

Where such boundary lines are not fixed by dimensions and where they approximately follow lot lines, and where they do not scale more than ten (10) feet distant therefrom, such lot lines shall be construed to be such boundary lines.

In unsubdivided land, or where a zone boundary divides a lot, the location of such boundary is indicated by dimensions shown on the Zoning Map.

ARTICLE IV
REGULATIONS RELATING TO MOBILE HOMES

Section 400 Conditions for Locating a Mobile Home in Downe Township.

Mobile homes may be located on individual lots in the R-2 providing the following conditions are met.

A. A Mobile Home on a single lot or in a Mobile Home Park shall be placed on land owned by the owner or owners of said Mobile Home or on lots in a Mobile Home Park. They shall also be placed on a safe, permanent and adequate foundation supporting the under frame and with its wheels removed, and shall have skirting placed around the foundation. Such foundation shall include piers of solid concrete, cinder blocks or their equivalent, each pier to be at least 8 inches by 16 inches in size and spaced no less than 12 feet on center. The requirements of the BOCA Code shall be followed in constructing said foundation. Should the BOCA Code and the requirements of this Ordinance be in conflict, the requirements of the BOCA Code shall have precedence.

B. Such Mobile Home shall be considered as a dwelling, house, building or structure and shall have a water supply and sewage system which shall comply with local and State sanitary laws and regulations, and a Building Permit and Certificate of Occupancy therefore shall be required under the terms of the Building Code of this Township.

C. The building area of such Mobile Home shall be not less than nine hundred and eighty (980) square feet without extensions.

D. If such Mobile Home is licensed as a motor vehicle, no Building Permit or Certificate of Occupancy therefore shall be issued until such motor vehicle license has been surrendered and cancelled.

E. Any such Mobile Home, unless located in a Mobile Home Park, shall be assessed for local taxes as real property, together with the land on which it is situated and all appliances and equipment which are part of said Mobile Home shall be considered a fixture for the purpose of determining the assessed value of said property for tax purposes.

F. Such Mobile Home shall be considered as used for dwelling, sleeping, or business purposes under the terms of this Ordinance even though the same shall be occupied only partially or temporarily for weekend or vacation use or other occasional occupancy.

G. No person shall remove any such Mobile Home now or hereafter located in this Township without first obtaining a permit of this purpose from the Building Inspector, or other official designated by the Township Committee. Such permit shall not be issued unless all real property taxes assessed thereon have been paid in full for the current tax year and receipt of the Tax Collector shall be sufficient evidence of such payment.

H. No person shall apply for a motor vehicle license for any such Mobile Home unless all real property taxes assessed thereon have been paid in full for the current tax year and if such motor vehicle license is issued, said Mobile Home shall be removed from the municipality on or before

December 31 of the current year.

I. Mobile Homes temporarily parked anywhere in the Township must be in designated parking zones or on property where the owner/operator of the Mobile Home is a guest. Temporary parking of the Mobile Home shall not be for a period exceeding seven (7) days without the authorization of the Zoning Officer of Downe Township.

J. Each mobile home sited under the requirements of this Ordinance shall be inspected by the Construction Official to ensure that all appropriate permits shall be issued prior to occupancy of the mobile home.

K. Storage. No mobile home shall be stored on any lot in the Township without a Temporary Use Permit. The period for storage of any mobile home shall be for a period not exceeding six (6) months.

Section 401 Mobile Home Ordinance.

The placement and location of mobile homes in Downe Township shall also be governed by the Mobile Home Ordinance of the Township # 96-5. Where any conflict exists between the requirements of this Ordinance and the Zoning regulations of this Section, the requirements of the Mobile Home Ordinance shall apply.

ARTICLE V USE REGULATIONS BY ZONE

Section 500 General Requirements.

The following sections outline the permitted uses in each of the Zones established by this Ordinance. Where proposed uses are not specifically identified by this Ordinance, a use variance shall be subject to the Municipal Land Use Law, C:40:55D-70d. All uses shall be subject to the Area and Bulk Requirements of Article VI and all other conditions and specifications outlined in this Ordinance. Junkyards shall be prohibited in all zones.

Section 501 (R-1) Rural Residence Zone.

A. Permitted Uses.

1. Single Family Detached Dwellings.
2. Customary and conventional farming operations and farm dwelling. No storage of manure or other odor or dust producing substances or use shall be permitted within one hundred feet of any property line.
3. Municipal buildings, parks, and play grounds, and golf courses.
4. Private outdoor parks and recreation areas, and golf courses.
5. Essential Utilities, per Section 1012.

B. Permitted Accessory Uses.

1. Customary farm buildings for the storage of products or equipment located on the same parcel as the principal use.
2. Roadside farmstands as a conditional use in accordance with Section 1005.
3. Temporary buildings for uses incidental to construction work, provided such buildings are removed upon completion or abandonment of the construction work.
4. Essential utilities.
5. Off-street parking facilities as required by Section 800 of this Ordinance.
6. Signs subject to the provisions of Section 801 of this Ordinance.
7. Customary accessory buildings and structures directly associated with and used in conjunction with the management and operation of a single family detached dwelling.

C. Conditional Uses

1. Cluster Development, per Section 1011.

D. Yard, Area, and Bulk Requirements as specified in Section 601 of this Ordinance shall apply for all uses in the R-1 Zone.

Section 502 (R-2) Resort Residence Zone.

A. Permitted Uses.

1. Single Family Detached Dwellings.
2. Docks, wharves, marine railways, boardwalks, marinas and similar facilities.
3. Customary and conventional farms and farm dwellings.
4. Village Retail Uses as defined.
5. Manufacturing and repair of boats and other marine equipment.
6. Sale and rental of boats and other marine equipment.
7. Essential Utilities.

B. Permitted Accessory Buildings and Structures.

1. Private garages and carports.
2. Temporary buildings for uses incidental to construction work provided such buildings are removed upon completion or abandonment of construction work.
3. Accessory Uses allowed in the R-1 District.
4. Storage Sheds in accordance with setback regulations in 602.1.

C. Conditional Uses

1. Places of Worship, per Section 1002.
2. Quasi-public buildings and recreation areas, per Section 1007.
3. Mobile Homes on single lots, per Article IV.
4. Home Occupations, per Section 1003.
5. Bed & Breakfast Establishments and other overnight accommodations at a scale approved by the Combined Planning and Zoning Board, per Section 602.3.
6. Restaurants at a scale approved by the Combined Planning & Zoning Board of Downe Township.
7. Multi-family dwellings, per Section 602.2.
8. Package Treatment Systems.

D. Yard, Area, and Bulk Requirements as specified in Section 602 of this Ordinance.

Section 503 (V-1) Village Conservation Zone. (Note: This designation previously referred to as R-3.)

A. Permitted Uses.

1. Single Family Detached Dwelling, per Sections 603.1 or 603.2.
2. Duplexes, per Section 603.3.
3. Municipal buildings and other governmental and/or public uses deemed necessary and approved by the Combined Planning & Zoning Board and Governing Body.
4. Neighborhood business uses. (Subject to the requirements of Section 503 B.)
Stores, shops and markets where goods are sold or personal services are rendered

that are clearly incidental to the retail business and are planned for the convenience of the surrounding neighborhoods; such as or similar in nature to the following types:

- a. Grocery Stores
- b. Drug Stores
- c. Dry Goods Stores
- d. Meat, Fish, and Poultry Stores
- e. Baked Goods Stores
- f. Confectionary Stores
- g. Household Supplies Stores
- h. Barber and Beauty Shops
- i. Dry Cleaning or Tailor Shops
- j. Shoe Repair Shops
- k. Business and Professional Offices
- l. Household Appliances and Personal Effects Repair Shops

5. Agricultural Uses as outlined in the R-1 Zone.
6. Essential Utilities, per Section 1012.

B. Additional Requirements for Neighborhood Business Uses in the V-1 Village Conservation Zone.

1. Within retail outlet establishments, up to fifty per cent of the building area may be devoted to the processing, assemblage, or storing of goods or products to be retailed on the premises provided that no such area shall front on a public street or street level.
2. Where the property line of a proposed business lot abuts a residential lot, a buffer area shall be established which shall include an area of land ten feet in width as measured from said property line.

C. Permitted Accessory Buildings and Structures.

1. Private garages and carports.
2. Off-street parking facilities as required by Section 800 of this Ordinance.
3. Signs subject to the provisions of Section 801 of this Ordinance.
4. Temporary buildings for uses incidental to construction work provided such buildings are removed upon completion or abandonment of construction work.
5. Essential Utilities.

D. Conditional Uses.

1. Public, parochial, or private schools for day students, per Section 1001.
2. Places of Worship, per Section 1002.
3. Home Occupations, per Section 1003.
4. Home professional offices, per Section 1004.

5. Quasi-public buildings and recreation uses, per Section 1007.
6. Motor vehicle service stations, per Section 1008.
7. Garden Apartments and Townhouses, per Section 1013.

E. Yard, Area, and Bulk Requirements as specified in Section 603 of this Ordinance shall apply to all uses in the V-1 Zone.

Section 504. (V-2) Village Commercial Zone.

A. Permitted Uses.

1. All uses permitted in the V-1 Zone.
2. It is intended that the commercial uses permitted in the Village Commercial Zones be expanded to those larger, commercial uses which are devoted to automobile servicing or transient oriented activities such as but not limited to the following uses:
 - a. Used car sales
 - b. Automobile sales and/or service establishments
 - c. Restaurants and drive-in restaurants
 - d. Motels
 - e. Lumber yards
 - f. Masonry materials
3. Municipal buildings and other governmental uses necessary and approved by the Planning Board and governing body.
4. Temporary Buildings for uses incidental to construction work, provided such buildings are removed upon completion or abandonment of the construction work.
5. Essential Utilities, per Section 1012.

B. Permitted Accessory Buildings and Structures as specified for neighborhood business uses.

C. Conditional Uses.

1. Public utility uses.
2. Motor vehicle service stations and tire and battery sales and services.

D. Yard, Area, and Bulk Requirements as specified in Section 604 of this Ordinance shall apply to all uses in the V-2 Zone.

E. Additional Requirements -- Special Design Requirements. In order to encourage the sound development of major highway frontage, the following special provisions shall apply in any location in the V-2 Village Commercial Zone.

1. Access will be controlled in the interest of public safety

2. Service areas shall be physically separated from any U.S. or State Highway by a curb and a low planting strip or other suitable barrier of not less than ten feet in depth against unchanneled motor vehicle access or egress, except for accessways authorized therein.

3. Accessways. Each separate use, grouping of attached buildings or grouping of uses permitted as part of a single integrated plan shall have not more than two accessways to any one highway. Insofar as practicable, the use of common accessways by two or more permitted highway uses shall be provided in order to reduce the number and closeness of access points along the highway and to encourage the fronting of commercial structures upon a marginal street and not directly upon a public highway. The clustering of businesses is encouraged.

Section 505. (C-1) Rural Conservation Zone.

A. Permitted Uses.

1. Single Family Detached Dwelling.
2. Agricultural Uses as outlined in Section 501, the R-1 Zone.

B. Conditional Uses

1. Essential Utilities, per Section 1012.
2. Public Utilities, per Section 1006.
3. Campgrounds per Section 1010 and other Outdoor Recreational Uses.

Section 506 (L-1) Light Industrial Zone.

A. The following uses shall be permitted uses within the Light Industrial Zone, provided they conform with all regulations stipulated hereunder.

1. Light manufacturing uses, employing electricity or other unobjectionable motor power, utilizing hand labor or other unobjectionable machinery or processes, or manufacturing processes which are free from objectionable odors, fumes, dirt, vibration, noise, such as but not limited to the following:

- a. Glass and glass products manufacturing.
- b. Jewelry manufacturing
- c. Leather goods manufacturing, except the curing and finishing of hides.
- d. Plastic products manufacturing.
- e. Sporting goods manufacturing.
- f. Rope, thread, and yarn manufacturing.
- g. Brush and broom manufacturing.
- h. General industrial machine equipment and manufacturing.
- i. Fabrication of Metal Products.

- j. Fabrication of paper and wood products.
- k. Manufacturing of light machinery.
- l. Boat manufacturing.

2. Food and associated industries comprising such as but not limited to the following:

- a. Bakeries.
- b. Bottling of food and beverages.
- c. Food processing.
- d. Ice cream manufacturing.

3. Biological, chemical, electronic, and pharmaceutical laboratories; scientific laboratories devoted to research, design, and experimental operation of equipment.

4. Administrative and business offices.

5. Truck terminal facilities.

6. Commercial/industrial establishments engaged in the fabrication of products from existing parts and materials; warehousing; packaging and wholesale distribution facilities; commercial printing plants; farm machinery sales and service; earth moving equipment sales and service; but not including basic materials industries such as steel mills, petrochemical plants, oil refineries, the smelting of plastics, or chemical manufacturing.

7. Municipal buildings and other government and or public uses deemed necessary and approved by the Planning Board and governing body.

8. Temporary buildings for uses incidental to construction work, provided such buildings are removed upon completion or abandonment of the construction work.

9. Essential Utilities, per Section 1012.

B. Permitted Accessory Uses.

- 1. Off street parking, loading, and ramp area.
- 2. The enclosed warehousing and storage of goods and products, provided that no goods are sold from the premises.
- 3. Garage space necessary to store any vehicle on the premises.
- 4. Non-commercial recreational areas and parks owned and operated by any industry located within the zone.
- 5. The warehousing and storage of goods, provided that any goods or products stored out-of-doors are enclosed by a landscaping or fencing screen on three sides and screened from view from a public street.
- 6. Essential utilities.

C. Conditional Uses.

- 1. Public Utilities, per Section 1006.

D. Height, Area, and Bulk Requirements as specified in Section 606.

E. Additional Requirements for Special Industrial Requirements.

1. All activities and processes shall take place within an enclosed building; incidental storage out-of-doors shall be shielded from view from public streets and adjacent off-street parking areas by fencing, landscaping, or other appropriate measures.
2. Not more than two driveways, of not less than twenty-four feet nor more than forty feet in width, shall be permitted for each one hundred fifty feet of roadway frontage, nor shall any such driveway or access point be located within one hundred feet of the intersection of two public streets.
3. All uses permitted in this zone shall set aside twenty per cent of the lot to be devoted to seeding, planting, retention of tree cover, or other landscaping; this area shall be used for no other purpose.
4. Truck loading and unloading areas shall be provided in an amount sufficient to permit the transfer of goods and products in other than a public street or required front yard area.
5. Truck terminal facilities shall be enclosed on three sides to the rear of the front building line by fencing or other appropriate means; such fencing shall not be less than five feet in height.
6. Entrance and exit points to permitted uses shall be clearly marked and may be indicated by directional signs not to exceed four square feet in area on any one side, which signs shall not exceed four in number and shall not contain any advertising matter.
7. Performance standards for permitted uses:
 - a. Liquid wastes and effluents shall be discharged into an approved sewage treatment system in accordance with the regulations of that system or shall be treated in a treatment plant operated by the permitted use which is in compliance with the applicable State Statutes and with the requirements of the State Board of Health.
 - b. Precaution against fire hazards, proper handling of any storage or materials; structural design, and safeguards for the health and safety of workers shall comply with the applicable regulations and requirements of the State Department of Labor and Industry;
 - c. Any vibration, glare or noise resulting from the operation of the use shall not be evident beyond the boundaries of the zone district; and
 - d. The operation shall not result in the dissemination of smoke, dust, chemicals, or odors into the air to such a degree as to be detrimental to the health and welfare of the residents of the area.
8. Whenever a property line of an industrial lot abuts or is across the street from a residential zone, a buffer strip shall be measured from solid property line. For the purpose of establishing a building setback line, along buffer areas, all front, side and rear lot lines shall be increased by a depth of ten feet. Screening shall be provided along said rear and side lot lines.

Section 507 (I-1) Institutional Zone.

A. Permitted Uses

1. Municipal Buildings and Related Uses.
2. Public Schools and Educational Institutions.
3. Permitted Uses and Accessory Uses as Outlined in the R-1 District
4. Essential Utilities, per Section 1012.

B. Conditional Uses

1. Research & Development Operations.
2. Campgrounds, per Section 1011.
3. Public Utilities, per Section 1006.

Section 508 (M-1) Extractive Industries Zone

A. Permitted Uses

1. All uses permitted by right in the C-1 Zone

B. Conditional Uses

1. Sand and gravel extraction and processing and related activities as a Conditional Use pursuant to Section 1009 and the Extractive Industry Ordinance of Downe Township, #90-7, as amended.
2. Essential Utilities, per Section 1012.

Section 509 (M-2) Extractive Industry/Public Use Zone

The Extractive Industry/Public Use Zone is established as part of this Ordinance to address the needs of the resource extraction industry in Downe Township; to provide opportunity for expanding economic development; to address the need for recreational facilities; and to provide a methodology for reconciling different public purposes.

A. Permitted Uses

1. All uses permitted in the C-1 Zone.

B. Conditional Uses

1. Resource Extraction -- Resource Extraction shall be a conditional use in the M-2 Zone. Prior to any zoning approvals being granted for this use and prior to any mining permits being issued, the following conditions shall be met.

a. Habitat Diversification. The applicant for a mining permit in the M-2 Zone shall demonstrate that the natural habitat in and around the area being mined will be enhanced through the diversification of the natural and man-made characteristics of the property. The applicant shall prepare an environmental impact analysis using a qualified firm that documents the existing habitat on the site including endangered species, flora, and fauna and other natural characteristics. The analysis shall document the anticipated impacts on these characteristics anticipated as a result of the mining operation. This analysis shall be presented to the Planning & Zoning Board for its approval. The Planning & Zoning Board shall issue a finding of habitat diversification as a condition of approval prior to any application for a mining permit being approved. The Planning & Zoning Board shall also have the right to review and comment on the proposal for consultant selection and the content of the proposed environmental analysis.

b. Hydrologic Impacts. The applicant for a mining permit in the M-2 Zone shall demonstrate that no adverse hydrologic impacts shall occur either on or off site as a result of the proposed mining activity. This hydrologic analysis shall examine specifically the impacts on ground water levels, both on and off site; the impacts of the proposed mining activity on the level and direction of fresh water flow on and around the site in question; and the impacts of any change in hydrology on homes, public and private water supplies, flora, fauna, animal life, streams, creeks, critical habitats, and other features of the Township as directed by the Planning & Zoning Board.

c. Recreational and Ecotourism Benefits. As part of any application for mining in the M-2 Zone, the applicant shall provide one of two alternatives as follows, to offset the mining impacts on publicly-owned recreational land.

1. The applicant shall set aside a designated tract of land for the development of recreational and/or ecotourism facilities for the Township, as outlined in this section, or
2. The applicant shall make a cash payment to the Township in lieu of the recreational set-aside as outlined in this section.

Establishment of Recreational Set-Aside. These facilities shall not be constructed on lands identified in the environmental impact analysis or in another official State or municipal document as critical or irreplaceable habitats. The recreational and ecotourism facilities proposed as part of any planned mining operation shall be constructed in two phases. The first phase shall be constructed prior to the commencement of a new mining operation. The second shall be included as part of the reclamation

process. These facilities shall include but may not be limited to the following: interpretive hiking trails, fishing piers, birding platforms, wetland boardwalks, picnic areas, picnic shelters, pervious parking areas, signage, and other amenities as may be necessary and approved by the Planning & Zoning Board. The extent of the facilities proposed and the precise nature of their phased development shall be the subject of negotiation between the applicant and the Planning & Zoning Board, but shall also be bound to the following parameters.

1. The applicant shall not be required to set aside greater than three (3) acres for recreation and ecotourism facilities for every ten (10) acres to be mined and included as part of the mining application as follows.

| <i>Recreational Set-Aside</i> | <i>Acreage Proposed in Mining Application For Extractive Area</i> |
|---|---|
| <i>3 Acres</i> | <i>Up to 10</i> |
| <i>6 Acres</i> | <i>11 - 20</i> |
| <i>9 Acres</i> | <i>21 - 30*</i> |
| <i>*This ratio shall be continued incrementally to provide for three (3) additional acres of recreational and ecotourism set-asides for every (10) acres of extractive area that is proposed as part of the mining application.</i> | |

2. The construction costs for the development of these recreational and ecotourism facilities shall be \$10,000 for every acre of land included in the recreational set-aside. The Phase II expenditure of these costs may be included in the overall costs of site reclamation, required by the Downe Township Mining Ordinance, and included in the appropriate performance or surety guarantee as required by Ordinance. It shall be the Downe Township Engineer who will grant the final approval on the validity of the cost estimates contained in the proposal.

3. The precise nature of the phased development of these recreational and ecotourism facilities shall be negotiated between the applicant and the Township Planning & Zoning Board. This negotiation shall reflect which elements of the development proposal are included in Phase I and which are included in Phase II. At a minimum, Phase I development will include a sufficient number of recreational facilities, including needed improvements such as parking, roadway improvements, and other types of infrastructure so as to provide some functional, recreational/ecotourism facilities at the completion of Phase I construction.

Payment-in-lieu of Recreational Facilities. As an alternative to the recreational set-aside option, the applicant shall make a payment to the Township of \$10,000 for every acre of land that would otherwise have been included in the recreational set-aside under the formula outlined on page 23 of this Ordinance. This payment shall be made in conjunction with the payment schedule outlined in item h, "Payment Schedule" in this section.

d. Concept Plan. Should the applicant choose to construct recreation or ecotourism projects as opposed to making a cash payment in conjunction with the mining permit, the applicant shall submit to the Planning & Zoning Board for its approval a concept plan that illustrates the recreation and ecotourism amenities to be developed as part of the proposed mining operation. This concept plan shall include those facilities to be developed on lands that are part of the recreational set-aside, as well as any facilities to be developed in conjunction with the reclamation of mined land. The location of the recreational set-aside may be part of the mining tract included with the mining application or on other land approved by the applicant and the Planning & Zoning Board.

The concept plan shall also illustrate the proposed mining sites and their relationship to the environmental impact assessment. Mining shall not be allowed on sites where there is shown in the assessment to be critical habitat or habitat that is unique to the site or irreplaceable. This concept plan, once approved by the Planning & Zoning Board, shall be incorporated into the formal site plan for the mining operation to be submitted to the Township.

e. Ownership Agreement. Where lands to be mined are owned by a party other than the individual submitting the mining application, the owner of said lands shall be required to approve the concept plan for the development of recreational and ecotourism facilities, but only in those cases where said facilities are to be constructed on the owner's property. In all cases, the owner shall approve the reclamation plan to be developed for the mining operation.

f. Economic and Community Benefit. The applicant shall prepare an economic impact analysis of the proposed mining operation that documents the impacts to the township from both the mining activities and the anticipated development of the recreation and ecotourism facilities.

g. Establishment of an Escrow Account. An escrow account shall be established through which the Township's expenses for monitoring the progress of the mining operation shall be paid. As part of the permit for any mining operation an annual audit schedule shall be prepared by the applicant and

approved by the Township Engineer. This schedule will define the dates for an annual inspection of the sand mining operation to determine the amount of additional payment required to the Township per item "c" above, or the amount of new, phase II recreational/ecotourism facilities required under the reclamation plan for the mining operation. The amount of money in the escrow account shall be determined by the Township Engineer, based on the initial expenses associated with reviewing the application for a mining permit and any associated site or subdivision plans. The mining company will then receive an annual bill from the Township, based on the audit schedule agreed upon, to cover the annual inspections of the mining operation to be performed by the Township Engineer. The amount of money to be maintained in the escrow account to cover these expenses shall be stated at the time of permit approval by the Township Engineer.

h. Payment Schedule. When the applicant chooses to make a cash payment to the Township in lieu of the recreational set-aside, a payment schedule shall accompany the mining permit. This schedule shall require a payment of 20% of the total payment as calculated by the Township Engineer using the formula outlined in item "c" of this section, at the time mining activity commences. The remaining payment shall be made based on the annual audit by the Township Engineer. For example, in a case where the mining applicant has made an initial payment of 20% of the total payment owed to the Township and where the Engineer finds after a given audit that 30% of the Extractive Area has been mined, an additional payment equal to 10% of the total payment owed to the Township shall be made. Where an audit documents 40% of the extractive area has been mined, an additional payment of 20% would be made and so forth.

i. The Township Resource Extraction Ordinance. All requirements of the Downe Township Resource Extraction Ordinance shall also be met.

2. Once these conditions have been met and approval of the conditions have been granted by the Planning & Zoning Board, a formal site plan application for mining activity may be submitted to the Board for its review and approval. Nothing in this Ordinance shall preclude the applicant from complying fully and competely with the requirements of the Downe Township Mining Ordinance, #90-7, as amended.

Section 510 Requirement for Septic System/Wastewater Connection Approval

All residential, commercial, industrial and other uses for which there is a discharge of wastewater shall have septic system approval by the Cumberland County Health Department prior to the construction or expansion of said use. Where the discharge of wastewater is at a volume to require a New Jersey Pollution Discharge Elimination Permit (NJPDE), such State permit will also be secured prior to the issuance of any

building permit by the municipal construction official. The requirements of this section shall not apply where connection to a an approved and functioning package treatment system or other public wastewater system is made.

ARTICLE VI AREA AND BULK REQUIREMENTS FOR ZONES

SECTION 600 PURPOSE

The purpose of this article is to define the scale of development in Downe Township based on the goals and objectives of the municipal master plan, the conditions of the area, the availability of public services and utilities, the requirements of this Ordinance, and other applicable regulations of the Township.

SECTION 601 (R-1) RURAL RESIDENTIAL DISTRICT

The Rural Residential District provides the opportunity for low density residential development, agricultural operations, and other open space and recreational activities that are low intensity uses compatible with the rural character of the community. The following area and bulk regulations shall apply in the (R-1) Rural Residential District unless stated otherwise in this Ordinance.

601.1 Single Family Residential Uses

| | |
|---------------------------------|--|
| A. Minimum Lot Size | 1 Acre |
| B. Minimum Lot Frontage | 100 Feet |
| C. Minimum Lot Depth | 150 Feet |
| D. Maximum Lot Coverage | 20% |
| E. Minimum Side Yard Setback | 15 Feet |
| F. Minimum Front Yard Setback | 50 Feet |
| G. Minimum Rear Yard Setback | 30 Feet |
| H. Maximum Height | 35 Feet |
| I. Minimum Habitable Floor Area | 980 Square Feet |
| J. Accessory Use Setback | 15 Feet from property line or right-of-way |

601.2 Agricultural Uses (Exclusive of Single Family Farm Residence)

| | | |
|-------------------------------|---|-----------------------------|
| A. Minimum Lot Size | 6 Acres except where a single family farm | |
| B. Minimum Lot Frontage | 200 Feet | residence shall be located |
| C. Minimum Lot Depth | 300 Feet | on a separate lot, the lot |
| D. Maximum Lot Coverage | 30%* | size for that residence can |
| E. Minimum Side Yard Setback | 150 Feet* | be 1 Acre in size. |
| F. Minimum Front Yard Setback | 50 Feet* | |
| G. Minimum Rear Yard Setback | 150 Feet* | |
| H. Maximum Height | 35 Feet | |
| I. Accessory Use Setback | 100 Feet from property or right-of-way | |

**This shall not include the planting of crops or cultivating of fields which can occur within 50 feet of any property line, stream, or right-of-way. Lot coverage shall not include seasonal, plastic coverings for crop protection.*

601.3 Parks and Recreational Facilities, Excluding Campgrounds

| | |
|-------------------------------|---|
| A. Minimum Lot Size | 10 Acres |
| B. Minimum Lot Frontage | 200 Feet |
| C. Minimum Lot Depth | 300 Feet |
| D. Maximum Lot Coverage | 30% |
| E. Minimum Side Yard Setback | 150 Feet |
| F. Minimum Front Yard Setback | 50 Feet |
| G. Minimum Rear Yard Setback | 150 Feet |
| H. Maximum Height | 35 Feet |
| I. Accessory Use Setback | 100 Feet from property line or right-of-way |

601.4 Other Uses

All other uses will be governed in accordance with the area and bulk standards and other rules and regulations set forth in this Ordinance and other applicable ordinances of the Township.

SECTION 602 (R-2) RESORT RESIDENCE ZONE

The Resort Residence Zone provides the opportunity for residential, commercial, and recreational development and redevelopment in the bay shore area of the Township. The following area and bulk regulations shall apply in the (R-2) Resort Residence Zone unless stated otherwise in this Ordinance.

602.1 Single Family Residential Uses

| | |
|---------------------------------|--|
| A. Minimum Lot Size | 1 Acre with No Public Water or Sewer 1/2 Acre with Public Water Only 7,500 Square Feet with Public Water & Sewer |
| B. Minimum Lot Frontage | 50 Feet |
| C. Minimum Lot Depth | 100 Feet |
| D. Maximum Lot Coverage | 60% |
| E. Minimum Side Yard Setback | 15 Feet |
| F. Minimum Front Yard Setback | 25 Feet |
| G. Minimum Rear Yard Setback | 15 Feet |
| H. Maximum Height | 35 Feet |
| I. Minimum Habitable Floor Area | 980 Square Feet |
| J. Accessory Use Setback | 5 Feet from property line or right-of-way |

602.2 Multi-Family Residential Uses

| | |
|---------------------------------|---|
| A. Minimum Density Requirement | 1 Acre per dwelling unit with no public water or sewer 1/2 Acre per dwelling unit with public water only 4,000 square feet per unit with public water and sewer |
| B. Minimum Lot Frontage | 50 Feet |
| C. Minimum Lot Depth | 75 Feet |
| D. Maximum Lot Coverage | 60% |
| E. Minimum Side Yard Setback | 15 Feet |
| F. Minimum Front Yard Setback | 25 Feet |
| G. Minimum Rear Yard Setback | 15 Feet |
| H. Maximum Height | 35 Feet |
| I. Minimum Habitable Floor Area | 980 Feet per Unit |
| J. Accessory Use Setback | 5 Feet from property line or right-of-way |

602.3 Bed & Breakfast, Rooming House, Hotel and Motel Requirements

| | |
|--|--|
| A. Minimum Density per Rental Unit | <u>1-3 Units</u> 1/2 Acre per unit with no public water or sewer <u>4+ Units</u> 5,000 square feet per unit with public water only <u>4+ Units</u> 3,000 square feet per unit with public water and sewer 1,500 square feet per unit with architectural approval by the Township Planning & Zoning Board and public water & sewer. |
| B. Minimum Side Yard Setback | <u>1-3 Units:</u> 15 Feet <u>4+ Units:</u> 25 Feet |
| C. Minimum Rear Yard Setback | <u>1-3 Units:</u> 15 Feet <u>4+ Units:</u> 25 Feet |
| D. Minimum Habitable Floor Area | 144 Square Feet per Rental Unit |
| E. Other Requirements, per Section 602.2 | |

602.4 Commercial Uses

| | |
|---------------------|--|
| A. Minimum Lot Size | 1/2 Acre with no public water or sewer 10,000 square feet with public water only 5,000 square feet with public water & sewer |
|---------------------|--|

| | |
|-------------------------------|----------|
| B. Minimum Lot Frontage | 75 Feet |
| C. Minimum Lot Depth | 150 Feet |
| D. Maximum Lot Coverage | 60% |
| E. Minimum Side Yard Setback | 15 Feet |
| F. Minimum Front Yard Setback | 25 Feet |
| G. Minimum Rear Yard Setback | 15 Feet |
| H. Maximum Height | 35 Feet |
| I. Accessory Use Setback | 15 Feet |

SECTION 603 (V-1) VILLAGE CONSERVATION ZONE

The Village Residential District is intended to conserve the character of the rural, historic villages of Downe Township by promoting residential and other development at a scale, density, and style that is compatible with existing development patterns.

603.1 Single Family Residential Uses

| | |
|---------------------------------|---|
| A. Minimum Lot Size | 1 Acre or 1/2 Acre upon meeting conditions of 103.2 |
| B. Minimum Lot Frontage | 75 Feet |
| C. Minimum Lot Depth | 150 Feet |
| D. Maximum Lot Coverage | 20% |
| E. Minimum Side Yard Setback | 15 Feet |
| F. Minimum Front Yard Setback | 20 Feet |
| G. Maximum Front Yard Setback | 30 Feet |
| H. Minimum Rear Yard Setback | 30 Feet |
| I. Maximum Height | 35 Feet |
| J. Minimum Habitable Floor Area | 980 Square Feet |

603.2 Special Conditions for Lot Size Reduction

- A. House will conform to Architectural Guidelines prescribed by the Downe Township Planning and Zoning Board, (See Subdivision and Site Plan Regulations for Downe Township.)
- B. Landscaping will conform to Guidelines prescribed by the Downe Township Planning and Zoning Board;
- C. Applicant for development will submit and have approved a concept plan in advance of site plan approval by the Downe Township Planning & Zoning Board.
- D. Proposed Lot is elongated to the extent possible to conform with the dimensions of other lots in the village.

603.3 Duplex Development

| | |
|---------------------|---|
| A. Minimum Lot Size | 3/4 Acre or 1/2 Acre upon meeting conditions of 603.2 |
|---------------------|---|

| | |
|---------------------------------|--|
| B. Minimum Lot Frontage | 100 Feet |
| C. Minimum Lot Depth | 150 Feet |
| D. Minimum Lot Coverage | 25% |
| E. Minimum Side Yard Setback | 15 Feet |
| F. Minimum Front Yard Setback | 20 Feet |
| G. Maximum Front Yard Setback | 30 Feet |
| H. Minimum Rear Yard Setback | 30 Feet |
| I. Minimum Habitable Floor Area | 980 Square Feet per Dwelling Unit |
| J. Accessory Use Setback | 15 Feet from property line or right-of-way |

603.4 Commercial Uses

| | |
|-------------------------------|--|
| A. Minimum Lot Size | 20,000 square feet |
| B. Minimum Lot Frontage | 100 Feet |
| C. Minimum Lot Depth | 150 Feet |
| D. Maximum Lot Coverage | 30% |
| E. Minimum Side Yard Setback | 15 Feet |
| F. Minimum Front Yard Setback | 20 Feet |
| G. Maximum Front Yard Setback | 30 Feet |
| H. Minimum Rear Yard Setback | 30 Feet |
| I. Maximum Height | 35 Feet |
| J. Accessory Use Setback | 15 Feet from property line or right-of-way |

SECTION 604 (V-2) VILLAGE COMMERCIAL ZONE

This zone is intended to address the needs of commercial development adjacent to the historic villages of Downe Township. This zone has been designed to include more than the small, neighborhood commercial uses of the village conservation zones and to provide a wider range of commercial and other development opportunities in Downe Township.

| | |
|-------------------------------|--|
| A. Minimum Lot Size | 30,000 Square Feet |
| B. Minimum Lot Frontage | 100 Feet |
| C. Minimum Lot Depth | 150 Feet |
| D. Maximum Lot Coverage | 30% |
| E. Minimum Side Yard Setback | 25 Feet |
| F. Minimum Front Yard Setback | 50 Feet |
| G. Minimum Rear Yard Setback | 50 Feet |
| H. Maximum Height | 35 Feet |
| I. Accessory Use Setback | 25 Feet from property line or right-of-way |

SECTION 605 (C-1) RURAL CONSERVATION ZONE

This zone is intended to accommodate a range of conservation and low density uses in the Township as outlined in Article V, Section 505.

| | |
|-------------------------------|----------|
| A. Minimum Lot Size | 5 Acres |
| B. Minimum Lot Frontage | 200 Feet |
| C. Minimum Lot Depth | 600 Feet |
| D. Maximum Lot Coverage | 10% |
| E. Minimum Side Yard Setback | 50 Feet |
| F. Minimum Front Yard Setback | 100 Feet |
| G. Minimum Rear Yard Setback | 50 Feet |
| H. Maximum Height | 35 Feet |
| I. Accessory Use Setback | 50 Feet |

SECTION 606 (L-1) LIGHT INDUSTRIAL ZONE

This zone is designed to accommodate a range of light industrial uses at a scale and density in keeping with the conditions of the development location and the goals of the master plan.

| | |
|-------------------------------|--------------------|
| A. Minimum Lot Size | 80,000 Square Feet |
| B. Minimum Lot Frontage | 200 Feet |
| C. Minimum Lot Depth | 300 Feet |
| D. Maximum Lot Coverage | 40% |
| E. Minimum Side Yard Setback | 50 Feet |
| F. Minimum Front Yard Setback | 100 Feet |
| G. Minimum Rear Yard Setback | 50 Feet |
| H. Maximum Height | 35 Feet |
| I. Accessory Use Setback | 50 Feet |

SECTION 607 (M-1) and (M-2) EXTRACTIVE INDUSTRY ZONES

These Zones are established to allow for the extraction of sand and gravel from suitable locations in Downe Township, in conjunction with the Extractive Industries Ordinance, 90-7 as amended, and other applicable regulations of the Township. (See Section 1009.)

| | |
|-------------------------------|----------|
| A. Minimum Lot Size | 25 Acres |
| B. Minimum Lot Frontage | 400 Feet |
| C. Minimum Lot Depth | 600 Feet |
| D. Maximum Extractive Area | 60% |
| E. Maximum Lot Coverage | 70% |
| F. Minimum Side Yard Setback | 100 Feet |
| G. Minimum Front Yard Setback | 100 Feet |
| H. Minimum Rear Yard Setback | 100 Feet |
| I. Maximum Height | 35 Feet |
| J. Accessory Use Setback | 100 Feet |

SECTION 608 APPLICABILITY OF LAND DEVELOPMENT ORDINANCE

All uses developed, expanded, or maintained in the above referenced zones shall also conform with the requirements of the Downe Township Site Plan and Subdivision Review Procedures Ordinance..

ARTICLE VII GENERAL REGULATIONS

Section 700. Applicability

These regulations are applicable to all Zones. Except as hereinafter provided, the following general regulations shall apply in all Zones.

Section 701. General

No building shall hereafter be erected and no existing buildings shall be moved, structurally altered, rebuilt, added to or enlarged, nor shall any land be used for any purpose other than those included among the uses listed as permitted uses in each zone by this Ordinance and meeting the requirements set forth in Article VI, Area and Bulk Regulations. Nor shall any open space contiguous to any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area, building location, percentage of lot coverage, off-street parking space, and all other regulations designated in Article VI and other Sections of this Ordinance for the zone in which such building or space is located. In the event of such unlawful encroachment or reduction, such building or use shall be deemed to be in violation of this Ordinance, and the building permit and all other permits shall become void.

Section 702. Frontage on Public Streets

Every principal building shall be built upon a lot with frontage on a public street which has been improved to meet the approval of the Township or for which such improvement has been insured by the posting of a performance guarantee pursuant to the provisions of the Subdivision and Site Plan Review Procedures Ordinance of Downe Township.

Section 703. Irregularly Shaped Lots

In the case of irregularly shaped lots, the minimum lot width specified in Article VI shall be measured at the rear line of the required front yard area, provided that in no case shall the frontage or the distance between side lot lines be reduced to less than fifty per cent of the minimum frontage requirement.

Section 704. Principal Building

No lot shall have erected upon it more than one principal building, except for multi-family rental housing and commercial rental units, subject to site plan approval and meeting all the requirements of this Ordinance. No yard or other open space provided about any building for the purpose of complying with the provisions of this Ordinance shall be considered to provide a yard or open space for any other building.

Section 705. Yards

All yards facing on a public street shall be considered front yards, and shall conform to the minimum front yard requirements for the Zone in which located.

Section 706 Hedge, Fence, Wall at Intersection of Streets

At the intersection of two or more streets, no hedge, fence or wall, other than a single post or tree not exceeding one square foot in cross-section, which is higher than three feet above curb level, nor any obstruction to vision, shall be permitted within twenty-five feet of the intersection.

Section 707 Special Regulations Applicable to all Development

1. Minimum lot sizes shall conform to the regulations set forth in Article VI.
2. The developer shall provide a sanitary sewage disposal system for all habitable construction which shall be approved and permitted by the Cumberland County Health Department.
3. The developer shall provide a water supply, distribution, and treatment system for all habitable construction permitted by this Ordinance which shall be approved and permitted by the Cumberland County Health Department.
4. The developer shall provide adequate streets and highways to ensure efficient access and egress to new development. The design and construction of such roadways shall be subject to the construction requirements of the Downe Township Site Plan and Subdivision Review Procedures Ordinance.

ARTICLE VIII SPECIAL REGULATIONS

Section 800. Off-Street Parking

1. General Provisions. Off-street parking spaces, open air or indoor, shall be provided with all new construction or the creation of new uses as specified in this Ordinance, on the same lot as the use which they are intended to serve except in Zone R-2.

None of the off-street parking facilities that are required in this Ordinance shall be required for any existing building or use unless said building or use shall be enlarged, rebuilt, reconstructed, altered, or remodeled.

Access aisles and driveways to parking areas shall be not less than twelve feet in width in all zones. Aisles and driveways within parking areas shall have a minimum width of:

- a. For parking at 90 degrees to 60 degree angle parking -- 25 feet;
- b. For 60 to 45 degree parking -- 19 feet;
- c. For less than 45 degrees parking -- 17 feet;
- d. For parallel parking -- 12 feet.

Each parking space shall have dimensions of ten (10) feet in width and twenty (20) feet in length.

A site plan shall be filed with the building permit application where off-street parking facilities are required or permitted, under the provisions of this Ordinance in connection with the use or uses for which application is being made. Surfacing, landscaping, the location and design of entrances, exits, marking and lighting shall be subject to the approval of the Planning & Zoning Board to insure adequate relation to traffic safety and protection of the adjacent residence.

- a. Single family detached dwellings -- 2 spaces.
- b. Barber and beauty shops -- 2 spaces per chair plus 1 space for each employee.
- c. Banks, financial and business offices and professional offices -- 1 space for every 150 square feet of building area or fraction thereof.
- d. Retail and service stores, except when otherwise specifically covered herein -- 1 space for every 100 square feet of building area or major fraction thereof.
- e. Any building, dwelling, or structure where more than three persons are sheltered or fed for profit, not including restaurants -- 1 space for each such person in addition to other spaces which may elsewhere be required.
- f. Home professional office -- 3 spaces for client use exclusive of spaces required for residential purposes.
- g. Churches, assembly halls, and similar places of public and quasi-public assembly having fixed seating facilities -- 1 space for every five seats in the main assembly unit.

- h. Auditorium, exhibition halls, assembly halls, community centers, and similar places of public and quasi-public assembly not having fixed seating facilities -- 1 space for every six persons who may legally be admitted therein at one time under the State Fire Prevention Laws.
- i. Stores for the retail sale of furniture, appliances, hardware -- 1 space for every four hundred square feet of building area.
- j. Restaurants and diners (indoor service only) -- 1 space for every four seats for customers, plus one space for every two employees.
- k. Drive-in restaurants and coffee shops -- 1 space for every twenty-five square feet of area or major fraction thereof.
- l. Industrial establishments -- 1 parking space for each employee working in the largest employment shift of that establishment.
- m. Other outdoor recreational uses -- 5 parking spaces for each gross acre of land within the developed portion of the property.
- n. Mobile homes -- 2 spaces for each mobile home.
- o. Campgrounds -- 2 spaces per campsite.
- p. For Uses not specifically listed, the number of spaces shall be determined by the Combined Planning & Zoning Board of Downe Township in consultation with the Township Engineer.

3. Restricted Parking. Where the Township of Downe has adopted a parking ordinance to restrict or prohibit parking in certain areas or along certain roads in the Township, the provisions of that Ordinance shall be applied to determine on-street parking requirements.

Section 801. Signage

All signs erected in Downe Township shall comply with the requirements as outlined in this Ordinance. The specific standards governing the manufacture and placement of signs shall be as follows.

1. Commercial outdoor advertising signs not related to a principal use of the property on which they are placed may be erected in Zones R-1 or V-2. The advertising area of such signs shall be not less than three hundred square feet nor more than six hundred square feet. A commercial outdoor advertising sign shall not be closer than one thousand five hundred feet to another advertising sign.

2. No signs shall be placed as to impede or interfere in any way with the operation of a traffic light, traffic directional signal, or general traffic vision.

3. No free-standing sign shall be erected in the Township which exceeds a height of twenty-five feet.

4. One sign which relates to the business being conducted on the premises and which does not exceed an area equal to fifteen percent of the area of the facade may be placed or inscribed upon the front facade of the building providing that it shall not project outward more than twelve inches from the facade or extend above the uppermost edge of such facade.

5. One free-standing sign relating to the business being conducted on the premises may be permitted, provided it does not exceed twenty square feet on any one side. The sign may be illuminated but shall not be located closer than ten feet of any property line or within the right-of-way of any road or highway.

6. Illumination. There shall be no flashing or neon signs permitted in the Township, although small, window sized neon logos or displays shall be exempt from regulation.

7. Signs on Vehicles or Trailers. No signs shall be permitted on vehicles or trailers except on a temporary basis as outlined in Section 801.10.

8. If at any time the governing body shall determine that any sign, due to its location, size, illumination or distractive nature constitutes a menace to the health, safety, morals, or general welfare of the community, it shall notify the record owner and the beneficial user of the premises on which said sign is located by serving a written notice upon him, together with a written notice of demand that the condition be remedied within ten (10) days from the receipt of said notice and demand. If the condition is not so remedied, the governing body shall undertake the necessary steps to rectify the same, charging all the costs incident to said efforts to either the record owner or the beneficial user of the premises, or both, provided that there shall be no duplication of the payment of said costs.

9. The limitations on signs prescribed in this Ordinance shall not apply to any sign or directional device erected by any governmental agency. The limitations or sign area prescribed in this Ordinance for permitted commercial and industrial uses shall not apply to parking lot markers, directional signs, or entrance and exit signs erected on the premises, provided that such sign does not exceed two square feet in area, that the number and location of such signs are approved by the Combined Planning & Zoning Board and that no such sign contains any additional matter. The limitation shall not apply to temporary signs advertising land and real estate.

10. Temporary Signs. Temporary signs may be erected for a period not to exceed six (6) months. Applicants seeking to erect temporary signs must apply for a permit in the same fashion as applicants for permanent signage. Such permit must be issued by the Building Inspector in order for the sign to be erected and may be reissued for not more than one six month period. There shall be no fee for the placement of a temporary sign.

11. Traffic Signs shall conform in size, shape, and specification to the Manual on Uniform Traffic Control Devices used by the N.J. Department of Transportation.

12. Signs for Yard Sales. There shall be no fee for the placement of signs for yard sales. Neither shall there be a permit required for such signs. All yard sale signs must be removed within forty-eight (48) hours after the date on which the yard sale occurs.

13. Permits.

- a. Permits shall be required for all signs greater than six (6) square feet in area.
- b. It shall be unlawful for any person, firm, or corporation to erect, alter, locate, or relocate, reconstruct or change in any manner by rewording or otherwise, or maintain or

cause to be erected, located, or relocated, reconstructed or changed in any manner by rewording or otherwise any sign or signs greater than six (6) feet in area without first having obtained and having in force and effect, a permit for the location of such sign or signs from the Building Inspector.

- c. Unless otherwise specified in this Ordinance, any person, firm or corporation desiring to procure a permit to maintain a sign in the Township of Downe shall file with the Building Inspector a written application which shall contain an accurate description of the location or proposed location where said sign is to be erected and a diagram of each sign that the applicant desires to erect, alter, locate or relocate, use or maintain. Such application shall be signed by the applicant, who shall also indicate his post office address and supply any and all information that the Building Inspector may reasonably require in order to determine properly whether proposed location of sign complies with the provisions of this Ordinaance.

ARTICLE IX NON-CONFORMING USES

Section 900. Continuance.

Except as otherwise provided in this Article, the lawful use of land or buildings existing at the date of the adoption of this Ordinance may be continued, although such use or building does not conform to the regulations specified by this Ordinance for the zone in which such land or buildings are located, provided however:

1. That no nonconforming lot shall be further reduced in size;
2. That no nonconforming building shall be enlarged, extended, or increased unless such enlargement would tend to reduce the degree of nonconformance;
3. That no nonconforming use may be expanded.

Section 901. Abandonment.

A nonconforming use shall be adjudged as abandoned when the tenant or owner displays intent of cessation through inactivity or the display of an unspecified for sale or for rent sign on a vacated premises, or a combination of any of these for a period of more than one year. After said one (1) year period, any use of said land, building, or structure shall be in conformance with this Ordinance.

Section 902. Restoration.

If any nonconforming building, structure or sign shall be destroyed by reason of windstorm, fire, explosion, or other acts of God or the public enemy to an extent of less than seventy-five per cent of true value as determined by an appraiser appointed for that purpose, then such destruction shall be deemed partial destruction and may be rebuilt, restored, or repaired. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any wall, floor, or roof which has been declared unsafe by the Building Inspector.

Section 903. Reversion.

No nonconforming use shall, if once changed into a conforming use, be changed back again into a nonconforming use.

Section 904. Alterations.

A nonconforming building, structure, or sign may be reconstructed but not enlarged or extended, unless said building is changed to a building conforming or more nearly conforming to the requirements of this Ordinance.

Section 905. Construction Approved Prior to Ordinance.

Nothing herein contained shall require any change in plans, construction or designated use of a building, structure or sign for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three months of the date of such permit, and the ground story framework of which including the second tier of beams, shall be have been completed within six months of the date of the permit, and which entire building shall be completed according to such plans as filed within one year from the date of this Ordinance.

Section 906. Zone Change.

Whenever the boundaries of a zone shall be changed as to transfer an area from one zone to another of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein or created thereby.

ARTICLE X CONDITIONAL USES

Section 1000. Guiding Principles.

1. Recognizing that certain uses, activities and structures are necessary to serve the needs and convenience of the Township of Downe and at the same time recognizing that such uses may be or become inimical to the public health, safety and general welfare if located and operated without proper consideration being given to existing conditions and character of the surrounding area, such uses are hereby designated as conditional uses.

2. In addition to other powers conferred by the Ordinance and applicable statutes the Planning & Zoning Board shall have original jurisdiction and power to grant Conditional Uses under the terms and conditions established by this Ordinance, under the following stipulations and guiding principles:

- a. The use for which the application is being made is specifically authorized as a conditional use in the Zone specifications contained herein or is allowed generally elsewhere in this Ordinance as a conditional use.
- b. The design arrangement and nature of the particular use is such that the public health, safety and welfare will be protected and reasonable consideration is afforded to the:

Character of the neighborhood and zone;

Conservation of property values;

Health and safety of residents or workers on adjacent properties and in the surrounding neighborhood;

Potential congestion of vehicular traffic, parking needs, or creation of undue hazard;

Principles and objectives of this Ordinance and the Township of Downe.

- c. The site for the proposed conditional use shall be adequate in terms of physiography to handle the proposed use;
- d. In addition, such conditional uses shall adhere to the minimum standards specified for the particular use in this section and to such additional conditions and safeguards as in the opinion of the Planning and Zoning Board will implement the intent and objectives of this Article and Ordinance.
- e. All other applicable requirements of this Ordinance shall apply.

Furthermore, the Planning & Zoning Board may attach any additional conditions it sees fit that provide reasonable safeguards in granting conditional uses in order to implement the purposes of this Ordinance.

Section 1001. Public, Parochial, or Private Schools

Public, parochial, or private schools, including institutions of higher learning, but not trade or business schools, may be permitted in specified zones as a conditional use, providing that the

following minimum conditions are met.

1. Application for a permit shall be made to the Planning & Zoning Board. The applications shall include a detailed plot and drainage plan of the site, drawn to scale, indicating overall dimensions, topographical conditions, before and after, the location and intended use of existing and proposed buildings, location of recreational areas, the relationships of the proposed use to streets and adjacent properties, and such physical features as might present any deterrent to the protection of the health and safety of the pupils. The application shall include a complete set of architectural plans and specifications and existing and proposed buildings and structures. This statement shall indicate the grade levels of the pupils to be housed in the building or buildings, the planned pupil capacity of such building or buildings, and the contemplated eventual enrollment of the school.

2. Before authorizing the Construction Official to issue a construction permit, the Planning & Zoning Board shall determine that the following standards are met:

- a. Off street parking shall be provided in the following ratios: elementary schools shall provide one parking space for each staff member and/or employees plus adequate space for buses and delivery vehicles. All other schools shall provide one and one-half parking spaces for each staff member or employee plus adequate space for buses or delivery vehicles. These requirements may be increased if, in the judgment of the Board of Adjustment and/or the Planning Board, the unavailability of bus services, the particular location, or a relatively high percentage of pupils driving or anticipated to be driving cars to school make such increased requirements desirable.
- b. No driveway shall open onto a public street within seventy-five feet of an intersection of such street with another street.
- c. There shall be no more than two (2) driveways permitted for every 800 feet of road frontage.
- d. Illumination for night athletic activities shall be shielded from illuminating adjoining streets and residential areas.
- e. All other standards in the Zone where the use is located shall be met.

Section 1002. Places of Worship.

Places of worship may be permitted in the zones specified provided the Planning & Zoning Board shall determine that:

1. The proposed use is a bona fide non-profit religious use;
2. The proposed use in the proposed location will not adversely affect the safe and comfortable enjoyment of property rights and otherwise adversely affect the value of adjacent properties, that the design of any structures to be erected in connection with such use are in keeping with the general character of the residential area, and that sufficient landscaping, including trees, shrubs and lawn, are provided to appropriately buffer the said use from adjoining residential properties and to insure an attractive appearance for the use.

3. The buildings will not occupy more than twenty-five per cent of the lot area; that all other requirements as set forth in this Ordinance for the zone in which it is to be located are observed; and that such use will in no way be detrimental to the surrounding property value.

Section 1003. Home Occupations.

Home occupations, as defined by this Ordinance, may be permitted in a residential district as a conditional use provided that the following standards are met and any other requirements as deemed necessary be approved by the Planning & Zoning Board.

1. A home craft shall be carried on entirely within the principal building and shall, under no circumstances, exceed twenty percent of the total gross habitable floor area of all principal building.

2. A home craft shall be carried on only by a member of the family living within the principal structure.

Section 1004. Home Professional Occupation.

Home Professional Occupation, as defined by this Ordinance, may be permitted in a residential district as a Conditional Use provided that the following standards are met and any other requirements as deemed necessary by the Planning & Zoning Board.

1. A home professional occupation shall be carried on entirely within the principal building and shall not, under any circumstances, exceed fifty percent of the total gross habitable floor area of the principal building.

2. No such home professional occupation shall require exterior alterations of the principal structure which will cause the structure to be at variance or further variances with the schedule for the district in which it is located.

3. No such home professional occupation shall permit the employment of more than two employees who are not permanent residents of the principal structure.

Section 1005. Farm Stands.

Farm stands are permitted as a conditional use in the zones specified provided that the following standards are met as deemed necessary by the Planning & Zoning Board.

1. That the erection of such stand shall not pose a traffic safety hazard along any County or municipal roadway;

2. That adequate parking is provided in accordance with Section 800 of this Ordinance;

3. That the stand is set outside of the road right-of-way or at least 48 feet from the edge of the cartway, if the right-of-way dimensions are unknown.

4. That such farm stands are seasonal operations only and shall not be year-round facilities.

Section 1006. Public Utilities.

Public utility uses, such as dial equipment centers, high voltage transmission lines, transmission towers and substations, but not service or storage yards, may be permitted in specified zones as a conditional use. No conditional use permit shall be issued unless the Planning & Zoning Board shall determine that:

1. The proposed installation in a specific location is necessary and convenient for the efficiency of the public utility system or the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located.

2. The design of any building in connection with such facility conforms to the general character of the area, and will not adversely affect the safe and comfortable enjoyment of property rights of the zone in which it is located.

3. Adequate and attractive fences and other safety devices will be provided.

4. Off-street parking will be provided in accordance with Seciton 800.

5. All of the area, yard, and building coverage requirements of the respective zone will be met.

Section 1007. Quasi-Public Buildings and Recreation Areas

Quasi-public buildings and recreation areas and facilities including club houses, parks, playgrounds, tennis courts, and other such activities operated by non-profit organizations may be permitted as conditional uses in the districts specified. Before authorizing the construction official to issue a permit, the Planning & Zoning Board shall determine that the following standards are met:

1. A statement setting forth full particulars on the operation of the use and a complete list of the proposed charter membership including names and resident addresses shall be filed with the Planning & Zoning Board.

2. It is ascertained by the Planning & Zoning Board that the proposed use is a bona fide non-profit organization operated solely for the recreation and enjoyment of the members of said organization.

3. It is ascertained by the Planning & Zoning Board that the proposed use in the proposed location will not adversely affect the safe and comfortable enjoyment of property rights and otherwise adversely affect the value of adjacent properties, that the design of any structures erected in connection with such use are in keeping with the general character of the residential area, and that sufficient landscaping, including trees, shrubs, and lawn are provided to serve as a buffer between said use and adjoining residential properties, an to insure an attractive appearance for the use.

Section 1008. Motor Vehicle Service Stations

Motor vehicle service stations may be permitted in the zones specified provided the following standards are met:

1. In addition to the information required in the site plan as required by the Subdivision and Stie Plan Regulations of Downe Township, the site plan shall also show the number and location of fuel tanks to be installed, the dimensions and capacity of each storage tank, the depth the tanks will be placed below the ground, the number and location of pumps to be installed the type of structure and accessory buildings to be constructed, the number of automobiles which are to be garaged.

2. Motor vehicle service stations in a business zone shall comply with lot and area and width requirements of the V-2 Village Commercial Zone.

3. Driveways shall not be more than twenty-four feet wide at any point. Driveways must be at least ten feet from any side lot line, and twenty-five feet from the intersection of street lines. No more than two driveways shall be permitted for each one hundred feet of street frontage.

Section 1009 Sand and Gravel Operations.

Sand and gravel operations, including the extraction of sand and gravel and processing or other operations for the preparation of sand and gravel, may be permitted in M-1 and M-2 zones upon application for a conditional use permit and upon compliance with the following standards and conditions:

1. All extractive industries in Downe Township, including sand and gravel operations, shall adhere to the requirements of the Downe Township Extractive Industries Ordinance, 90-7, as amended. Where a contradiction may exist between the Zoning regulations and the requirements of 90-7, the more restrictive requirement shall apply.

2. A set of plans, specifications, and plot plans shall be filed in quadruplicate with the combined Planning & Zoning Board showing overall dimensions, current topographic conditions as reflected in U.S. and State surveys, the location and intended use of existing and proposed buildings, the relationship of the proposed use to streets and adjacent properties and other physical features which may affect the general welfare. Such plans shall be approved by the Township Engineer.

3. The minimum lot area for any such use shall be twenty-five acres; all buildings and sand and gravel operations shall be located or shall occur not less than 100 feet from the street line nor less than 100 feet from the side or rear property lines. The combined Planning & Zoning Board may require fencing or some similarly effective barrier six feet in height where excavations are to exceed a depth of four feet.

4. All buildings, structures and equipment used in such operations shall be dismantled and removed within a period of 18 months after the termination of operations and such removal shall be made by and at the expense of the operator last operating the buildings, structures, or plans, or equipment, in accordance with the reclamation plan established by the Downe Township Extractive Industries Ordinance.

nance, 90-7, as amended. Such terms of removal shall be a condition of approval of the conditional use application.

5. All buildings, structures, and plants and equipment used for the processing of excavated materials shall be maintained so as to assure that such buildings, structures, and plants shall not become dangerously delapidated.

6. All equipment used for the excavation of sand and gravel and processing thereof shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noises and vibrations and dust conditions.

7. All land which has been excavated must be rehabilitated in accordance with standards established by Ordinance 90-7, as amended, and such shall be a condition of approval of the conditional use.

Section 1010 Campgrounds.

Campgrounds shall be restricted to seasonal occupancy only during the months of April through November. Campgrounds may be permitted as a Conditional Use in the zones specified subject to the following standards and provisions, Ordinance 96-4, as well as any other applicable municipal Ordinances, County Health Regulations, and State Statutes including but not limited to Chapter XI of the New Jersey Sanitary Code.

1. The Planning & Zoning Board shall either approve or disapprove a campground site plan within the time limits specified by the Municipal Land Use law and the Subdivision and Site Plan Regulations of Downe Township. A copy of the approved plans shall be forwarded by the Planning & Zoning Board secretary to the Township Zoning Officer.

2. Subsequent to such time that a campground site plan has been approved, a building permit issued, and upon completion of all required improvements as set forth in the approved site plan, the Zoning Officer shall cause the site to be inspected, and if the site is deemed to be in compliance with the terms of the site plan approval and with all applicable Ordinances and Statutes, said Zoning Officer shall issue a Certificate of Occupancy. Campgrounds shall also comply with any licensing requirements of the Municipality.

3. As part of the application for any campground site plan review, six (6) copies of an environmental impact statement shall be prepared and submitted by the applicant. The environmental impact statement shall be prepared according to the guidelines for the preparation of such statements published by the New Jersey Department of Environmental Protection, two (2) copies of which shall be on file with the Municipal Clerk. In reviewing the environmental impact statement, the Planning & Zoning Board shall solicit technical review and comment from its own consultants and appropriate officials of the New Jersey Department of Environmental Protection. The Environmental Impact Statement shall also include a complete description of the proposed wastewater treatment system, (including package treatment system), which shall be approved by the New Jersey Department of Environmental Protection, prior to final approval of the site plan by the Township.

4. Construction authorized under an approved site plan must be completed in all respects as provided in the site plan approval within two (2) years of the date of such approval. Failure by the applicant to complete construction within two (2) years will render the said approval null and void, and any actions taken in furtherance of any development shown on the site plan subsequent to the expiration of the two (2) year period shall constitute a violation of the Zoning Ordinance in the same manner as if no site plan had been approved for the property. For good cause shown, in accordance with the Municipal Land Use Law, 40: 55D-52, the Planning & Zoning Board may extend such site plan approval for an additional one year period, but not to exceed five (5) extensions. Each illegally occupied campsite shall be deemed to constitute a separate and distinct offense for each day during any part of which such violation is permitted to exist.

5. Special Requirements. The permission to establish or enlarge a campground in Downe Township and the review and approval of an application therefore shall be subject to the following special standards and requirements:

A. A campground shall include a minimum of twenty-five (25) acres and a maximum of one hundred fifty (150) acres. The number of individual campsites provided in a campground may range between a minimum of twenty-five (25) and a maximum of one hundred fifty (150), and shall not exceed the density standards set forth in Section 1009.5E and shall be subject to all standards of Ordinance 96-4 of Downe Township.

B. In order to provide an adequate buffer area to protect the natural condition of the forest floor; to protect the integrity and purity of the streams and other surface and groundwater resources; to insure natural surroundings for campers; and to preserve the right of adjoining property owners to enjoy the full use of their premises; no campsite, campground, recreation area, or other campground facility or structure, except a roadway or drive giving access to a public highway, shall be less than fifty (50) feet from a public highway right-of-way line, street, lake, swamp, or title wet land; or less than two hundred (200) feet from an adjoining property line. A wooded or fenced buffer shall be provided as part of all setback requirements. Any surface or subsurface sewerage disposal facility or operation shall be located at least three hundred (300) feet from any stream or other surface water body. All of the above listed setbacks, except that relating to sewerage disposal, shall be excluded when computing the allowable density for the campground. In all of such common open space buffer areas, the land form shall remain undisturbed and only the normal maintenance practices carried out.

C. Where a campground borders any body of water, natural or artificial, including but not limited to streams, creeks, ponds, lakes, and bays, the owner shall at all times provide free and open access to the Municipality and its agents for the purpose of stream channel maintenance. Access shall be provided to the body of water and to all lands within fifty (50) feet of the shores thereof; provided, however, no work shall be done which will result in substantial changes to the natural topography of the property nor shall any work or operation be commenced which will substantially interfere with the use and quiet enjoyment of the property, unless prior permission of the owner has been obtained.

D. Common open space area designed for active recreational activity of at least two (2) acres shall be provided for each ten (10) camp sites or portion thereof for which the campground is designed. All improvements for such recreation areas shall be shown on the site plan submitted for review. Common open space recreation areas shall not be included in the total campground acreage for computation of permitted campsite densities and shall be in addition to, and apart from, all required setback areas. Campgrounds shall be considered a use primarily suited to wooded areas. Any open fields included in a campground may be utilized for common open space recreation areas, common open space buffer areas, and other facilities incidental to campground operation. At least seventy-five percent of the tract on which the campground is located shall be forested.

E. The following density requirements shall be observed. The density of campsites and a campground shall not exceed an average of seven (7) campsites per acre of campground area, inclusive of service roads, and service building sites but exclusive of common open space buffer areas and common open space recreation areas. Each campsite may accommodate one (1) camping unit occupied by the camper and his or her party. Maximum occupancy per campsite shall be seven (7) persons and no one may reside permanently at a campsite.

F. Each campsite (including parking space) shall occupy a minimum of four thousand (4,000) square feet in area and shall utilize all available natural buffering between camping site locations.

G. All interior roads, other than individual campsite driveways, shall be graded to avoid low spots and shall be topped and crowned with at least five (5) inches of gravel or stone to a width of sixteen (16) feet for one (1) way operation and twenty-six (26) feet for two (2) way operation, and shall provide horizontal and vertical alignments that permit efficient operation of Township fire equipment.

All materials, equipment, and methods of construction shall conform to the standard specifications for road and bridge construction of the New Jersey State Highway Department, 1961, or any supplements or amendments thereto. Each stage of the construction must be approved by the Municipal Engineer prior to commencement of the succeeding stage. The Engineer shall be notified at least two (2) working days prior to the start of any stage.

H. Right-of-way improvements, including shoulder paving, curbs, gutters and drainage structures may be required within the adjacent public roadway and when required shall be shown on the site plan and constructed according to standards and requirements contained in the Downe Township Subdivision Ordinance.

I. Camp stores located within the permitted camping areas may be established as an incidental use. Such stores shall handle only food and minor consumer items needed by campers. All other commercial activities, including the sale of camping units, other large equipment items or gasoline and oil products are specifically prohibited.

J. All electric, gas, and telephone transmission lines shall be installed below ground surface.

K. Any applicant for a permit to construct or expand a campground shall confer with the County Agricultural Extension Service, the Soil Conservation District and the District Forester, and shall include the findings and recommendations made by these agencies in his environmental impact statement and site plan submission. The Environmental Impact Statement must clearly demonstrate that major natural features of the site and existing ecological relationships will be protected to the fullest extent possible.

L. All septic systems, package treatment plants, or other facilities for sewage disposal shall have the approval of the New Jersey Department of Environmental Protection and the Cumberland County Board of Health prior to the issuance of an occupancy permit for the campground. Such approvals shall include an operating and maintenance plan for the facilities.

Section 1011. Cluster Developments.

Cluster developments of single family detached dwellings may be established as a conditional use in the zones specified only after it is established that the development will not be adverse to the property value of nearby properties, will not create congestion of traffic, and is appropriate to the surrounding area, only after site plan review and approval by the Planning & Zoning Board, in accordance with the following standards and requirements:

1. An application for a cluster development, in addition to providing the normally required documents for subdivision review and approval, must include a site plan conforming to the requirements established in the Subdivision and Site Plan Ordinance of Downe Township. Accompanying the site plan must be detailed plans for adequate sewer and water services. The Planning & Zoning Board shall review said plan in terms of conformance with the standards of this and other municipal Ordinances, soil capability maps prepared by the Soil Conservation District, applicable County and State requirements and the Municipal Master Plan before granting approval thereof and recommending issuance of building permits.

2. Each individual lot of a cluster plan in a (C-1) District shall have a minimum of twenty-three thousand five hundred (23,500) square feet and in an (R-1) District, shall have a minimum of fifteen thousand (15,000) square feet when on-site sewer and water are proposed, or eighteen thousand five hundred (18,500) square feet in a (C-1) District and ten thousand (10,000) square feet in an (R-1) District when approved off-site sewer and water supplies are available at the site.

3. The maximum number of lots per gross acre for any cluster development shall not exceed 0.92 in a (C-1) Zone or 1.24 in an (R-1) Zone when on-site sewer and water are proposed or 1.85 in a (C-1) Zone or 2.09 in an (R-1) Zone when approved off-site sewer and water facilities are available. In computing the gross acreage of a tract any land subject to utility or drainage easements or being below mean high tide or flood hazard levels shall be excluded.

4. All cluster developments shall have water supply and sanitary sewage disposal facilities that are reviewed and approved by the Cumberland County Board of Health, the Planning & Zoning Board, Municipal Engineer, County Soil Conservation District, and New Jersey Department of Environmental Protection in accordance with the Municipal Land Use Law, Chapter 291, of the State of New Jersey. When necessary, common open space areas may be utilized to help support

adequate on-site sewage disposal facilities.

5. Lot width and side yard requirements in the case of cluster plan lots may be reduced by twenty percent (20%) of those required of conventionally developed lots.

6. Land areas to be subdivided for a cluster development shall result in the creation of not less than one hundred (100) building lots.

7. Two or more owners may cooperate in a cluster development when their properties are contiguous; their combined land is planned and developed as a single unit; and there is a written agreement submitted to the Planning & Zoning Board and the Municipal Governing Body, authorizing the development to proceed as a single unit and signed by all participating owners.

8. The developer shall provide streets, street lighting, drainage, and other improvements in accordance with the Subdivision and Site Plan regulations of Downe Township.

9. The open space areas conserved by clustering shall be subject to the following:

A. Up to fifty percent (50%) of the total open space saved by clustering may be conveyed to the municipality, if acceptable to it, with deed restrictions specifying that it will be permanently devoted to one or more of the following uses: Municipal parks and playgrounds; woodland conservation areas; game preserves or wildlife refuges; pedestrian walkways; cycling or bridle paths; school building or recreational facilities; stream preservation, watershed protection, water impoundment or drainage control areas.

B. Any open space saved by clustering that is not conveyed to the Municipality shall be dedicated by deed to a property owners association approved by the Governing Body and be used for one or more of the following private recreational purposes, but only when suitable arrangements have been provided for permanent maintenance of the common open space by benefiting property owners or association members: limited membership golf courses and country clubs; non-profit swimming pools, cabana clubs, tennis clubs and riding clubs, limited membership outdoor recreational areas, landscaped areas, or unimproved open space.

C. Open space buffer areas between clustered buildings and the boundary lines of any adjoining properties shall be equal to two (2) times the required set back on said adjoining properties.

D. The method and organization (proposed for the) management of any common open space area saved by clustering shall be clearly set forth at the time of application and be subject to approval by the Planning & Zoning Board and Municipal Governing Body. The agency, association, or organization shall make a report on the status and maintenance of the common open space and shall present it to the Governing Body annually.

Section 1012. Essential Utilities

Essential services as defined in this Ordinance may be established in all zones as specified except that any sub-station, pumping station or any element requiring a building or fence enclosure shall

be established only after site plan review and approval by the Planning & Zoning Board in accordance with the following standards and requirements:

1. Any application for such use shall include a statement documenting the need and purpose of the installation.

2. Proof shall be furnished that the proposed installation and location specified are essential to the convenient and efficient operation of the public utility involved and for the satisfactory and convenient provision of services by the utility for the neighborhood or area in which the particular use is to be located.

3. The design of any essential service building shall conform to the general character of the neighboring buildings in the area in which the facility is to be located. The applicant shall demonstrate that the proposed use will, in no way, adversely affect the safe and comfortable enjoyment of neighboring properties. Adequate and attractive landscaped areas and screens shall be shown on the site plan with plant varieties listed.

Section 1013. Garden Apartments and Townhouses.

In those zones as specified, where public sewer and water services are available or scheduled, projects involving garden apartments or townhouses may be permitted on single land parcels of twenty (20) or more acres in size under the conditional use procedure only after site plan review and approval by the Planning & Zoning Board. Gross dwelling unit density for the tract shall not exceed seven (7) units per acre. In computing the gross acreage of a tract, any land subject to utility or drainage easements or lying below mean high tide or flood hazard levels shall be excluded. The application for any apartment project shall be as a conditional use only after site plan review and approval by the Planning & Zoning Board in accordance with the Downe Township Subdivision and Site Plan Regulations.

1. Open space areas adjacent to project buildings not surfaced as walkways, driveways, parking areas, utility areas or other required improvements, shall be graded and seeded to provide a thick stand of grass or other ground cover material. Liberal landscaping plans including deciduous trees and evergreens shall be made a part of the site plan submission and be subject to approval by the Planning Board.

3. A minimum of thirty-five percent (35%) of the total area of the apartment project exclusive of normal dwelling yards, buffer strips, and parking areas, shall be designated as common open space. Adequate recreation areas shall be provided, none of which shall be less than ten thousand (10,000) square feet in area nor less than one hundred (100) feet in its narrowest dimension. Each recreation area shall be located conveniently to project dwelling units and shall be either made available for conveyance to the municipality with a deed restriction specifying that it will be permanently devoted to playground or park use, or held in private ownership subject to similar restrictions. The method and organizational structure for ownership and management of any privately held common open space shall be clearly set forth at the time of application and shall be subject to approval by the Planning Board and Township Committee. The agency, association or organization established to own and maintain common open space in the apartment project shall

not dispose of any of its land at any time in the future without first offering it for dedication to the Township. In the event the open space management organization fails to suitably maintain any such common open space for a period exceeding six (6) months, the Governing Body may arrange for necessary maintenance activities to be carried out in accordance with applicable local and State laws.

4. Every building shall have a minimum setback of forty (40) feet from a public street or road and fifteen (15) feet from any private interior road, driveway, or parking area.

5. Driveways, parking areas, and all pedestrian area ways shall be provided at all times with adequate illumination so shielded as to prevent deleterious glare to adjacent or nearby residential units.

6. Sufficient laundry, dry cleaning, garbage and trash pickup and other utility areas shall be provided in locations convenient to all occupants. Their detrimental effects on the aesthetic character of the project shall be minimized where necessary through the use of enclosures or screens composed of suitable fencing, masonry walls or shrubbery at least six (6) feet in height around the perimeter. Fencing and walls shall not be more than fifty percent (50%) open on the vertical surface.

7. Any apartment project shall be served by an existing or planned municipal, county or regional sewer line, or by a package treatment system reviewed and approved by the New Jersey Department of Environmental Protection. Water utilities and any interim sewerage facilities acceptable to the Municipal Engineer, the County Health Department and the New Jersey Department of Environmental Protection shall be provided.

8. All on-site electrical telephone utility service shall be installed below ground level where determined to be feasible by the Construction Official of Downe Township in consultation with the Combined Planning & Zoning Board.

9. Design features relating to curbing, driveways, parking areas, pedestrian walks, landscaping and other project elements not specified herein may be attached as conditions by the Planning & Zoning Board if circumstances indicate they will further the purposes and intent of this Ordinance.

10. No dwelling units are permitted below the ground floor level nor above the second story of any structure in an apartment or townhouse project.

11. Each dwelling unit shall contain complete kitchen facilities, toilet, bathing and sleeping facilities, and shall have a minimum habitable floor area according to the number of rooms in accordance with the following:

| | |
|-------------------------------|-------------------|
| Efficiency Apartment..... | 600 square feet |
| One Bedroom Apartment | 700 square feet |
| Two Bedroom Apartment | 850 square feet |
| Three Bedroom Apartment | 1,100 square feet |

A maximum of ten percent (10%) of the total number of units in a completed project may be three (3) bedroom apartments; up to fifty percent (50%) of the total units in a completed project may be

two (2) bedroom apartments and the remainder shall be one (1) bedroom or efficiency apartments. In the event that the project is to be completed by sections, the above stated proportions of three (3), two (2), and one (1) bedroom or efficiency apartments shall be substantially maintained as construction of the project progresses.

12. In addition to required habitable floor area there shall be a minimum storage area in each building for bicycles, carriages, furniture and similar incidental equipment of at least seventy (7) square feet in area by a minimum of seven (7) feet in height per dwelling unit.

13. There shall be not more than sixteen (16) dwelling units in each building or structure. The facade of any building or structure shall not exceed sixty (60) feet in length unless each increment of sixty (60) feet is interrupted by an angle of at least forty-five (45) degrees or an offset of at least five (5) feet.

14. Courtyards bounded on three (3) or more sides by the wings of a single building or by the walls of separate buildings, shall have a minimum width between any two (2) walls of at least two (2) feet for each one (1) foot of height of the tallest adjacent building or wall.

15. No garden apartment dwelling structure shall be located within twenty-five (25) feet of another dwelling structure.

ARTICLE XI ADMINISTRATION

Section 1100 Enforcement

The duty of administering and enforcing the provisions of this Ordinance is hereby conferred upon the Zoning Officer, who shall have such powers as are conferred upon him by this Ordinance, and such powers as might reasonably be implied. He shall be appointed by the Township Committee and shall receive such compensation as it shall determine.

Section 1101 Duties of the Zoning Officer

1. It shall be the duty of the Zoning Officer or his duly authorized assistants, to cause any plans, buildings, or premises to be examined or inspected to determine that they are not in violation of the provisions of this Ordinance. He shall have the right to enter any building or premises during the daytime in the course of his duties.

2. Where the Zoning Officer, in the course of his duties, determines that any plans, buildings, or premises are in violation of the provisions of this Ordinance, he shall order the responsible party in writing to remedy such conditions. Said written order shall specify the nature of the violation found to exist, the remedy ordered and the time permitted for such action, the penalties and remedies which may be invoked by the Township, and the violator's right of appeal; all as provided for by this Ordinance and the Laws of the State of New Jersey.

3. A copy of the written order shall be transmitted to the Construction Official who shall thereupon cause the Certificate of Occupancy for the building or premises in question to be held null and void. A new Certificate of Occupancy shall be required for any further use of such building or premises. (This may involve the N.J. Department of Community Affairs which is administering such Certificates on behalf of the Township as of the date of this Ordinance revision.)

4. A Zoning Permit, Temporary Use Permit, or Conditional Use Permit, as appropriate and provided for elsewhere by this Article, shall be a prerequisite to the issuance of a Building Permit as prescribed by the Building Code for the construction, erection, or alteration of any building or part of a building. No such permits shall be issued for any plans which would be in violation of the provisions of this Ordinance.

5. The Zoning Officer shall maintain a permanent record of all matters considered and all action taken by him. Such records shall form a part of the records of his office and shall be available for the use of the Township Committee and other officials of the Township, County, and State. The records to be maintained shall include at least the following:

a. Application File. Any individual permanent file for each application for a permit provided for by this Ordinance shall be established at the time the application is made. Said files

shall contain one copy of the application and all supporting documents, maps, and plans; notations regarding pertinent dates and fees, and the like; as appropriate, one copy of the resolution of the Planning and Zoning Board acting on the application; and the date the permit applied for was issued or denied by the Zoning Officer.

b. Monthly Report. The Zoning Officer shall prepare a monthly report for the Township Committee. Said report shall cite all actions taken by the Zoning Officer including all referrals made by him; all permits and certificates issued and denied; and all complaints of violations received and all violations found by him, and the action taken by him consequent thereon. A copy of this monthly report shall also be transmitted by the Zoning Officer to the Tax Assessor, Planning Board, and Board of Adjustment at the same time it is transmitted to the Township Committee.

Section 1102 Certificates and Permits

The certificates and permits enumerated herein are hereby established for the equitable enforcement and administration of the provisions of this Ordinance. If, after the Zoning Officer has duly authorized the issuance of any of these permits, the applicant has failed to obtain the permit within a period of six (6) months from the date of such authorization or as provided by N.J.S.A. 40:55D-1 et seq., then such authorization shall be null and void, and no permit shall be issued thereunder unless the applicant shall have, prior to the expiration of the aforesaid six-month period, made written application for an extension. Such extension shall be granted by Zoning Officer in consultation with the appropriate approval authority, for a period not to exceed six (6) months, upon good cause having been shown by the applicant.

1. Zoning Permits. The Zoning Officer is hereby empowered to issue a Zoning Permit for any plans regarding the construction or alteration of any building or part of any building, or the change in the use of any land or buildings or part thereof, where he shall determine that such plans are not in violation of the provisions of this Ordinance.

All applications for a zoning permit shall be made in writing to the Zoning Officer on a form supplied by the Township and shall be signed by the applicant or his authorized representative. Included with the application shall be a written description of the intent of the permit, a drawing to scale showing the proposed use(s) of all existing and proposed buildings and structures on the property and all lands associated with the application. Improvements of less than \$500 shall not require said zoning permit, *excepting that small sheds and other outbuildings shall be required to meet all setback and other area and bulk standards.*

2. Temporary Use Permit. Upon written direction of the Planning and Zoning Board the Zoning Officer is hereby empowered to issue a Temporary Use Permit. A Temporary Use Permit shall only be effective for a period not to exceed six months; such permit may be extended by the Zoning Officer not more than once for an additional period not to exceed six months.

All applications for a temporary use permit shall be made in writing to the Zoning Officer on a form supplied by the Township and shall be signed by the applicant or his authorized representative.

Included with the application shall be a written description of the intent of the permit, a drawing to scale showing the proposed temporary use of all existing and proposed buildings and structures on the property and all lands associated with the application.

3. Conditional Use Permits. Upon written direction of the Planning & Zoning Board the Zoning Officer is hereby empowered to issue any Conditional Use Permit provided for by this Ordinance in accordance with Section 1001. Such permits shall include written or other evidence indicating that the applicant has met the various conditions of approval for the conditional use prescribed under Article IX of this Ordinance. *All Conditional Uses shall require site plan approval.*

4. Certificate of Occupancy Permits. Certificates of Occupancy shall be issued in accordance with the procedures set forth by the Township Committee.

a. New Uses. No building or structure shall be occupied or used until such time as a Certificate of Occupancy is issued by the Building Inspector after determination that the building, structure, or use is in conformance with the provisions of this Ordinance and all applicable construction codes and other appropriate regulations.

b. Existing Uses. Upon written request from the owner, tenant, occupant, or purchaser under contract, the Building Inspector, after inspection, shall issue an occupancy permit for a use legally existing at the time this Ordinance is made effective, certifying the extent and kind of use and any other such existing use which conforms with the provisions of such Ordinance and all applicable construction codes and other appropriate regulations.

c. Change of Use. No owner, tenant, or other person shall use or occupy any building or structure thereafter the use of which shall be changed after the passage of this Ordinance, without first procuring an occupancy permit; provided that an occupancy permit once granted shall continue in effect so long as there is no change of use, regardless of change in tenancy or occupancy.

Section 1103 Application Procedures

All applications for Zoning Permits shall be made to the Zoning Officer. The Zoning Officer shall carefully consider the application and all supporting documents in accordance with the following design and site plan review guidelines, and make a determination of the application's compliance with the provisions of this Ordinance and, based upon said determination, shall either issue or deny the Zoning Permit applied for. Upon obtaining a Zoning Permit, the applicant may then apply to the Construction Official for a Building Permit and Certificate of Occupancy in the manner prescribed in the Building Code.

1. Design and Site Plan Review Process. All applications for subdivision or site plan review shall be administered in accordance with the Subdivision and Site Plan regulations of Downe Township.

2. Variance and Conditional Use Procedures. All applications for Conditional Use Permits and Use Variances shall be made to the Planning and Zoning Board, other applications made to the

appropriate board as required by Municipal Land Use Law of N.J.R.S. 40:55D-1 et seq. Filing procedures shall follow "The Township of Downe Development Procedures Ordinance" and the regulations promulgated by the Planning and Zoning Board of Downe Township, subject however to the requirement that all determinations be by formal resolution, copies of which shall be forthwith filed with the Township Clerk and Tax Assessor.

Section 1104 Fees

Filing fees and charges for work input, investigation and engineering and reports of experts etc., shall be established by the Planning and Zoning Board subject to approval of Township Committee *and shall be placed in an escrow account pending completion of the application's review.*

Section 1105 Conflict with Other Laws

Wherever any provisions set forth in this Ordinance are found to be in conflict with mandatory state or federal laws, such mandatory state or federal laws shall govern and this Ordinance shall be construed accordingly so that conflict shall not affect the validity of the Ordinance.

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinance or enactment, or with any rule, regulation, or permit adopted or issued thereunder except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance, provided that where this Ordinance imposes greater restrictions upon the use of buildings or land, then the provisions of this Ordinance shall control.

Section 1106 Violations and Penalties

1 Zoning Officer. This Ordinance shall be enforced by the Zoning Officer, as provided by law. Where federal security is involved, the Zoning Officer shall be furnished with written proof that the required proper clearance has been authorized. The owner or agent of a building or premises where a violation of any provision of said regulations shall have been committed, or shall exist, or the leasee or tenant of any part of the building or premises in which such violation shall have been committed or shall exist, or the agent, architect, building contractor or any other workman or person who shall commit, take part or assist in any such violation or who shall maintain any building or premises in which any violation of this Ordinance shall exist may, upon conviction thereof, for each and every violation be imprisoned in the local County Jail for a period not exceeding *sixty* (60) days, or be fined not exceeding Two Hundred (200) Dollars, or both for each day that a violation continues to exist. Each violation shall constitute a singular and separate offense.

2 Aiding and Abetting Violation. Not only the owner or owners of the land in question shall be guilty of a violation of this Ordinance if they suffer or permit any of the acts herein prohibited to be done to or upon their lands, but any officers, agentes, employees, or independent contactors of any land owners who directly or indirectly aid or abet such acts or who authorize or direct or supervise such acts or bring in or upon said land or use or operate any truck, buill dozer, shovel or other equipment in performing any of the acts prohibited hereunder, shall also be guilty of a violation of this Ordinance and upon conviction shall be subject to the penalties provided herein.

Section 1107 Amendments

The Township may, from time to time, after public notice and hearing amend, supplement, or change the regulations and zone herein established. No amendment, supplement, modification or change shall become effective until after a public hearing at which parties in interest and citizens shall have an opportunity to be heard in accordance with the Municipal Land Use Law, *N.J.A.C. 40:55D-1 et seq.*

Section 1108 Validity of Ordinance

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply to the section, paragraph, subdivision, clause or provision so adjudged, and the remainder of the Ordinance shall be deemed valid and effective.

Section 1109 Repealer

All Ordinances or parts of ordinances inconsistent herewith are hereby repealed and this Ordinance shall take effect immediately upon final passage and publication as provided by law.

ZONING MAP

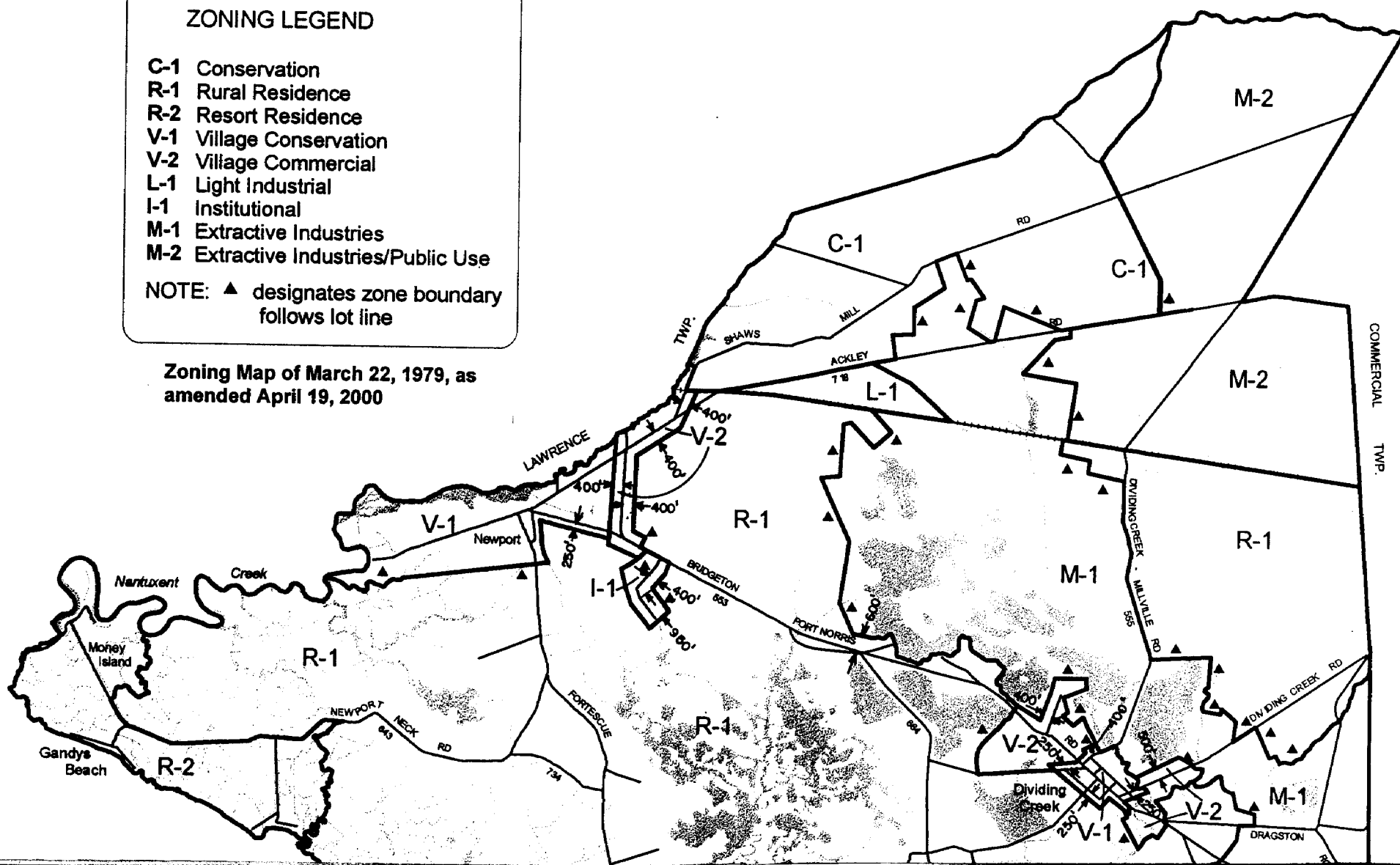
Downe Township
Cumberland County, NJ

ZONING LEGEND

- C-1 Conservation
- R-1 Rural Residence
- R-2 Resort Residence
- V-1 Village Conservation
- V-2 Village Commercial
- L-1 Light Industrial
- I-1 Institutional
- M-1 Extractive Industries
- M-2 Extractive Industries/Public Use

NOTE: ▲ designates zone boundary follows lot line

Zoning Map of March 22, 1979, as
amended April 19, 2000



DELAWARE
BAY

R-1

R-1

M-1

R-1

Fortescue

R-2

750'

200'

150'

TWP.

COMMERCIAL

C-1

BASE MAP LEGEND

- Roads
- ++++ Railroads
- 553 County Road Numbers
- - - - - Smaller streams
- ▨ Lakes & larger streams
- Municipal limits

6000

0

6000

12000 Feet



Prepared for Downe Township
by the Cumberland County
Department of Planning and Development

Cumberland County Geographic Information System
94002 - m.downzone2 - 6/11/1999