

**MAURICE RIVER TOWNSHIP
CUMBERLAND COUNTY, NEW JERSEY**

ORDINANCE NO. 720

**AN ORDINANCE OF THE TOWNSHIP OF MAURICE RIVER AMENDING CHAPTER
35 LAND DEVELOPMENT REGULATIONS.**

WHEREAS, the purpose of this Ordinance is to amend Chapter 35, Land Development Regulations of the Township of Maurice River; and

WHEREAS, the Land Use Board referred this ordinance for adoption to the Township Committee in accordance with the requirements of N.J.S.A. 40:55D-64. The Land Use Board found that the proposed ordinance is consistent with the adopted Master Plan and made a favorable recommendation supporting the ordinance amendments at their Wednesday, November 2, 2022 meeting.

NOW THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MAURICE RIVER, NEW JERSEY THAT CHAPTER 35 LAND DEVELOPMENT REGULATIONS BE AMENDED AS FOLLOWS:

Section 1. Delete and Replace the following definition under Chapter 35 as follows:

Home Professional Office: A business, profession, occupation or trade conducted for gain or support by a resident of the dwelling unit and is incidental and secondary to the use of the dwelling unit. A home professional office shall not include retail sales to the general public unless through mail, Internet or another similar service wherein the retail customers are not visiting the residential unit. A home professional office shall not have employees on-site.

Section 2. Amend Section 35-9.9B.8. as follows (underline is new strikeout is deleted):

No mobile home or trailer including a trailer used for over the highway shipment and transport of goods and pulled by a truck or tractor, may be permanently used as a storage facility, dwelling or housing for animals. Notwithstanding the requirements contained herein this Subsection, the Land Use Board may permit as part of site plan approval the parking of a trailer with wheels to place goods or items collected or manufactured on-site for shipment or transport away from the site from time to time as the trailer is filled. An example of such use of a trailer for storage would be a retail tire store which stores used tires as they are discarded for removal from the site. Shipping containers/trailers used for storage as an accessory structure on a residential property are permitted in accordance with Section 35-8.1-A.3.

Section 3. Delete and Replace Section 35-8.1 Accessory Uses and Structures as follows

35-8.1 Accessory Uses and Structures. In all zoning districts, any structure or use, allowed as necessary to support a customary incidental use in connection with a permitted residential use on the same lot, shall be setback from the rear and side yard property lines as provided in the Schedule of District Regulations for the zoning district in which they are located. If the height of the proposed accessory use or structure exceeds a set back distance set as stipulated in the Schedule of District Regulations for the zoning district in which it is to be located, then the setback to the side and rear yards shall be no less than ten (10) feet or the height of the structure, whichever is greater. Unless specifically permitted by the Land Use Board in site plan review, no accessory structure shall be located in front of the front yard building setback line.

- A. The following shall apply to accessory structures on all single-family residential lots:
1. The total area of all accessory structures on a residential lot shall not exceed two (2) times the total habitable floor area of the principal structure and attached garage.

2. Notwithstanding the above, no single accessory structure shall exceed two thousand five hundred (2,500) square feet.
 3. Trailers/Shipping containers may be used for storage on single-family properties in accordance with the following:
 - a. The total area of all accessory structures shall conform to Subsections 1 and 2 above.
 - b. The shipping container shall only be permitted in a rear or side yard and shall be screened from view from all property lines.
 - c. Screening may include a solid fence or vegetation or combination of the two.
 - d. In the alternative to the required screening, the container may be designed to look like a building with roof features and siding.
- B. Properties that are Qualified Farms with an active agricultural operation are not limited to Subsections A.1. and A.2. above provided the accessory structure is to be utilized for the farming/agricultural operation.
- C. The accessory use shall be used in the computation of building and total lot coverage if deemed to have created an impervious cover to the ground whereon it is located. For example, a garden shed set on cement blocks shall not be deemed to have made the ground beneath impervious.
- D. The Zoning Officer is hereby authorized to grant a one-time approval of a commercial accessory building not exceeding two hundred forty (240) square feet in area without prior approval from the Land Use Board provided that all applicable setback requirements can be met.
- E. Home Professional Office (as defined in the Ordinance under Article 35-3.3)
1. Where Single-family residential units area a permitted use, they may have a home professional office as a permitted accessory use in accordance with the following:
 - a. A home professional office would not employ anyone on-site.
 - b. An example of a home professional office is a business, profession, occupation or trade conducted for gain or support by a resident of the dwelling unit and is incidental and secondary to the use of the dwelling unit.
 - c. A home professional office shall not include retail sales to the general public unless through mail, Internet or another similar service wherein the retail customers are not visiting the residential unit.
 - d. A home professional office may not have large delivery trucks delivering to the residential property. UPS and Fedex size vehicles are not included in this restriction.

Section 4. Amend the following under Section 35-8.3 Fences Walls and Hedges (underline is new and strikethrough is deleted)

Delete 35-8.3A.2. and replace as follows:

2. All fences shall be located one (1) foot from any property line. Reserved.

Amend 35-8.3B. The ~~Land Use Board~~ Zoning Officer may modify the above noted requirements upon request wherein it is deemed reasonable and appropriate to require the installation of a buffer between two (2) properties in order to shield a residential use from a nonresidential use on an adjoining property or from some other objectionable condition or nuisance reasonably expected such as, but not limited to, a heavily traveled thoroughfare, to

provide privacy to a residential property, or create a barrier to intrusions of noise, glare, trash or trespass by persons, animals or vehicles.

In no case shall the above be modified by the Zoning Officer if the following items are not provided and shown as conforming. If the request to modify any of the items under Section A above does not conform to the listed items below, the Zoning Officer shall refer the applicant to the Land Use Board for a variance.

1. The fence may not exceed six (6) feet in height
2. The fence is shown on a signed and sealed plot plan which shows the existing conditions of the property.
3. The plot plan shows all required sight triangles for intersecting streets and driveways per Section 35-6.10 of the ordinance. No fence is proposed in any sight triangle.
4. If the fence over four (4) feet in height per Section A.1. above, is proposed in a front yard as a barrier to a heavily traveled roadway the fence must be setback a minimum of fifteen (15) feet from the front property line. (Front Property line is defined under Article 35-3.3 as Lot Line, Front)

Section 5. Add a New Section under Article 35-11 as follows:

35-11.4-AG Performance Standards for Non-Residential Uses.

- A. Applicability. This section is applicable wherever non-residential land use is existing or proposed for development, regardless of the zoning district which the use is located within.
- B. Electricity. Electronic equipment shall be shielded so there is no interference with any radio or television reception beyond the operator's property as the result of the operation of such equipment.
- C. Glare. No use shall direct or reflect a steady or flashing light beyond its lot lines. Exterior lighting and lighting resulting from any manufacturing or assembly operations shall be shielded, buffered and directed as approved on the site plan so that any glare, direct light, flashes or reflection will not interfere with the normal use of nearby properties, dwelling units and streets.
- D. Heat. Sources of heat, including but not limited to steam, gases, vapors, products of combustion or chemical reaction, shall not discharge onto or directly contact structures, plant or animal life on neighboring uses. No use, occupation, activity, operation or device shall cause an increase in ambient temperature, as measured on the boundary between neighboring uses.
- E. Airborne emissions. In all districts, no use, activity, operation or device shall be established, modified, constructed or used without having obtained valid permits and certificates from the Bureau of Air Pollution Control, NJDEP. Specifically, no use, activity, operation or device shall be established, modified or constructed without a valid permit to construct. No use, activity, operation or device shall be operated, occupied or used without a valid certificate to operate control apparatus or equipment. Proof of compliance with this requirement shall be the submission of duplicate copies of the permit to construct and certificate to operate.
- F. Noise emissions.

1. Standard. Noise shall be measured with a sound level meter complying with the standards of the American National Standards Institute American Standards Specifications for General Purpose Sound Level Meters (ANSI S.1.4-1961 or its latest revisions). The instrument shall be set to the A-weighted response scale and the metering to the slow response. Measurement shall be conducted in accordance with the American Standard Method for the Physical Measurement of Sound (ANSI S.1.2-1961 or its latest revision).
 2. All properties are subject to the provisions of the State Noise Control Ordinance.
- G. Storage and waste disposal. In all districts permitting such an operation, use or any activity involving the manufacture, utilization or storage of flammable, combustible and/or explosive materials, such storage shall be conducted in accordance with the regulations promulgated by the NJDLI or the Fire Code of the National Fire Protection Association, whichever is more restrictive.

Section 6. Delete and Replace Section 35-9.8 B.1 and B.2 as follows:

Section 35-9.8B.1.

1. Class I animals:
 - a. The property must be a Residential or Agricultural Zoning District.
 - b. Minimum Lot Area for one (1) Class I animal – 1 acre, provided that said animal is kept enclosed in a pen or corral containing not less than five thousand (5,000) square feet in area.
 - c. Each additional Class I animal shall require an additional acre in lot area and an additional two thousand (2,000) square feet of pen or corral space area.
 - d. At a minimum, box stalls of one hundred (100) square feet and/or straight stalls of five by eight (5 x 8) feet per animal within a barn or stable shall be provided.
 - e. No animals shall be housed or manure stored outdoors closer than one hundred (100) feet to any adjacent street or property line.
 - f. The available acreage shall take into account any additional Class I, II or III animals such that each animal in each Class has the minimum acreage required. For example, if the lot area is 3 acres then 3 Class I animals would be permitted or 2 Class I animals and 2 Class II animals would be permitted.

Section 35-9.8B.2.

2. Class II and III animals (except pigs):
 - a. The property must be a Residential or Agricultural Zoning District.
 - b. Minimum Lot Area for up to two (2) Class II animals (except pigs and cow, cattle or other similar bovine) or twelve (12) Class III animals – 1 acre
 - c. Cow, cattle or other similar bovine require a minimum lot size of three (3) acres for 2 animals and one offspring provided the offspring is under 1,000 pounds.
 - d. The keeping of pigs shall be prohibited in all residential, business or industrial zoning districts.
 - e. All Class II or Class III animals shall be kept enclosed in a pen, corral or other suitable enclosure with appropriate animal housing provided.
 - f. No animal shall be housed or manure stored outdoors closer than one hundred (100) feet to any adjacent street or property line.
 - g. The available acreage shall take into account any additional Class I, II or III animals such that each animal in each Class has the minimum acreage required. For example, if the lot area is 3 acres then 3 Class I animals would be permitted or 2 Class I animals and 2 Class II animals would be permitted.

Section 7. Amend the Schedule of District Regulations, Pinelands Districts to include the following permitted Accessory Uses for the PB, PC, PMH, PR, PRDA-C, PRDA-R, PVB, PVC-3, PVC-5, and the PVHB Tables.

- Home Professional Office as per Section 35-8.1.E.
- Trailers/Shipping Containers for storage as per Section 35-8.1.A.3.

Section 8. Amend the Schedule of District Regulations, Non-Pinelands Districts to include the following permitted Accessory Uses for the C, C-15, MH, R-5, R-10, VB, VR, VHB, and the VC Tables.

- Home Professional Office as per Section 35-8.1.E.
- Trailers/Shipping Containers for storage as per Section 35-8.1.A.3.

Section 9. If any section, sentence or any part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of the Ordinance, but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy in which judgment shall have been rendered.

NOW THEREFORE, BE IT FURTHER ORDAINED by the Governing Body for the Township of Maurice River, County of Cumberland and State of New Jersey, that a certified copy of this ordinance is forwarded to the Pinelands Commission for certification.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed the first reading at a meeting of the Township Committee of the Township of Maurice River, County of Cumberland and State of New Jersey, held on Thursday, November 17, 2022, and said Ordinance will be further considered for final passage and adoption at a public hearing to be held at the Municipal Building located at 590 Main Street, Leesburg, NJ 08327, on Thursday, December 15, 2022, at 7:30 p.m. or as soon thereafter as the matter may be reached.

First Reading: November 17, 2022