

TOWNSHIP OF EVESHAM

ORDINANCE NO. 3-3-2019

**ORDINANCE OF THE TOWNSHIP OF EVESHAM AMENDING CHAPTER 15,
LAND USE ADMINISTRATION, AND CHAPTER 160, ZONING,
OF THE CODE OF THE TOWNSHIP OF EVESHAM, COUNTY OF
BURLINGTON AND STATE OF NEW JERSEY**

WHEREAS, approximately 55% of the land area of Evesham Township is within the Pinelands National Reserve and subject to the regulations and standards of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Township of Evesham is from time to time required to revise its land use ordinances in order to remain consistent with the Pinelands Comprehensive Management Plan (CMP) requirements; and

WHEREAS, in recent years the Pinelands Commission has adopted three sets of amendments to the CMP that must be incorporated into the Township's land use ordinances; and

WHEREAS, the purpose of this Ordinance is to amend Chapter 15, Land Use Administration, and Chapter 160, Zoning, of the Code of the Township of Evesham in response to amendments to the Pinelands Comprehensive Management Plan effective January 3, 2012, September 2, 2014, and March 5, 2018.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Township Council of the Township of Evesham, County of Burlington, State of New Jersey as follows:

SECTION I. Amend Chapter 15, Land Use Administration, Article VII, Pinelands Area Development Review Procedures, §15-32, Applicability of procedures, by revising subsection B as follows:

- B.** In addition to the other development review procedures of the Township of Evesham set forth in this chapter, the Subdivision Ordinance, the Site Plan Review Ordinance, and the Land Use Regulations Ordinance, all development located within the Pinelands Area shall comply with the procedures set forth in this article, except for the following and except as provided in Subsection C below:

(1)-(6) (No change.)

(7) The construction of any addition or accessory structure for any non-residential use or any multi-family residential structure provided that:

(a) If the addition or structure will be located on or below an existing impervious surface, either the existing use is served

by public sewers or the addition or structure will generate no wastewater flows, and said addition or structure will cover an area of no more than 4,999 square feet; and

- (b) If the addition or structure will not be located on or below an impervious surface, said addition or structure will generate no wastewater flows and will cover an area of no more than 1,000 square feet.

(8)-(10) (No change.)

(11) The repaving of existing paved roads and other paved surfaces, provided no increase in the paved width or area of said roads and surfaces will occur.

(12) The clearing of land solely for agricultural or horticultural purposes.

(13)-(18) (No change.)

(19) The installation of an accessory solar energy facility on any existing structure or impervious surface.

(20) The installation of a local communications facilities antenna on an existing communications or other suitable structure, provided such antenna is not inconsistent with any comprehensive plan for local communications facilities approved by the Pinelands Commission pursuant to N.J.A.C. 7:50-5.4(c)6.

(21) The establishment of a home occupation within an existing dwelling unit or structure accessory thereto, provided that no additional development is proposed.

(22) The change of one nonresidential use to another nonresidential use, provided that the existing and proposed uses are or will be served by public sewers and no additional development is proposed.

SECTION II. Amend Chapter 15 Land Use Administration, Article VII, Pinelands Area Development Review Procedures, §15-36, Notices of hearing and approval to Pinelands Commission, to replace the section in its entirety with the following:

§ 15-36 Notices of hearing and approval to Pinelands Commission.

A. Application submission and modifications. Written notification shall be given by the Township, by email or regular mail, to the Pinelands Commission within seven days after a determination is made by the Township that an application for development in the Pinelands Area is complete or if a determination is made by the administrative officer that the application has been modified. Said notice shall contain:

- (1) The name and address of the applicant;

- (2) The legal description and street address, if any, of the parcel that the applicant proposes to develop;
 - (3) A brief description of the proposed development, including uses and intensity of uses proposed;
 - (4) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued;
 - (5) The date on which the application, or any change thereto, was filed and any application number or other identifying number assigned to the application by the approval agency;
 - (6) The approval agency with which the application or change thereto was filed;
 - (7) The content of any change made to the application since it was filed with the Commission, including a copy of any revised plans or reports; and
 - (8) The nature of the municipal approval or approvals being sought.
- B.** Hearings. Where a meeting, hearing or other formal proceeding on an application for development approval in the Pinelands Area is required, the applicant shall provide notice to the Pinelands Commission by email, regular mail or delivery of the same to the principal office of the Commission at least five days prior to such meeting, hearing or other formal proceeding. Such notice shall contain at least the following information:
- (1) The name and address of the applicant.
 - (2) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued.
 - (3) The date, time and location of the meeting, hearing or other formal proceeding.
 - (4) The name of the approval agency or representative thereof that will be conducting the meeting, hearing or other formal proceeding.
 - (5) Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission.

- (6) The purpose for which the meeting, hearing or other formal proceeding is to be held.
- C. Notice of approvals and denials. The Pinelands Commission shall be notified of all approvals and denials of development in the Pinelands Area, whether the approval occurs by action or inaction, by any approval agency or an appeal of any agency's decision. The applicant shall, within five days of the approval or denial, give notice by email or regular mail to the Pinelands Commission. Such notice shall contain the following information:
- (1) The name and address of the applicant.
 - (2) The legal description and street address, if any, of the parcel that the applicant proposes to develop.
 - (3) The application number of the Certificate of Filing issued by the Pinelands Commission and the date on which it was issued.
 - (4) The date on which the approval or denial was issued by the approval agency.
 - (5) Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission.
 - (6) Any revisions to the application not previously submitted to the Commission.
 - (7) A copy of the resolution, permit, or other documentation of the approval or denial. If the application was approved, a copy of any preliminary or final plan, plot or similar document that was approved shall also be submitted.

SECTION III. Revise Chapter 160, Zoning, Article I, General Provisions, §160-5, Word usage; definitions, to replace or add the following definitions to Subsection B:

ALTERNATE DESIGN PILOT PROGRAM TREATMENT SYSTEM

An individual or community on-site waste water treatment system that has the capability of providing a high level of treatment including a significant reduction in the level of total nitrogen in the wastewater and that has been approved by the Pinelands Commission for participation in the alternate design wastewater treatment systems pilot program pursuant to N.J.A.C. 7:50-10.23(b). Detailed plans and specifications for each authorized technology are available at the principal office of the Pinelands Commission.

IMMEDIATE FAMILY

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

SOLAR ENERGY FACILITY

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

SECTION IV. Amend Chapter 160, Zoning, Article II, Supplementary Regulations, §160-50, Water quality in Pinelands, to revise subsection B(3) as follows:

- (3) Individual on-site septic wastewater treatment systems shall comply with N.J.A.C. 7:50-6.84(a)4, 6.84(a)5, and 6.85(a).

SECTION V. Amend Chapter 160, Zoning, Article II, Supplementary Regulations, §160-50, Water quality in Pinelands, to revise subsection B(4) as follows:

- (4) Alternate design pilot program treatment systems shall be permitted, provided that:

- (a)-(j) (No change.)

- (k) The property owner shall record with the deed to the property a notice consistent with that approved pursuant to N.J.A.C. 7:50-1022(a)2vi that identifies the technology, acknowledges the owner's responsibility to operate and maintain it in accordance with the manual required in Subsection B(4)(i) above, and grants access, with reasonable notice, to the local Board of Health, the Commission and its agents for inspection and monitoring purposes. The recorded deed shall run with the property and shall ensure that the maintenance requirements are binding on any owner of the property during the life of the system and that the monitoring requirements are binding on any owner of the property during the time period the monitoring requirements apply pursuant to the pilot program or any subsequent regulations adopted by the Commission that apply to said system; and

- ~~(l) No alternate design pilot program treatment system shall be installed after August 5, 2007; and~~

- (l) The permitted residential densities and minimum lot size requirements set forth in §§ 160-55 through 160-62 shall continue to apply. No increase in such densities or reduction in such minimum lot size requirements shall be permitted to occur as a result of the use of an alternate design pilot program treatment system.

SECTION VI. REPEALER

Ordinances or provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

SECTION VII. INVALIDITY

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

SECTION IV. EFFECTIVE DATE

This Ordinance shall take effect upon adoption and publication according to law and the filing of same with the Burlington County Planning Board in accordance with N.J.S.A. 40:55D-16 and the Pinelands Commission in accordance with N.J.A.C. 7:50-3.31 through 3.45.

Please take notice that the ordinance published herewith was introduced and passed on first reading at the Regular Meeting of the Township Council of the Township of Evesham in the County of Burlington, State of New Jersey, held on March 5, 2019, and said ordinance will be further considered for final passage after public hearing at a meeting of said Township Council to be held on March 19, 2019, at 7:00 P.M. in the Municipal Complex, 984 Tuckerton Road, Marlton, New Jersey, at which time and place all persons interested will be given an opportunity to be heard concerning such ordinance.

Mary Lou Bergh, RMC
Township Clerk

