

55-299. OTHER PERFORMANCE STANDARDS AND CONSIDERATIONS. [Amended 4-3-89 by Ord. No. 1989-8; 6-5-89 by Ord. No. 1989-14; 12-16-96 by Ord. No. 1996-60 § 51; 2-2-98 by Ord. No. 1998-2 § 2]

- A. *Agriculture.*** All agricultural activities and fish and wildlife management activities, including the preparation of land and the planting, nurturing and harvesting of crops, shall be carried out in accordance with recommended management practices established for the particular agricultural activity by the New Jersey Department of Agriculture, the Soil Consideration Service, and the New Jersey Agricultural Experimental Station at Rutgers University.
- B. *Fish and Wildlife.***
- (1) No development shall be carried out in the Pinelands Area unless it is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of those threatened or endangered animal species designated by the Department of Environmental Protection pursuant to N.J.S.A. 23:2A-1 et seq.
- (2) All development or other authorized activity shall be carried out in a manner which avoids disturbance of fish and wildlife habitats that are essential to the continued nesting, resting, breeding and feeding of significant populations of fish and wildlife in the Pinelands Area

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C. Floodways and Flood Hazard Areas.

- (1) In a floodway, no development or storage of material shall be permitted except as authorized in § 55-298.
- (2) In a flood hazard area, no building or structure shall be permitted if the elevation of any floor of such a structure, including basement, shall be less than one (1) foot above the flood hazard area design flood profile. The following uses are permitted provided they are in accordance with the requirements of §§ 55-298.

D. Mandatory Sign Provisions.

- (1) No sign, other than warning or safety signs, which is designated or intended to attract attention by sudden, intermittent or rhythmic movement, or physical or lighting change, shall be permitted.
- (2) No sign, other than warning or safety signs, which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation shall be permitted.
- (3) No outdoor off-site commercial advertising sign, billboard, commercial billboard or other off-premises sign shall be permitted, erected or replaced in the Pinelands Area of Barnegat Township except as otherwise specifically provided within this ordinance.
 - (a) **Developer Signs: Developer Signs (Off-Premises):** Any off-premises sign directing traffic to a development site, sales office, model homes, etc. shall require a change of use application for site plan exemption and approval by the Site Plan Review Subcommittee of the Planning Board pursuant to §§ 55-141 and 55-226 of the Barnegat Township Land Use Code

(Ordinance 1996-27). In viewing the application, the Site Plan Subcommittee shall apply the following criteria: Prior to submitting application, the applicant shall obtain outside agency approval (or letter of no interest) as may be required by reason of jurisdiction by the New Jersey Department of Transportation, County of Ocean, Pinelands Commission, Department of Environmental Protection, etc. Signs shall not exceed four (4) square feet in area and three (3) feet in height measured from the crown of the road or the top of the curb, except a maximum height of two and one-half (2 1/2) feet within a sight triangle. Off-premises signs shall not be clustered and no such sign shall be placed within fifty (50) feet of any other sign.

- (4) Any existing sign which does not conform to paragraphs D(1) and (2) above shall be removed immediately. Any existing sign which does not conform to paragraph D(3) above shall be removed no later than December 5, 1996, except for those existing, lawful off-site commercial advertising signs located in the RH, RM, RL and RL/AC zones and in that portion of the CN Zone located in the Regional Growth Area that were in existence as of January 14, 1981.
- (5) To the maximum extent practical, the character and composition of construction materials for all signs shall be harmonious with the scenic values of the Pinelands Area.

E. Location of Utilities.

- (1) New utility distribution lines and telephone lines to locations not presently served by utilities shall be placed underground except for those lines which

are located on or adjacent to active agricultural operations.

- (2) All electric utility transmission lines shall be located on existing towers or underground to the maximum extent practical.

F. Reserved. [Deleted 2-2-98 by Ord. No. 1998-2 § 2]

G. *Waste Management.* No hazardous or toxic substances, including hazardous wastes, shall be stored, transferred, processed, discharged, disposed or otherwise used in the Pinelands Area. The land application of waste or waste derived materials is prohibited in the Pinelands Area, except as expressly authorized in N.J.A.C. 7:50-6.79. Waste management facilities shall only be permitted in the Pinelands Area in accordance with the standards set forth in N.J.A.C. 7:50-6.

H. *Recreation .*

- (1) All recreation areas and facilities shall be designed in accordance with the New Jersey Department of Environmental Protection's publication Administration Guidelines: Barrier-Free Design Standards for Parks and Recreation Facilities.
- (2) Improved bicycling facilities shall be provided only in conjunction with paved roads within the PA, PF and FI Zones.