

**ARTICLE XX
DEFINITIONS**

55-305. DEFINITIONS AND WORD USAGE.

As used in this chapter, the following terms shall have the meanings indicated.

A. Word Usage.

- (1) The term "shall" indicates a mandatory requirement, and the term "may" indicates a permissive action.
- (2) **Words and phrases.** Unless the natural construction of the word indicates otherwise, all words used in the present tense include the future; the singular number includes the plural, and the plural the singular. The word "building" includes the word "structure or any part thereof"; the word "occupied" includes the word "designed or intended to be occupied"; the word "used" includes "arranged," "designed" or "intended to be used"; the word "person" includes individuals, firms, copartnerships and corporations. The word "shall" is always mandatory and not directory. The word "may" is permissive. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

B. Definitions.

ACCESSORY BUILDING, STRUCTURE OR USE—A building, structure or use which is customarily associated with and is subordinate and incidental to the principal building, structure or use and which is located on the same lot therewith, including, but not limited to garages, carports, decks, kennels, sheds, non-portable swimming pools, and all roofed structures. Any accessory building or structure attached to the principal building shall be considered part of the principal

building for required setbacks except as otherwise provided in this chapter for decks under § 55-187. [Amended 9-11-95 by Ord. No. 1995-41 § 5 and Ord. No. 1995-42 § 5]

ADMINISTRATIVE OFFICER—The Community Development Director, unless a different municipal official is designated by Article III, § 55-80 of the Land Use Ordinance, is designated to administer certain of the responsibilities and authorities specified for the Administrative Officer in N.J.S.A. 40:55D-1 et seq. [Amended 12-5-94 by Ord. No. 1994-29 §§ 1, 2]

AFFORDABLE HOUSING:

DIVISION 1: PINELANDS - WEST OF PARKWAY

AFFORDABLE HOUSING—As defined in the Pinelands Comprehensive Management Plan, housing for which a household will not have to spend more than thirty percent (30%) of their annual income for shelter.

AGRICULTURAL COMMERCIAL ESTABLISHMENT:

DIVISION 1: PINELANDS - WEST OF PARKWAY

AGRICULTURAL COMMERCIAL ESTABLISHMENT—A retail sales establishment primarily intended to sell agricultural products produced in the Pinelands. An agricultural commercial establishment may be seasonal or year round and may or may not be associated directly with a farm; however it does not include supermarkets, convenience stores, restaurants and other establishments which coincidentally sell agricultural products, nor does it include agricultural processing facilities such as a farm itself, nor facilities which are solely processing facilities. [Amended 4-3-89 by Ord. No. 1989-8]

AGRICULTURAL USE:

DIVISION 1: EAST OF PARKWAY

AGRICULTURAL USE—Land devoted to the production or sale of plants and/or animals.

**DIVISION 2: PINELANDS –
WEST OF PARKWAY**

AGRICULTURAL USE—Any production of plants or animals useful to man, including but not limited to: forages or sod crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, and including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, and berries; vegetables; nursery, floral, ornamental and greenhouse products; or any land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agency of the federal government.

AGRICULTURE—The growing and harvesting of crops and/or the raising and breeding of poultry and livestock, including dairies, nurseries, greenhouses and accessory buildings incidental to agricultural uses.

ALTERNATE DESIGN PILOT PROGRAM TREATMENT SYSTEM [Added 10-7-03 by Ord. No. 2003-33]—An individual or community on site wastewater 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, limited to the following systems authorized for use for residential

development by the pilot program established in N.J.A.C. 7:50-10, Part IV:

- (1) Ashco RFS III;
- (2) FAST;
- (3) Cromaglass;
- (4) Bioclere; and
- (5) Amphidrome

ALTERATION OF BUILDING—Any change in supporting members of a building, except such change as may be required for its safety; any addition to a building; any change in use from one district classification to another; or removal of a building from one location to another.

ANIMALS, THREATENED AND ENDANGERED—See N.J.A.C. 7:50-6.32. [Amended 6-5-89 by Ord. No. 1989-14]

APARTMENT—A portion of a building consisting of a room or group of rooms used as a dwelling for a family and set apart as a separate unit from other units or portions of a building.

APPLICANT—A developer submitting an application for development.

APPLICATION FOR DEVELOPMENT: DIVISION 1: EAST AND WEST OF PARKWAY

APPLICATION FOR DEVELOPMENT—The application form and all accompanying documents required by this chapter for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to N.J.S.A. 40:55D-34 or 40:55D-36.

**DIVISION 2: PINELANDS -
WEST OF PARKWAY**

APPLICATION FOR DEVELOPMENT (Pinelands Area)–Any application filed with any permitting agency for any approval, authorization or permit which is a prerequisite to initiating development in the Pinelands Area, except as provided in Section 55-276. [Amended 6-5-89 by Ord. No. 1989-14]

APPROVAL AGENCY–Any board, body or other authority within the township with authority to approve or disapprove subdivisions, site plans, construction permits or other applications for development approval.

ASSISTED LIVING RESIDENCE/ASSISTED CARE FACILITY:

DIVISION 1: EAST OF PARKWAY

ASSISTED LIVING RESIDENCE/ASSISTED CARE FACILITY–A facility which is licensed by the New Jersey Department of Health and Senior Services pursuant to N.J.A.C. 8:36-1 et seq., to provide apartment-style housing and congregate dining, and to assure that a coordinated array of supportive personal and health services, available twenty-four (24) hours per

day to residents who have been assessed to need these services, including residents who require formal long term care, are available when needed, for four (4) or more adult persons unrelated to the proprietor. They may provide other services, such as recreational activities, financial services and transportation. Apartment units shall offer at a minimum, one (1) unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance. [Added 10-5-98 by Ord. No. 1998-22 § 1]

AUTOMOBILE FILLING STATIONS—Lands and buildings providing for the retail sale of motor vehicle fuels, lubricants and automotive accessories and convenience stores or mini marts for the sales of snacks, beverages, food staples such as milk and bread, and travel accessories such as sunglasses, aspirin, etc. Filling stations may include ancillary facilities for rendering services such as lubrication, oil changing, maintenance, car washing and detailing. No repairs or painting or the storage of inoperable or unregistered vehicles shall be permitted. Additionally, no car or truck rental, parking for a fee or other activity not specifically a part of the service station use shall be permitted. [Amended 8-17-98 by Ord. No. 1988-13 § 1 and Ord. No. 1998-14 § 1]

AUTOMOTIVE REPAIR GARAGES—Lands and buildings providing the maintenance, servicing and repairs of motor vehicles including minor and major repairs, and detailing. No storage of junked or unregistered vehicles, body repairs or painting shall be permitted [Added 8-17-98 by Ord. No. 1998-13 § 2 and Ord. No. 1998-14 § 2]

BLOCK—The length of a street between two (2) street intersections or a distance of one thousand (1,000) feet from the nearest street intersection.

BOATYARD An establishment, the primary function of which is boat construction, boat repair, maintenance

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and storage or a combination of these services and facilities.

BUFFER AREA—A strip of land which separates multi-family, commercial, office or industrial-type districts from adjoining residential districts so as to allow adequate screening of view, noise or activity taking place within these districts from adjoining residences. Within any such buffer area, no buildings, structures, driveways, parking or loading area or other use of the land shall be permitted unless otherwise provided in this chapter.

BUILDING—A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof.

BUILDING AREA—The total areas of outside dimensions on a horizontal plane at ground level of the principal building and all accessory buildings.

BUILDING HEIGHT—The vertical distance of a building measured from grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs. For structures, the vertical distance measured from grade to its highest point.

BUILDING LINE—A line formed by the intersection of a horizontal plane at average grade level and a vertical plane that coincides with the exterior surface of the building on any side. In the case of a cantilevered or projected section of a building, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.

BUILDING SETBACK LINE—The line to which the principal building must conform in its setback from the street line.

CAMPSITE:

DIVISION 1: PINELANDS - WEST OF PARKWAY

CAMPSITE—A place used or suitable for camping, on which temporary shelter such as a tent or camper may be placed and occupied on a temporary and seasonal basis. [Amended 4-3-89 by Ord. No. 1989-8]

CENTER LINE OF STREET—A line midway between and parallel to the two (2) street or property lines.

CERTIFICATE OF APPROPRIATENESS:

DIVISION 1: PINELANDS - WEST OF PARKWAY

CERTIFICATE OF APPROPRIATENESS—A certificate issued by the local Preservation Board signifying its approval of plans to alter, remodel, relocate, or demolish a designated historic resource or to undertake development in a designated historic district in the Pinelands Area. For the purposes of this chapter the Township of Barnegat Planning Board shall be designated as the local Preservation Board.

CERTIFICATE OF FILING:

DIVISION 1: PINELANDS - WEST OF PARKWAY

CERTIFICATE OF FILING—A certificate issued by the Pinelands Commission pursuant to N.J.A.C. 7:50-4.34 and 4.82 that a complete application for major development has been filed. [Amended 6-5-89 by Ord. No. 1989-14]

CERTIFICATE OF OCCUPANCY—A certificate issued by the Building Inspector and certified by the Zoning Officer upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies that all requirements and regulations as provided herein and all other applicable requirements have been complied with, and

as further defined and delineated in the New Jersey State Construction Code.

CLUBHOUSE—A building to house a club or social organization not conducted for profit and which is not an adjunct to or operated by or in connection with a public tavern, cafe or other public place.

CLUSTER DEVELOPMENT—A development technique based on the dwelling unit density for the tract, which allows the lot sizes for dwellings to be reduced so that individual segments of the tract have higher densities, provided that other portions of the tract are dedicated for public and/or private open spaces so that the gross density limitation of the entire tract is not exceeded.

COMMON OPEN SPACE—An open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

COMPLETE APPLICATION—An application form completed as specified in this chapter and in accordance with the rules and regulations of the appropriate municipal agency as defined herein, and all accompanying documents required by this chapter or other ordinances of the Township of Barnegat for approval of the application for development, including where applicable, but not limited to, a site plan or subdivision plat; provided that the appropriate municipal agency may require such additional information not specified in this chapter or other ordinance, or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not

be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the municipal agency. An application shall be certified as complete immediately upon the meeting of all requirements specified in this chapter or other ordinances and in the rules and regulations of the municipal agency, and shall be deemed complete as of the day it is so certified by the administrative officer, as defined herein, for purposes of the commencement of the time period for action by the municipal agency.

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 the zoning regulations and upon the issuance of an authorization therefor by the municipal agency.

CONSTRUCTION—The construction, erection, reconstruction, alteration, conversion, demolition, removal or equipping of buildings or structures.

CONTIGUOUS LANDS—Land which is connected or adjacent to other land so as to permit the land to be used as a functional unit; provided that separation by lot line, streams, roads, rights-of-way, and easements shall not affect the contiguity of land.

CONVENIENCE STORE—A relatively small food market where prepackaged foods, magazines and newspapers, cigarettes, dairy products, and/or other similar foods and items are sold for consumption of use elsewhere, including those establishments where, as a secondary use of the premises, prepared food (e.g., meats, cheeses, salads, etc.) are sold over the counter in sandwiches or are packaged for take out. [Added 8-17-98 by Ord. No. 1998-13 § 2 and Ord. No. 1998-14 § 2]

CONVENTIONAL DEVELOPMENT—A development other than a planned development.

COURT—An open, unobstructed space other than a yard. An outer court is one which extends to the street or to the front or rear yard. An inner court is any other court.

DAY—For the purpose of computing time limits, the word day refers to a calendar day.

DECK—A horizontal platform constructed of wood, fiberglass or other combination of materials, serving as an outdoor open-air accessory floor area, with or without railings, whether built at grade or elevated. See § 55-187 for specific regulations. [Added 9-11-95 by Ord. No. 1995-41 § 5 and Ord. No. 1995-42 § 5]

DENSITY—The average number of dwelling units per area of land measured in acres.

DEVELOPER—The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase or other person having an enforceable proprietary interest in such land.

DEVELOPMENT:

DIVISION 1: EAST OF PARKWAY

DEVELOPMENT—The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or of any mining, excavation or landfill; and any use or change in the use of any building or other structure or land or extension of use of land for which permission may be required pursuant to the Municipal Land Use Law.

DIVISION 2: PINELANDS - WEST OF PARKWAY

DEVELOPMENT—The change or enlargement of any use or disturbance of any land, the performance of any

building or mining operation, the division of land into two (2) or more parcels, and the creation or termination of rights of access or riparian rights including, but not limited to:

- (1) A change in type of use of a structure or land;
- (2) A reconstruction, alteration of the size, or material change in the external appearance of a structure or land;
- (3) A material increase in the intensity of use of land such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land;
- (4) Commencement of resource extraction drilling, or excavation on a parcel of land;
- (5) Commencement of forestry activities; [Amended 65-89 by Ord. No. 1989-14]
- (6) Demolition of a structure or removal of trees;
- (7) Deposit of refuse, solid or liquid waste or fill on a parcel of land;
- (8) In connection with the use of land, the making of any material change in noise levels, thermal conditions, or emissions of waste material; and
- (9) Alteration, either physically or chemically, of a shore, bank or flood plain, seacoast, river, stream, lake, pond, wetlands or artificial body of water.

DEVELOPMENT APPROVAL:

DIVISION 1: PINELANDS - WEST OF PARKWAY

DEVELOPMENT APPROVAL—Any approval granted by an approval agency, including appeals to the governing body, except certificates of occupancy and variances pursuant to N.J.S.A. 40:55D-70, which do not otherwise

include issuance of a construction permit, subdivision or site plan approval.

DEVELOPMENT, MAJOR:

DIVISION 1: PINELANDS - WEST OF PARKWAY

DEVELOPMENT, MAJOR—Any division of land into five (5) or more lots; any construction or expansion of any housing development of five (5) or more dwelling units; any construction or expansion of any commercial or industrial use or structure on a site of more than three (3) acres; or any grading, clearing, or disturbance of an area in excess of five thousand (5,000) square feet. [Added 6-5-89 by Ord. No. 1989-14]

DEVELOPMENT, MINOR:

DIVISION 1: PINELANDS - WEST OF PARKWAY

DEVELOPMENT, MINOR—All development other than major development. [Added 6-5-89 by Ord. No. 1989-14]

DEVELOPMENT REGULATION—Zoning, sub-division, site plan, Official Map or other municipal regulation of the use and development of land or amendment thereto, adopted and filed pursuant to the Municipal Land Use Law.

DRAINAGE—The removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

DRAINAGE RIGHT-OF-WAY—The lands required for the installation of stormwater sewers or drainage ditches or those required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public

against flood damage, in accordance with N.J.S.A. 58:11 to 58:1-34.

DWELLING, ATTACHED—One (1) dwelling unit in a line of three (3) or more attached dwelling units, with each dwelling unit extending from the ground to the roof and having individual outside access.

DWELLING, DETACHED—A building containing one (1) dwelling unit, which is designed for use as a single housekeeping unit.

DWELLING, MULTIPLE-FAMILY—Any building under a single roof, with or without fire wall partitions, designed for occupancy by three (3) or more households living as families.

DWELLING, SEMIDETACHED—A building containing two (2) dwelling units and having one (1) party wall.

DWELLING, SINGLE-FAMILY—A detached dwelling designed for use by a single household, including one (1) or more people living as a family.

DWELLING, TOWNHOUSE—One (1) of a series of at least three (3) attached single-family dwelling units separated from one another by continuous vertical walls without opening from basement to roof.

DWELLING, TWO-FAMILY—A building designed for or occupied exclusively by two (2) families living independently of each other.

DWELLING UNIT—A room or series of connected rooms containing living, cooking, sleeping and sanitary facilities for one (1) family.

EASEMENT—A right to use the real property of another created by deed or other legal means, for the benefit of private persons or the public, for one or more specific purposes such as access, drainage, conservation, or provision of utility services. [Added 8-17-98 by Ord. No. 1998-13 § 2 and Ord. No. 1998-14 § 2]

ELECTRIC DISTRIBUTION LINES—All electric lines other than electric transmission lines. [Added 6-5-89 by Ord. No. 1989-14]

ELECTRIC TRANSMISSION LINES—Electric lines which are part of an electric company's transmission and subtransmission system, which provide a direct connection between a generating station or substation of the utility company and: (a) another substation of the utility company; (b) a substation of or interconnection point with another interconnecting utility company; (c) a substation of a high-load customer of the utility. [Added 6-5-89 by Ord. No. 1989-14]

ENGINEER, BOARD OF ADJUSTMENT—The official licensed professional engineer appointed by the Board of Adjustment.

ENGINEER, PLANNING BOARD—The official licensed professional engineer appointed by the Planning Board.

ENGINEER, TOWNSHIP—The official licensed professional engineer appointed by the Township Committee of Barnegat.

ENLARGEMENT—An addition to the floor area of an existing building, an increase in the size of any other existing structure, or an increase in that portion of a tract of land occupied by an existing use.

ENVIRONMENTAL COMMISSION—A municipal advisory body created pursuant to P.L. 1968, Chapter 245, N.J.S.A. 40:56A-1 et seq.

EROSION—Detachment and movement of soil or rock fragments by water, wind, ice and gravity.

EROSION AND SEDIMENT CONTROL PLAN—A plan which fully indicates necessary land treatment measures, including a schedule of the timing for their installation, which will effectively minimize soil erosion and sedimentation. Such measures shall be equivalent

to or exceed standards adopted by the Ocean County Soil Conservation District pursuant to P.L. 1975, c. 251, the State of New Jersey Soil Erosion and Sedimentation Control Act.

EXCAVATION or CUT—Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated.

FAMILY—One (1) or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. A number of persons, but not exceeding two (2), living and cooking together as a single housekeeping unit through not related by blood, adoption or marriage shall be deemed to constitute a family.

FINAL APPROVAL—The official action of the Planning Board, or in some cases the Board of Adjustment, taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guaranties properly posted for their completion, or the approval conditioned upon the posting of such guaranties.

FISH AND WILDLIFE MANAGEMENT:

DIVISION 1: PINELANDS - WEST OF PARKWAY

FISH AND WILDLIFE MANAGEMENT—The changing of the characteristics and interactions of fish and wildlife population and their habitats in order to promote, protect and enhance the ecological integrity of those populations.

FLOOD HAZARD AREA:

DIVISION 1: PINELANDS - WEST OF PARKWAY

FLOOD HAZARD AREA—The floodway and additional portions of the flood plain that are subject to flood flow at lesser depths and lower velocities than the floodway

and that are inundated, by the (flood hazard) area design flood.

FLOODPLAIN:

DIVISION 1: PINELANDS - WEST OF PARKWAY

FLOODPLAIN—The relatively flat area adjoining a water channel which has been or may be hereafter covered by flood water.

FLOODWAY:

DIVISION 1: PINELANDS - WEST OF PARKWAY

FLOODWAY—The channel and portions of the adjacent flood plain that carry the greater part of flood flow at greater depths and velocities than do the other parts of the flood plain; that constitute the minimum area required for the passage of flood flows without aggravating flood conditions upstream and downstream; and that are necessary to preserve the natural regimen of the stream for the reasonable passage of the (floodway) design flood.

FLOOR AREA, GROSS—The total area of a structure for residential purposes or for business or commercial activities, which, in the case of the latter, includes facilities, showcase facilities and storage and sales facilities. For residential uses the gross floor area shall not include open porches, garages, basements, cellars and floor area with a headroom of less than seven (7) feet three (3) inches. Areas used for public halls or stairways in multifamily dwellings shall not be counted as gross floor area.

FLOOR AREA RATIO—The ratio of the gross floor area to lot area.

FORESTRY:**DIVISION 1: PINELANDS - WEST OF PARKWAY**

FORESTRY—[Added 6-5-89 by Ord. No. 1989.14; amended 12-16-96 by Ord. No. 1996-60 § 56] The planting, cultivating and harvesting of trees for the production of wood products, including firewood. It includes such practices as reforestation, site preparation and other silvicultural practices. For purposes of this chapter, the following activities shall not be defined as forestry and, although they may otherwise require an application for development, they shall not require the issuance of a forestry permit:

- (1) Removal of trees located on a parcel of land one (1) acre or less on which a dwelling has been constructed;
- (2) Horticultural activities involving the planting, cultivating or harvesting of nursery stock or Christmas trees;
- (3) Removal of trees necessitated by the development of the parcel as otherwise authorized by this chapter;
- (4) Removal of trees necessary for the maintenance of utility or public rights-of-way;
- (5) Removal or planting of trees for the personal use of the parcel owner; and
- (6) Removal of trees for public safety.

GARAGE, PUBLIC—A building or portion thereof conducted as a business designed or used for servicing, repairing, painting, washing, equipping, renting, selling or storing motor-driven vehicles. The rental of storage space for one (1) commercial vehicle or for more than two (2) pleasure vehicles not owned by a person or persons residing on the premises shall be deemed a business use.

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GOVERNING BODY–The Township Committee.

GROSS ACREAGE–The entire acre of a tract without deduction for dedication for road or other improvements, not including natural tidal or nontidal bodies of water.

HABITAT:

DIVISION 1: PINELANDS - WEST OF PARKWAY

HABITAT–The natural environment of an individual animal or plant, population or community.

HEIGHT:

DIVISION 1: PINELANDS - WEST OF PARKWAY

HEIGHT–The vertical distance measured from grade to the highest point of the roof for flat roofs, to the deck line for mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs. [Added 6-5-89 by Ord. No. 1989-14]

HISTORIC RESOURCE:

DIVISION 1: PINELANDS - WEST OF PARKWAY

HISTORIC RESOURCE–Any building, area, district, structure, site, or group of features comprising a district which is designated as important to the history or pre-history, architecture, archaeology, or culture of the nation, state, region, county, or local area. [Amended 6-5-89 by Ord. No. 1989-14; 12-16-96 by Ord. No. 1996-60 § 57]

HISTORIC SITE Any building, structure, area or property that is important in the history or prehistory, architecture, archaeology or culture of this state, its communities or the nation and has been so designated pursuant to law. [Amended 6-5-89 by Ord. No. 1989-14]

HOME OCCUPATION–Includes the workshops of carpenters and plumbers, sailmaking, dressmaking,

cabinetmaking and furniture refinishing, the sale of antiques, beauty shops and all such similar trades which shall not constitute a nuisance to adjacent residential properties for reasons of noise, vibration, electrical interference and other causes.

HOMEOWNERS' ASSOCIATION—An incorporated, nonprofit organization operating under a recorded land agreement through which each lot owner, condominium owner, stockholder under a cooperative development or other owner of property or interests in the project shall be a member; each occupied dwelling unit is subject to a charge for a proportionate share of the expenses for the organization of activities and maintenance, including any maintenance costs levied against the association or the municipality; and each owner and tenant has a right to use the common property.

HOME PROFESSIONAL OFFICE—An accessory studio in a dwelling for use by a member of a recognized profession, including but not limited to a physician, dentist, lawyer, architect, engineer, teacher, accountant or minister.

HOTEL—A series of attached, semidetached or detached dwelling units operated as a single business containing individual sleeping or living units with bathrooms and closet space, with or without kitchens, designed for or used to provide housing accommodations, for a consideration, to tourists, transients and travelers and held out to the public as accommodations by the day, week or month. Wherever in this chapter the word hotel appears and restrictions are set forth to apply to the use of land for operation of a hotel, it shall be considered synonymous with the word motel, and the same restrictions and requirements shall apply to the construction and operation of a motel.

HYDROPHYTES:**DIVISION 1: PINELANDS - WEST OF PARKWAY**

HYDROPHYTES—Any plant growing in water or in substrate that is at least periodically deficient in oxygen as a result of excessive water content.

IMMEDIATE FAMILY:**DIVISION 1: PINELANDS - WEST OF PARKWAY**

IMMEDIATE FAMILY—Those persons related by blood or legal relationship in the following manner: grandparents, grandchildren, parents, sons, daughters, brothers, sisters, nieces, nephews, aunts, uncles and first cousins, husbands and wives, great grandparents and great grandchildren. [Amended 6-5-89 by Ord. No. 1989-14; 12-16-96 by Ord. No. 1996-60 § 57]

IMPERMEABLE SURFACE:**DIVISION 1: PINELANDS - WEST OF PARKWAY**

IMPERMEABLE SURFACE—Any surface which does not permit fluids to pass through or penetrate its pores and spaces.

IMPERVIOUS LOT AREA—The total square footage or other area measurement by which all buildings and other surfaces that do not allow percolation of water, as measured in a horizontal plane to the limits of the impervious area(s). All parking spaces and lots, paved or unpaved, swimming pools and other bodies of collected water, building, roads, driveways, walkways, tennis courts, patios, and any other structure or on-site material or ground condition that does not permit the natural soil absorption and permeation of water shall be considered impervious surfaces and included in the computation of impervious lot area. Areas that are landscaped with crushed stones or similar materials and are not used for parking or movement of vehicles shall

not be considered impervious surface. [Added 8-17-98 by Ord. No. 1998-13 § 2 and Ord. No. 1998-14 § 2]

INDUSTRIAL PARK—A total tract comprehensively planned, designed and approved for industrial or office uses, whether or not the buildings are erected in one (1) development stage or over a period of time, but where the streets, utilities and lots and/or tenants' parcels are set forth on a plan for the entire tract prior to construction of any portion of the tract. As development takes place in accordance with the approved plans, changes may be made in the plans for the undeveloped section to accommodate subsequent land needs, provided that the modifications conform to logical extensions of installed segments of streets, drainage, utilities and other facilities.

INSTITUTIONAL USE:

DIVISION 1: PINELANDS - WEST OF PARKWAY

INSTITUTIONAL USE—Any land used for the following public or private purposes: educational facilities, including universities, colleges, elementary and secondary and vocational schools, kindergartens and nurseries; cultural facilities such as libraries, galleries, museums, concert halls, theaters and the like; churches; cemeteries; public office buildings; hospitals, including such educational, clinical, research and convalescent facilities as are integral to the operation of the hospital; medical and health service facilities, including nursing homes, rehabilitation therapy centers and public health facilities; law enforcement facilities; military facilities; and other similar facilities. For purposes of this ordinance institutional use shall not include medical offices which are not associated with hospitals or other medical or health service facilities, nor shall it include assisted living facilities. [Amended 6-5-89 by Ord. No. 1989-14; 6-4-01 by Ord. No. 2001-15]

INTERESTED PARTY:

- (1) In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey.
- (2) In the case of a civil proceeding in any court or in an administrative proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire or enjoy property is or may be affected by any action taken under the Municipal Land Use Law or whose right to use, acquire or enjoy property under the Municipal Land Use Law or under any other law of this State or of the United States has been denied, violated or infringed by an action or a failure to act under the Municipal Land Use Law.

INTERIM RULE AND REGULATIONS:**DIVISION 1: PINELANDS - WEST OF PARKWAY**

INTERIM RULES AND REGULATIONS—The regulations adopted by the Pinelands Commission pursuant to the Pinelands Protection Act to govern the review of applications from the adoption of the regulations until the Pinelands Comprehensive Management Plan took effect on January 14, 1981. These regulations were formerly codified as N.J.A.C. 7:1G-1 et seq. [Added 6-5-89 by Ord. No. 1989-14]

JUNKED MOTOR VEHICLE—Any motor vehicle, tractor, farm machinery, construction equipment or part thereof left unattended or parked and where two (2) or more of the following conditions apply: expired Department of Motor Vehicles inspection sticker of thirty (30) days or more, no license plates, no registration, incapable of operation, broken glass, or one (1) or more flat tires. Junked motor vehicles are prohibited in all

zoning districts. [Added 8-17-98 by Ord. No. 1998-13 § 1 and Ord. No. 1998-14 § 1]

JUNKYARD—Any space, whether inside or outside the building, used for the collection, storage, keeping sale or abandonment of junk, including scrap metals, paper, rags, other scrap materials or discarded materials, or for

the collecting, dismantling, storage, demolition, salvage, resale or abandonment of automobiles or other vehicles or machinery or parts thereof. Junk yards are prohibited in all zoning district. [Amended 8-17-98 by Ord. No. 1998-13 § 1 and Ord. No. 1998-14 § 1]

KENNEL—A business devoted to the boarding, care or breeding of five (5) or more dogs and/or cats.

LAND:

DIVISION 1: EAST OF PARKWAY

LAND—Any ground, soil or earth, including marshes, swamps, drainageways and areas not permanently covered by water, within the municipality. Such term shall also include improvements and fixtures on, above or below the surface.

DIVISION 2: PINELANDS - WEST OF PARKWAY

LAND—Land includes the surface and subsurface of the earth.

LAND DISTURBANCE—Any activity involving the clearing, grading, transporting or filling of land and any other activity which causes land to be exposed to the danger of erosion.

LANDFILL—A site including an open dump, where solid waste, liquid and dry sewage sludge, and liquid and dry chemical waste are disposed of by land application with or without the use of management practices or soil covering.

LANDSCAPING—The installation of plant material or seed as part of development.

LOADING SPACE—An off-street space or berth on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading material.

LOCAL COMMUNICATIONS FACILITY:**DIVISION 1: PINELANDS - WEST OF PARKWAY**

LOCAL COMMUNICATIONS FACILITY—An antenna and any support structure, together with any accessory facilities, which complies with the standards in N.J.A.C. 7:50-5.4 and which is intended to serve a limited, localized audience through point to point communication, including cellular telephone cells, paging systems and dispatch communications. It does not include radio or television broadcasting facilities or microwave transmitters. [Added 12-16-96 by Ord. No. 1996-60 § 57]

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 which is determined by the limits of the lot lines bounding that area.

LOT, CORNER—Any lot which occupies the interior angle of the intersection of two (2) street lines. On all corner lots the building setback line abutting both street frontages shall not be less than the minimum front yard setback required on an adjoining interior lot fronting on such street. On all corner lots the minimum lot width and depth shall be measured along both abutting street lines. All corner lots shall have two (2) front yards, one (1) side yard and a rear yard. The side yard shall be considered to be the lesser of the two (2) remaining yards.

For the purposes of the installation of fences, sheds, pools or accessory structures only, the front yard shall extend for the full width of the street upon which the house fronts. On the other street, the front yard shall extend to a line perpendicular to the street which intersects the rear most point of the building. To the rear of this line shall be considered to be a part of the rear

yard. [Amended 8-5-96 by Ord. No. 1996-30 § 5 and Ord. No. 1996-31 § 5]

LOT COVERAGE—The percentage of the lot area covered by the total building area.

LOT, DEPTH OF—The average depth measured in the mean direction of the side lot lines from the front street line to the rear lot line. The rear line shall be deemed to be not further than a line drawn parallel to the front street line, entirely on the lot and not less than ten (10) feet long.

LOT FRONTAGE—Shall be measured along the street line between property side lines and in no case shall be less than two-thirds ($2/3$) of the required width of lot.

LOT LINE—Any line forming a portion of the exterior boundary of a lot. The lot line is the same as the street line for that portion of a lot abutting a street. Lot lines extend vertically in both directions from ground level.

LOT, WIDTH OF—The distance between the property side lines, measured at the building setback line as herein or otherwise established.

LOW INCOME HOUSEHOLD:

DIVISION 1: PINELANDS - WEST OF PARKWAY

LOW INCOME HOUSEHOLD—As defined in the Pine-lands Comprehensive Management Plan, a household with an annual income of less than eighty percent (80%) of the median income for the county or Standard Metropolitan Statistical Area.

MAINTENANCE GUARANTY—Any security, other than cash, which may be accepted by a municipality for the maintenance of any improvements required by the Municipal Land Use Law.

MAJOR SUBDIVISION—Any subdivision not classified as a minor subdivision.

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MASTER PLAN—A composite of one (1) or more written or graphic proposals for the development of the municipality as set forth in and adopted pursuant to Section 19 of the Municipal Land Use Law.

MEDIAN INCOME:

DIVISION 1: PINELANDS - WEST OF PARKWAY

MEDIAN INCOME As defined in the Pinelands Comprehensive Management Plan, the median of household income as determined from time to time by the New Jersey Department of Labor and Industry to be the median.

MIDDLE INCOME HOUSEHOLD:

DIVISION 1: PINELANDS - WEST OF PARKWAY

MIDDLE INCOME HOUSEHOLD—As defined in the Pinelands Comprehensive Management Plan, a household with an annual income between one hundred (100) and one hundred twenty percent (120%) of the median income for the county or Standard Metropolitan Statistical Area.

MINOR SITE PLAN—A development plan of one (1) or more lots which (1) proposes new development within the scope of development specifically permitted by the provisions of this chapter as a minor site plan; (2) does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to N.J.S.A. 40:55D-42; and (3) contains the information reasonably required by the municipal agency in order to make an informed determination as to whether the requirements established by this chapter or other ordinance for approval of a minor site plan have been met.

MINOR SUBDIVISION—A subdivision of land for the creation of four (4) or less lots fronting on an existing street, provided that such subdivision does not involve

(1) a planned development, (2) any new street or (3) the extension of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42.

MOBILE HOME—A structure designed primarily for family dwelling, eating, sleeping and complete year-round facilities. It is equipped with chassis and wheels, whether fixed or removed, for the purposes of being transported.

MOBILE HOME PARK—Any site, lot or tract of land upon which two (2) or more authorized mobile homes are parked permanently or temporarily, either free of charge or for revenue purposes, and shall include any appurtenant facilities used or designed as part of the equipment of such mobile home court or park.

MODERATE INCOME HOUSEHOLD:

DIVISION 1: PINELANDS - WEST OF PARKWAY

MODERATE INCOME HOUSEHOLD—As defined in the Pinelands Comprehensive Management Plan, a household with an annual income which is eighty (80) to one hundred percent (100%) of the median income for the county or Standard Metropolitan Statistical Area.

MOTEL—A series of attached, semidetached or detached dwelling units operated as a single business containing individual sleeping or living units with bathrooms and closet space, with or without kitchens, designed for or used to provide housing accommodations, for a consideration, to tourists, transients and travelers and held out to the public as accommodations by the day, week or month. Wherever in this chapter the word motel appears and restrictions are set forth to apply to the use of land for the operation of a motel, it shall be considered synonymous with the word hotel, and the same restrictions and requirements shall apply to the construction and operation of a hotel. Motel shall not be construed to include mobile or immobile trailers.

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MUNICIPAL AGENCY–The Township Committee, Planning Board, Board of Adjustment or Zoning Officer when acting pursuant to this chapter.

MUNICIPAL LAND USE LAW–Refers to N.J.S.A. 40:55D-1, et seq.

NAVIGABLE WATERS–Water capable of being traversed by pleasure craft.

NONCONFORMING LOT–A lot of record existing at the date of the adoption, revision or amendment of this chapter, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of this chapter, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING STRUCTURE–A structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of this chapter, 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 the provisions of this chapter, 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.

NURSERY SCHOOL or DAY NURSERY–A day-care operation or school for not less than five (5) pre-school-age children.

NURSING HOME AND LONG-TERM CARE FACILITY:

DIVISION 1: EAST OF PARKWAY

NURSING HOME AND LONG-TERM CARE FACILITY–
An institution or a distinct part of an institution

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that is licensed or approved by the New Jersey Department of Health pursuant to N.J.A.C. 8:36-1 et seq., to provide health care under medical supervision for twenty-four (24) or more consecutive hours to two (2) or more patients who are not related to the owner or operator or its members by marriage, blood or adoption. These facilities are also referred to as nursing homes, extended care centers and skilled nursing facilities. [Added 10-5-98 by Ord. No. 1998-22 § 1]

OFFICIAL MAP-A map adopted in accordance with N.J.S.A. 40:55D-32 et seq. or any prior act authorizing such adoption. Such map shall be deemed to be conclusive with respect to the location and width of the streets and public drainageways and the location and extent of flood control basins and public areas shown thereon.

OFF-SITE-Located outside the lot lines of the lot in question but within the property (of which the lot is a part) which is the subject of a development application or contiguous portion of a street or right-of-way.

OFF-SITE COMMERCIAL ADVERTISING SIGN-A sign, other than a sign which advertises an agricultural commercial establishment, which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign located. [Amended 4-3-89 by Ord. No. 1989-8]

OFF-TRACT-Not located on the property which is the subject of a development application nor on a contiguous portion of a street or right-of-way.

ON-SITE-Located on the lot in question.

ON-TRACT-Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

OWNER—Any individual, family group, firm, association, syndicate, copartnership or corporation having sufficient proprietary interest in land which is the subject of a development proposal.

PARCEL—Any quantity of land, consisting of one (1) or more lots, that is capable of being described with such definitions that its location and boundaries may be established. [Amended 12-16-96 by Ord. No. 1996-60 § 57]

PARKING SPACE An off-street space available for the parking of a motor vehicle, exclusive of passageways and driveways.

PERFORMANCE GUARANTY—Any security which may be accepted, including cash, provided that the township shall not require more than ten percent (10%) of the total performance guaranty in cash.

PERFORMANCE STANDARDS:

DIVISION 1: EAST OF PARKWAY

PERFORMANCE STANDARDS—Provisions of this chapter regulating noise, vibration, radiation, electrical interference, noxious odors, toxic substances, explosive and flammable materials, smoke and airborne particles, waste discharge, buffer screening of unsightly conditions and such other matters as may be necessary to achieve the purposes of this chapter.

DIVISION 2: PINELANDS - WEST OF PARKWAY

PERFORMANCE STANDARDS—Include the following:

- (1) Quantitative and qualitative regulations adopted by this chapter with respect to noise levels, glare, earthborne or sonic vibrations, heat, radiation, noxious odors, toxic and hazardous substances, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and

such other similar matters as may be necessary to achieve the purposes of this chapter; and

- (2) Those other standards required by applicable federal or state laws or township ordinances.

PERMITTED USE—Any use of land or buildings as permitted by this chapter in particular zoning districts.

PERSON OR PARTY—An individual, corporation, public agency, business trust, partnership association, two (2) or more persons having a joint or common interest, or any other legal entity.

PINELANDS AREA:

DIVISION 1: PINELANDS - WEST OF PARKWAY

PINELANDS AREA—The area designated pursuant to Section 10(a) of the Pinelands Protection Act, including all lands in the township lying west of the Garden State Parkway.

PINELANDS COMMISSION:

DIVISION 1: PINELANDS - WEST OF PARKWAY

PINELANDS COMMISSION—The Commission created pursuant to the Pinelands Protection Act, N.J.S.A. 13:18A-1 to 29, as amended.

PINELANDS COMPREHENSIVE MANAGEMENT PLAN:

DIVISION 1: PINELANDS - WEST OF PARKWAY

PINELANDS COMPREHENSIVE MANAGEMENT PLAN—The plan and amendments thereto adopted by the Pinelands Commission pursuant to the Pinelands Protection Act, N.J.S.A. 13:18A-1 to 29, as amended.

PINELANDS DEVELOPMENT CREDIT:**DIVISION 1: PINELANDS - WEST OF PARKWAY**

PINELANDS DEVELOPMENT CREDIT—A use right allocated to certain lands within the township and the Pinelands Area pursuant to N.J.A.C. 7:50-5.43 that can be used to secure a residential density bonus on certain other lands within the township and Pinelands Area.

PINELANDS DEVELOPMENT REVIEW BOARD:**DIVISION 1: PINELANDS - WEST OF PARKWAY**

PINELANDS DEVELOPMENT REVIEW BOARD—The agency responsible from February 8, 1979 until June 28, 1979 for the review of and action on applications for development in the Pinelands Area which required approvals of other state agencies, except where the Pinelands Commission acted on applications during that time period. [Amended 6-5-89 by Ord. No. 1989-14]

PINELANDS PROTECTION ACT:**DIVISION 1: PINELANDS - WEST OF PARKWAY**

PINELANDS PROTECTION ACT—N.J.S.A. 13:18A-1 to 29, as amended.

PINELANDS RESOURCE RELATED USE: DIVISION**1: PINELANDS - WEST OF PARKWAY**

PINELANDS RESOURCE RELATED USE—Any use which is based on resources which are indigenous to the Pinelands including but not limited to forest products, berry agriculture and sand, gravel, clay or ilmenite.

PLANNED DEVELOPMENT—A planned unit development, planned unit residential development or residential cluster, all as more fully defined by N.J.S.A. 40:55D6.

PLAT—A map or maps of a subdivision or site plan.

PLAT, FINAL—The plat of all or a portion of the development prepared and submitted to the approving authority for final approval in accordance with Article V and Article VI of this chapter. Final plat shall also include and be synonymous with the term final site plan.

PLAT, PRELIMINARY—The plat prepared and submitted to the approving authority as a part of the application for preliminary approval in accordance with Article V and Article VI of this chapter. Preliminary plat shall also include and be synonymous with the term preliminary site plan.

PLAT, SKETCH—The plat prepared and submitted to the approving authority for purposes of classification and discussion in accordance with Article V of this chapter.

PRELIMINARY APPROVAL—The conferral of certain rights pursuant to Sections 34, 36 and 37 of the Municipal Land Use Law prior to final approval after specific elements of a development plan have been agreed upon by the Planning Board and the applicant.

PRELIMINARY FLOOR PLANS AND ELEVATIONS—Architectural drawings prepared during early and introductory stages of the design of a project illustrating, in a schematic form, its scope, scale and relationship to its site and immediate environs.

PRESERVATION AREA:

DIVISION 1: PINELANDS - WEST OF PARKWAY

PRESERVATION AREA—That area so designated by Section 10(b) of the Pinelands Protection Act. All other portions of the Pinelands Area are defined as the Protection Area.

PRINCIPAL BUILDING OR USE—The main or primary purpose for which a lot is used or a building or buildings on a lot is occupied.

PRIVATE GARAGE—A garage not conducted as a business and used to house not more than three (3) vehicles, including not more than one (1) commercial vehicle.

PRIVATE SCHOOL—A duly organized school, other than a public school or a parochial school, giving regular instructions in subjects ordinarily taught in public schools at least five (5) days a week for eight (8) or more months a year. A nursery school shall not be deemed a private school.

PROTECTION AREA:

DIVISION 1: PINELANDS - WEST OF PARKWAY

PROTECTION AREA—All land within the Pinelands Area which is not included in the Preservation Area.

PUBLIC AREAS—Public parks, playgrounds, trails, paths and other recreational areas; other public open spaces; scenic and historic sites; and sites for schools and other public buildings and structures.

PUBLIC DEVELOPMENT—Development, including subdivision, by any township or other governmental agency.

PUBLIC OPEN SPACE—An open space area conveyed or otherwise dedicated to the municipality, municipal agency, Board of Education, state or county agency, or other public body for recreational or conservational uses.

PUBLIC STREET—An improved street meeting the following minimum requirements:

- (1) A dedicated public right-of-way of at least fifty (50) feet or a lesser width previously accepted by the township.

- (2) Constructed with an acceptable base and hard surface treatment of at least twenty-four (24) feet in width.
- (3) Possessing a surface free of potholes and unusual wear with sufficient drainage so as to avoid flooding or ponding of water.

PUBLIC SERVICE INFRASTRUCTURE—Sewer service, gas, electricity, water, telephone, cable television, and other public utilities developed linearly, roads and streets and other similar services provided or maintained by any public or private entity. [Added 6-5-89 by Ord. No. 1989-14]

RECOMMENDED MANAGEMENT PRACTICE:

DIVISION 1: PINELANDS - WEST OF PARKWAY

RECOMMENDED MANAGEMENT PRACTICE—The management program which employs the most efficient use of available technology, natural, human and economic resources.

RECORD TREE:

DIVISION 1: PINELANDS - WEST OF PARKWAY

RECORD TREE—The largest tree of a particular species in New Jersey based on its circumference at four and five-tenths (4.5) feet above ground level. A listing of the largest known tree of each species and its location is maintained at the principal offices of the Commission. [Added 12-16-96 by Ord. No. 1996-60 § 57]

RECREATIONAL FACILITY, INTENSIVE: DIVISION 1:

PINELANDS - WEST OF PARKWAY

RECREATIONAL FACILITY, INTENSIVE Any recreational facility which is not a low intensive recreational facility including but not limited to golf courses, marinas, amusement parks, hotels, and motels. [Amended 6-5-89 by Ord. No. 1989-14]

RECREATIONAL FACILITY, LOW INTENSIVE:**DIVISION 1: PINELANDS - WEST OF PARKWAY**

RECREATIONAL FACILITY, LOW INTENSIVE—A facility or area which complies with the standards of N.J.A.C. 7:50-5, Part III, utilizes and depends on the natural environment of the Pinelands and requires no significant modifications of that environment other than to provide access, and which has an insignificant impact on surrounding uses or on the environmental integrity of the area. It permits such low intensity uses as hiking, hunting, trapping, fishing, canoeing, nature study, orienteering, horseback riding and bicycling. [Amended 12-16-98 by Ord. No. 1996-60 § 57]

RECREATIONAL VEHICLE—This term includes boats, boat trailers, campers, travel trailers and motor homes, but does not include mobile homes, as defined in this article, which are designed for permanent residential occupancy.

RESIDENTIAL DENSITY—The number of dwelling units per gross acre of residential land area including streets, easements and open space portions of a development.

RESOURCE EXTRACTION—The dredging, digging, extraction, mining and quarrying of sand, gravel, clay or ilmenite for commercial purposes, not including, however, the private or agricultural extraction and use of extracted material by the landowner. [Amended 6-5-89 by Ord. No. 1989-14]

RESTAURANT—Any establishment, however designated, at which prepared food and beverage is sold primarily for consumption on the premises, only at tables and served by waiters and waitresses at said tables within a building, and in which no other business, except such as is incidental to that establishment, is conducted. However, a dining establishment provid-

ing outdoor dining facilities as part of an approved site plan shall also be considered a restaurant under this definition. Those restaurants where a majority of prepared food is consumed only at tables on the premises and served by waiters or waitresses at said tables shall not be deemed fast food restaurants regardless of whether or not a customer may purchase food for consumption elsewhere. A dining establishment holding a liquor license may also have the option of serving food at the bar and still be considered a restaurant under this definition.

RESTAURANT, FAST FOOD—Any retail food establishment such as a short-order restaurant, refreshment stand, snack bar, hot dog or hamburger stand, where foods and beverages, prepared for immediate consumption or carry-out, are purchased either primarily for consumption at counters, stools, tables or bars in the premises inside or outside the building, or for consumption in automobiles parked on the premises, or off the premises, whether brought to the automobiles by the customers or by employees of the establishment, regardless of whether or not additional seats or other accommodations are provided for customers inside or outside the building. Any retail food establishment with drive-through window service shall be considered a fast-food restaurant. However, no transaction may be made on the street or sidewalk, unless specifically approved during site plan review.

RESTAURANT, TAKE-OUT—Any retail food establishment or delicatessen selling prepared meals, salads, pizza, ethnic foods and/or other similar foods, whether prepared on or off premises, sold for consumption primarily off the premises, although a seating area may also be provided for patrons. Take-out restaurants shall not be considered fast-food restaurants. [Amended 817-98 by Ord. No. 1998-13 § 1 and Ord. No. 1998-14 § 1]

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RESUBDIVISION—The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law, or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

RIGHT-OF-WAY—The total width and length of the course of a street, watercourse, water body, utility alignment or other way and within which all improvements and rights of access are confined.

SEASONAL HIGH WATER TABLE:

DIVISION 1: PINELANDS - WEST OF PARKWAY

SEASONAL HIGH WATER TABLE—The level below the natural ground surface to which water seasonally rises in the soil in most years.

SEDIMENT—Solid material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by air, water or gravity as a product of erosion.

SEDIMENT BASIN—A barrier or dam built at suitable locations to retain rock, sand, gravel, silt or other material.

SENIOR CITIZEN HOUSING COMPLEX—A multiple-family dwelling or group of dwellings on a lot developed and operated by a nonprofit sponsor and financed through the New Jersey Housing Finance Agency.

SETBACK—The distance from the nearest part of the building, excluding an open porch or steps and overhanging eaves of not more than two (2) feet, to the nearest part of the front property line.

SETBACK LINE—A line drawn parallel to a street line or lot line and drawn to the point of the building nearest

to the street line or lot line beyond which a building shall not project. The minimum yard requirements shall be the minimum required setbacks. All setbacks from public streets shall be measured from the required right-of-way width.

SIGN—Any structure, either on its own supports or attached to another structure or vehicle, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as or which is in the nature of an announcement, direction or advertisement. The word sign includes the word billboard but does not include the flag, pennant or insignia of any nation, state, city or other political unit or of any political, educational, charitable, philanthropic, civic, religious or like campaign, drive, movement or event.

SIGN AREA—The area defined by the frame or edge of a sign. Where there is no frame or edge to the sign, the area shall be defined by a projected, enclosed, four (4) sides (straight sides) geometric shape which most closely outlines said sign.

SIGN, COMMERCIAL—Any sign which is owned or operated by any person, firm or corporation engaged in the business of outdoor advertising for direct profit gained from the rental of such signs or any sign advertising a commodity not sold or produced on the premises. This shall include billboards and off-premises signs indicating the direction to a particular place.

SITE—Any plot, parcel or parcels of land.

SITE PLAN—A development plan of one (1) or more lots on which is shown (1) the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, marshes and waterways, (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting,

screening devices, and (3) any other information that may be reasonably required in order to make an informed determination pursuant to Article VI of this chapter by the Planning Board.

SOIL—All unconsolidated mineral and organic material of any origin that overlies bedrock and which can be readily excavated.

SOIL CONSERVATION DISTRICT—A governmental subdivision of this state, which encompasses this municipality, organized in accordance with the provisions of Chapter 24 of Title 4 of the New Jersey Statutes Annotated.

STATE LICENSED BOARDING HOMES—Those boarding homes which hold a Class A, B or C license as contained within the regulations promulgated by the New Jersey Department of Community Affairs and as amended pursuant to law. [Added 4-14-94 by Ord. No. 1994-8 §§ 1, 2]

STORY—That part of a building between the surface of any floor and the next floor above it or, in its absence, the finished ceiling or roof above it. A split-level story shall be considered a second story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building which is more than two (2) feet below the top plate shall be counted as a story, and, if less than two (2) feet below the top plate, it shall be counted as a halfstory. A basement shall be counted as a story if it averages more than five (5) feet above grade.

STREET—Any dedicated or deeded public street, avenue, boulevard, road, parkway, viaduct, drive or other way in which is an existing state, county or municipal roadway, or which is shown upon a plat heretofore approved pursuant to law, or which is approved by official action as provided by the Municipal Land Use Law, or which is shown on a plat duly filed and recorded in the office of

the county recording officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats; and includes the land between street lines, whether improved or unimproved and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines. For the purpose of this chapter, streets shall be classified as follows:

- (1) **ARTERIAL STREETS**—Those which are used primarily for fast or heavy traffic.
- (2) **COLLECTOR STREETS**—Those which carry traffic from minor streets to the major system of arterial streets, including the principal entrance streets of a residential development and streets for circulation within such development.
- (3) **MINOR STREETS**—Those which are used primarily for access to the abutting properties.
- (4) **MARGINAL ACCESS STREETS**—Streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
- (5) **ALLEYS**—Minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

STREET LINE—The edge of the existing or future street right-of-way, whichever would result in the widest right-of-way, as shown on an adopted Master Plan or Official Map or as required by this chapter, forming the dividing line between the street and the lot. The minimum street line shall be a point twenty-five (25) feet from the center line of the existing street.

STRIPPING—An activity which removes or significantly disturbs vegetated or otherwise stabilized soil surface, including cleaning and grubbing operations.

STRUCTURAL ALTERATION—Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

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

SUBDIVIDER—A developer submitting an application for development.

SUBDIVISION—The division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivision within the meaning of this chapter, if no new streets are created: (1) division of land found by the Planning Board or Subdivision Committee thereof appointed by the chairman to be for agricultural purposes where all resulting parcels are five (5) acres or larger in size; (2) division of property by testamentary or intestate provisions; (3) divisions of property upon court order including but not limited to judgment of foreclosure; (4) consolidation of existing lots by deed or other recorded instrument; and (5) the conveyance of one (1) or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of this chapter and are shown and designated as separate lots, tracts or parcels on the Tax Map of the Township of Barnegat. The term subdivision shall also include the term resubdivision.

SUBDIVISION COMMITTEE—A committee of at least three (3) Planning Board members appointed by the Chairman of the Board for the purpose of classifying subdivisions in accordance with the provisions of this chapter and having such further duties relating to land

subdivision as may be conferred on this committee by the Board.

SWIMMING POOL—Facilities constructed above or below grade having a depth of more than two (2) feet and/or a water surface of one hundred (100) square feet or more designed and maintained for swimming purposes. The term shall also include all appurtenant buildings, structures or equipment accessory thereto.

TEMPORARY EVENT USE—An event involving use or private land and/or building(s) or other structures for a specified limited time certain, normally a week-end or similar. Events include, but are not limited to: outside sales, property auctions, flea markets. Residential garage sales or yard sales are not considered a temporary event requiring a zoning permit. [Added 9-11-95 by Ord. No. 1995-41 § 5 and Ord. No. 1995-42 § 5]

TRACT—An area of land comprised of one (1) or more lots having sufficient dimensions and area to meet the requirements of this chapter and for the use(s) intended.

TRANSCRIPT—A typed or printed verbatim record of the proceedings or reproduction thereof.

UTILITY—Services provided to a use, including but not limited to sewage treatment, water supply, gas, electric, telephone and cable television.

UTILITY DISTRIBUTION LINES—Lines, conduits or pipes located in a street, road, alley or easement through which natural gas, electricity, telephone, cable television, water, sewage, or storm water discharge is distributed to or from service lines extending from the main line to the distribution system of the building or premises served. Utility distribution lines do not include electric transmission lines. [Amended 6-5-89 by Ord. No. 1989-14; 12-16-96 by Ord. No. 1996-60 § 57]

VARIANCE—Permission to depart from the literal requirements of the zoning provisions of this chapter

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pursuant to Section 47 and subsections 29.2(b), 57(c) and 57(d) of the Municipal Land Use Act, N.J.S.A. 40:55D-1, et seq.

VEGETATION—Any plant material including grasses, shrubs and trees.

VEHICLE CAMPER—A motorized or portable vehicle designed to be used as a temporary dwelling for travel and recreational purposes having a body width not exceeding eight (8) feet and including motorized coaches, pickup campers, tent-trailers and similar equipment.

VEHICLE CAMPGROUND—A site upon which provisions are made to accommodate more than one (1) vehicle camper for short-term occupancy, either free of charge or for a fee, including any appurtenant facilities.

WAREHOUSING—Any building, premises or land in which or upon which the principal business, operation or industry involves the storage of goods and materials.

WETLANDS:

DIVISION 1: PINELANDS - WEST OF PARKWAY

WETLANDS—Wetlands are those lands which are inundated or saturated by water at a magnitude, duration and frequency sufficient to support the growth of hydrophytes. Wetlands include lands with poorly drained or very poorly drained soils as designated by the National Cooperative Soils Survey of the Soil Conservation Service of the United States Department of Agriculture and further defined in N.J.A.C. 7:50-6.3 and 6.5.

WETLANDS SOILS:

DIVISION 1: PINELANDS - WEST OF PARKWAY

WETLANDS SOILS—Those soils designated as very poorly drained or poorly drained by the Soil Conservation Service of the United States Department of Agriculture, including but not limited to Atsion, Bayboro,

Berryland, Colemantown, Elkton, Keansbury, Leon, Muck, Othello, Pocomoke, St. Johns and Freshwater Marsh and Tidal Marsh Soil types.

YARD, FRONT—Space between the front street building setback line or front main wall of a building and the front property line, extending the full width of the lot and projected to the side lines of that lot.

YARD, REAR—An unobstructed space on the same lot with a building, between the rear wall of the building and the rear line of the lot and unoccupied except for accessory buildings and open porches. Accessory buildings shall occupy not more than thirty-five percent (35%) of the rear yard area.

YARD, SIDE—An open, unobstructed space on the same lot with a building, between the building and the side line of the lot and extending through from the front yard to the rear yard, into which space there is no extension of building parts, other than eaves, leaders and gutters, chimneys, fireplaces, bay windows, overhangs and other such fixtures with a maximum depth of two (2) feet and open porches, provided that said extensions shall have a minimum side yard setback of three (3) feet.

ZONING OFFICER—The Construction Official, unless another person is designated by the Township Committee.

ZONING PERMIT—A document signed by the administrative officer (1) which is required by ordinance as a condition precedent to the commencement, alteration, conversion or installation of a structure or building and (2) which acknowledges that such use, structure or building complies with the provisions of the zoning provisions of this chapter or have a variance therefrom duly authorized by a municipal agency pursuant to law.

- C. Words or word groups which are not defined above shall have the meanings set forth in the Municipal Land Use

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Law or as given in Webster's Unabridged Dictionary. All definitions are subject to further amplification and description as provided for in the Municipal Land Use Law and in the text of this chapter.

55-306-55-319. RESERVED.