

55-47. RH - HIGH ZONE. [Amended 4-3-89 by Ord. No. 1989-8; 6-5-89 by Ord. No. 1989-14; 6-19-89 by Ord. No. 1989-19; 4-1-91 by Ord. No. 1991-8; 12-16-96 by Ord. No. 1996-60 § 19; 6-7-04 by Ord. No. 2004-23 § 3]

The following regulations apply in the RH Zone:

A. Permitted Uses.

- (1) Detached single-family dwellings for residential purposes, together with accessory structures.
- (2) Parks and preserves.
- (3) The erection, construction, alteration or maintenance by a public utility or municipal agency of underground distribution or collection systems necessary for the furnishing of adequate service by such utility or agency to the use on the same lot and/or surrounding neighborhood or for the public health, safety or general welfare.
- (4) Pump stations.

B. Accessory and Temporary Uses.

- (1) Same as those permitted in the PF Zone, except agricultural commercial establishments.

C. Conditional Uses. The following uses shall be permitted in the RH Zone, subject to issuance of a conditional use permit in conformance with the provisions of this chapter:

- (1) Public utility, commercial and private uses, such as water towers, electric substations, radio towers and transmission lines, which must be provided above ground. **[Amended 8-2-04 by Ord. No. 2004-34]**

D. Lot and Building Requirements. These shall be as prescribed in the Schedule of Area, Yard and Building Requirements in this chapter, except as provided in § 55-300 for unsewered lots in the Pinelands Area.

E. *Development of Lots Under Ten Thousand (10,000) Square Feet.* [Amended 6-4-01 by Ord. No. 2001-15]

- (1) Within the RH Zone, detached single family dwellings may be permitted in existing lots between nine thousand (9,000) and ten thousand (10,000) square feet in size, provided that:
 - (a) The owner of the lot proposed for development:
 - [1] Purchases and redeems one-quarter (0.25) Pinelands development credits; or
 - [2] Permanently protects two (2) existing lots in the RC Zone by dedicating them as open space through recordation of a restriction on the deed to the lots, with no further development permitted except fish and wildlife management and low intensity recreational uses. Any such deed restriction shall be in a form to be approved by the Township Solicitor and the Pinelands Commission; or
 - [3] Permanently protects two-thirds (2/3) of an acre of vacant land in the RC Zone which is not defined as wetlands and is located outside of existing residentially subdivided lots through recordation of a restriction on the deed to said parcel, with no further development permitted except fish and wildlife management and low intensity recreational uses. Any such deed restriction shall be in a form to be approved by the Township Solicitor and the Pinelands Commission; or

- [4] Permanently protects two (2.0) acres of vacant land in the RC Zone which is defined as wetlands and is located outside of existing residentially subdivided lots through recordation of a restriction on the deed to said parcel, with no further development permitted except fish and wildlife management and low intensity recreational uses. Any such deed restriction shall be in a form to be approved by the Township Solicitor and the Pinelands Commission.
- (b) The Township shall maintain and make available an inventory of vacant lots in the RC Zone. Said inventory shall include the names and mailing addresses of the owners of all vacant lots in the RC Zone.
- (c) Any person proposing to develop a lot in the RH Zone between nine thousand (9,000) and ten thousand (10,000) square feet in size who, as of the effective date of this section, also owns a lot or lots in the RC Zone shall be required to permanently protect said lot or lots in the RC Zone in accordance with (a)[2] above, prior to purchasing and redeeming Pinelands development credits in accordance with (a)[1] above. If said lot or lots in the RC Zone were sold or transferred subsequent to the effective date of this section, another lot or lots in the RC Zone must be permanently protected in accordance with (a)[2] above, prior to the purchase and redemption of Pinelands development credits in accordance with (a)[1] above.

- (d) No development in the RH Zone involving the permanent protection of lots or other lands in the RC Zone in accordance with (a)[2],[3] and [4] above shall be approved until the developer has provided the Pinelands Commission and the Township with evidence of his ownership of the requisite lots or other lands. A deed restriction on the requisite lots or other lands shall be duly recorded prior to the issuance of any building or construction permits.
- (e) No development involving the use of Pinelands development credits in the RH Zone shall be approved until the developer has provided the Pinelands Commission and the Township with evidence of his ownership and redemption of the requisite Pinelands development credits. Notification of any such approval shall be made to the Commission pursuant to Section 55-277 and to the New Jersey Pinelands Development Credit Bank in accordance with N.J.A.C. 3:42-3. Redemption of the requisite Pinelands development credits shall thereafter be accomplished in accordance with N.J.A.C. 3:42-3.6, prior to the issuance of any building or construction permits.
- (f) By complying with the steps set forth in (a) through (e) the property owner will avoid the need and not be required to apply to the Zoning Board of Adjustment for a bulk variance as a result of owning a lot of less than ten thousand (10,000) but at least nine thousand (9,000) square feet in size. **[Added 8-2-04 by Ord. No. 2004-34 § 2]**

- (g) When an applicant requests of the Township Attorney and the Township Engineer approval to deed restrict two (2) vacant lots in the RC Zone in order to obtain approval to construct on one (1) single family lot in the RH Zone, said request shall include an application fee of five hundred dollars (\$500.) payable to the Township of Barnegat. Said funds shall be placed in the appropriate escrow account of the Township for legal and engineering fees, legal publication fees and recording fees. Any unused funds shall be returned to the applicant after completion of this process. If the escrow deposit is depleted the applicant will replenish the escrow account by an additional payment of five hundred dollars (\$500.) upon request from the Township. **[Added 11-5-07 by Ord. No. 2007-21]**