

**TOWNSHIP OF PEMBERTON**  
**ORDINANCE NO. 14-2014**

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON, BURLINGTON  
COUNTY AMENDING CHAPTER 190 ARTICLE III OF THE MUNICIPAL LAND  
USE AND DEVELOPMENT CODE OF THE TOWNSHIP OF PEMBERTON TO  
INCLUDE A "NEIGHBORHOOD COMMERCIAL PINELANDS DISTRICT"**

**WHEREAS**, the Township Council desires to enact ordinance provisions that will make the zoning districts and zoning requirements in the Township consistent with the recommendations set forth in the Pemberton Township Master Plan, the Master Plan Re-Examination Report, and the Pinelands Comprehensive Management Plan; and

**WHEREAS** the Master Plan for the Township of Pemberton was adopted by the Planning Board on July 9, 2009 after a public hearing and was memorialized by Resolution No. 33-2009 on August 6, 2009; and

**WHEREAS** the Master Plan Re-examination Report for the Township of Pemberton was adopted by the Planning Board on September 4, 2014 after a public hearing and was memorialized by Resolution No. P-16-2014 on October 2, 2014; and

**WHEREAS** the Township has a need to create a "Sense of Place" near residential developments that encourage, protect, and enhance the pedestrian environmental as well as support the needs of the community; and

**WHEREAS** the Township wishes to establish a zoning district that will create an area that supports mixture of land uses that will encourage community interaction, enhance economic vitality, and support local merchants; and

**WHEREAS** the land use ordinances of every municipality in the Pinelands Area must meet the requirements of the Pinelands Comprehensive Management Plan (CMP).

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Pemberton, County of Burlington, State of New Jersey as follows:

**A. Purpose.**

To provide for small-scaled retail and neighborhood service-oriented establishments adjacent to residential dwelling units in Country Lakes, along North Pemberton Road and Ft. Dix Street, and on South Pemberton Road near the Pemberton Bypass. The structures must be appropriate in form, consistent with the compact nature of the area, cognize of the neighbor character and needs, and promote pedestrian interaction. The large-scale development, e.g., shopping centers, light industrial services, and manufacturing warehouses are not permitted.

**B. Principal permitted uses. Only the following shall be permitted:**

- (1) Bed and breakfast inns.
- (2) Banks with drive-through.
- (3) Commercial recreational facilities, indoor.
- (4) Jewelers.
- (5) Clothing apparel.
- (6) Cobbler.
- (7) Seamstress/Tailors.
- (8) Bakeries.
- (9) Day care centers.
- (10) Finance, insurance, brokers and real estate establishments.
- (11) Health spas.
- (12) Deli with seating.
- (13) Pharmacies.
- (14) Restaurants, including outside seating areas but not including drive-ins or drive-through facilities.
- (15) Retail trade establishments.
- (16) Professional office, including lawyers, doctors, architects, graphic designers, editors, marketing/advertising agencies, artists, and engineers.
- (17) Live-Work (Home Occupation).
- (18) Similar Uses.

**C. Conditional uses**

- (1) Service stations.

**D. Accessory uses.**

- (1) Off-street parking as required by this chapter.
- (2) Off-street loading as required by this chapter.
- (3) Signs, as regulated by this chapter.

**E. Performance regulations.**

- (1) The area and dimensional regulations as set forth in Table 1, NCP Performance Regulations, located at the end of this chapter, shall apply. Notwithstanding the minimum lot area requirements set forth in Table 1, no nonresidential use in the NCP District shall be located on a parcel of less than one acre unless served by a centralized wastewater treatment plant.
- (2) No accessory use or structure shall be permitted in the front yard setback.
- (3) No parking may be placed within the first 15' from the Right of Way Line. The first 15' shall include a 6' sidewalk and a 9' landscaped area which shall include street trees, ornamental lights, and other streetscape elements deemed pertinent to the site by the Planning or Zoning Board.
- (4) The primary building entrance shall face onto (be oriented to) the sidewalk and street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances to a cluster of spaces.
- (5) On corner lots, buildings and their entrances shall be oriented to the street corner as feasible. Corner building entrances should be designed in cases where the building is located on a corner lot. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.
- (6) Buffering and Screening shall be provided as required by Table 1, NCP Performance Standards.
- (7) All garbage dumpsters and other similar areas devoted to the storage of waste materials shall be located in the rear of the site and not noticeable from the street. Garbage dumpsters and recycling containers shall be screened on three sides of said dumpster or area, with a minimum six-foot high fence or a wall constructed of materials substantially similar in appearance to the building on site. In addition, said dumpsters and recycling containers should be gated on the fourth side with a material that provides opaque screening.
- (8) A building may have an entrance facing a side yard when a direct pedestrian walkway is provided between the building entrance and the street right-of-way.
- (9) Streetscaping
  - (a) The streetscaping shall be planted with street trees and furnished with street furniture, where deemed appropriate by the approving Board, including but not limited to benches and litter receptacles. The streetscaping shall also include signs, light poles, and other similar items unless otherwise specifically prohibited by regulation.

**F. Application and architectural review.**

- (1) Buildings should have consistent spacing of similar shaped windows with trim or other decorative molding on all building stories.
- (2) Large display windows should be employed on ground floor storefronts. Display windows should be framed to visually separate the ground floor from the second floor. A storefront facing the street shall have a minimum window fenestration of 65%. Non transparent glass is prohibited.
- (3) All buildings with a flat roof should have a decorative cornice at the top of the building; or eaves when the building is designed with a pitched roof.
- (4) Cornices or changes in material can be used to differentiate the ground floor of buildings which have commercial uses from the upper floor(s) which may have offices or residential uses. Ground floor facades should utilize cornices, signs, awnings, exterior lighting, display windows and entry insets (See Figure 1).
- (5) Long or continuous wall planes shall be avoided all buildings, particularly in high pedestrian activity areas, where the building should exhibit more detail and elements appropriate for close range pedestrian view. Building surfaces over two stories high or 50 feet in length should be relieved with changes of wall plane that provide strong shadow or visual interest.

Figure 1: Desired Architecture in the NCP Zone

Large display window



Decorative cornice used to differentiate the ground floor from the upper floors

#### G. Parking

- (1) The required number of parking spaces shall be as prescribed by the Schedule of Minimum Parking Requirements based on gross floor area as follows:
  - (a) Bed and breakfast inns. 1 space per employee plus one space per bedroom.
  - (b) Banks with drive-thru 4.5 spaces per 1,000 square feet.
  - (c) Indoor commercial recreational facilities. 1 per 250 square feet per enclosed floor area.
  - (d) Jewelers, clothing apparel, cobbler, seamstress/tailors, bakeries, pharmacies, and retail establishments. 4 spaces per 1,000 square feet.
  - (e) Day care centers. 1 per employee plus one per 10 children.
  - (f) Finance, insurance, brokers and real estate establishments. 4.0 spaces per 1,000 square feet.
  - (g) Health spas. 1 space per 300 square feet plus one per employee
  - (h) Deli with seating. 1 space per 3 seats plus 1 per employee.
  - (i) Restaurants, including outside seating areas but not including drive-ins or drive-through facilities. 1 space per 3 seats plus 1 per employee.
  - (j) Professional office, including lawyers, doctors, architects, graphic designers, editors, marketing/advertising agencies, artists, and engineers. 4.0 spaces per 1,000 square feet.
  - (k) Live-Work (Home Occupation). RSIS standards plus one per 300 square feet of workspace.
- (2) On Street Parking. If permitted by the County, on-street parking is required for storefronts that face a roadway or have pedestrian visibility.
- (3) Reduction of Parking Requirement – A parking requirement maybe reduced up to 20 percent if the applicant is able to provide sufficient evidence to the Planning or Zoning Board that he/she can meet its parking demand through shared parking agreements, cross easements, on street parking, or through alternative parking solutions.
- (4) All off-street parking and drive way aisles are prohibited between the main roadway and the front of the storefront.
- (5) Each land use is required to provide a sufficient number of handicapped spaces and loading zones. In effort to preserve the environment, promote good civic design, and encourage shared parking agreements, handicapped spaces and loading zones shall be provided at the discretion of Planning or Zoning Board based on recommendations from the Planning and Zoning Board's professionals. These calculations shall be based on existing conditions, types of land uses, existing parking supply, intensity of users and other elements deemed necessary by the Board's professionals.

#### H. Signs. In the Neighborhood Commercial Pinelands, signs shall be permitted as follows:

- (1) Each ground floor occupant of a business establishment structure is permitted one business sign facing the street. Corner properties are permitted one sign for each street it faces.
- (2) Businesses establishments situated on the second or third floor of a business structure shall be permitted to have lettering on their windows provided it does not exceed 10% of the window area or 8 square feet, whichever is smaller.
- (3) Marquee Signs, Blade Signs, and Wall Signs shall be permitted. Individual backlit letters shall be permitted.
- (4) Flashing signs shall not be permitted.
- (5) Typical neon signs shall not be permitted, but exceptional neon signs shall be reviewed by the Planning or Zoning Board for appropriateness, and may be permitted.
- (6) Flat wall signs shall have horizontal proportions and shall not protrude above the sill line of the second floor. Blade signs are exempt from this requirement.
- (7) A maximum of 40 square feet is permitted for each wall sign.
- (8) A maximum of 36 square feet is permitted for marquee, blade and projecting signs.
- (9) If the sign is projecting from the building, it shall not extend more than 42" from the building.
- (10) One monument and/or freestanding sign is permitted per site. Monument signs shall not exceed 32 square feet in area and a maximum of 8 feet in height from the finished grade. If freestanding, the sign shall be setback from all streets and property lines a distance equivalent to one linear foot for each two square feet of sign area. The base surrounding the freestanding sign shall be landscaped.
- (11) Signs should reflect the architectural style of the building and its use. Design, materials, size, logos and colors should complement and enhance the building style and use of the building for which it advertises.

#### **I. Lighting**

- (1) Exterior lighting should be architecturally compatible with the building style, material, and colors similar to the Township's ornamental lights in Downtown Browns Mills. Galleria style and shoebox styles (cutoff fixtures) are preferred over cobra type light fixtures and directional floodlights.

All other provisions of Chapter 190 of the Zoning Ordinances of the Township of Pemberton shall remain in full force and effect; however any Ordinances or parts of Ordinances inconsistent with the provisions of this ordinance as amended are hereby repealed to the extent of said inconsistency.

This Ordinance shall take effect immediately upon final passage and the publication in accordance with the laws of the State of New Jersey. Further in accordance with provisions of N.J.S.A. 40: 55-D-16, a copy of this Ordinance as finally adopted shall be filed with the Burlington County Planning Board.

**PEMBERTON TOWNSHIP COUNCIL**

**TOWNSHIP OF PEMBERTON**  
**ORDINANCE NO. 14 – 2014**

**NOTICE OF PUBLIC HEARING**

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON, BURLINGTON  
COUNTY AMENDING CHAPTER 190 ARTICLE III OF THE MUNICIPAL LAND  
USE AND DEVELOPMENT CODE OF THE TOWNSHIP OF PEMBERTON TO  
INCLUDE A “NEIGHBORHOOD COMMERCIAL PINELANDS DISTRICT”**

The foregoing Ordinance was introduced and passed on first reading by the governing body of Pemberton Township at a meeting held on November 5, 2014 and will be considered for final passage after a public hearing at a meeting of the said governing body to be held on December 17, 2014 at the Pemberton Township Municipal Building, 500 Pemberton-Browns Mills Road, Pemberton, New Jersey, at 6:30 p.m. prevailing time, at which time any interested member of the public may comment on said Ordinance. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

ATTEST:

  
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AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

**TOWNSHIP OF PEMBERTON**  
**ORDINANCE NO. 14 – 2014**

**NOTICE OF FINAL PASSAGE**

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON, BURLINGTON  
COUNTY AMENDING CHAPTER 190 ARTICLE III OF THE MUNICIPAL LAND  
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Notice is hereby given that Ordinance No. 14 – 2014 as entitled above has been finally adopted on final reading by the governing body of Pemberton Township after a public hearing, at a meeting held on December 17, 2014. Said Ordinance shall take effect in accordance with law.

ATTEST:

  
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AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

ACKNOWLEDGEMENT OF APPROVAL BY MAYOR

  
\_\_\_\_\_  
David A. Patriarca

DATE: 12/19/2014

ATTEST:

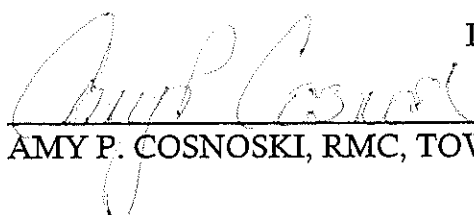
  
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AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

TABLE 1: NCP Performance Regulations

Permitted Land Uses	Minimum Lot Area	Minimum Lot Width at Setback	Front	Side	Rear	Maximum Impervious Coverage	Maximum Clearing Limit	Green Space Ratio	Buffer to Residential	Buffer to Non Residential
	10,000 sq.ft.*	75'	55'	10'	25'	70%	90%	30%	25'	15'
Maximum building height: 35'										

\* Minimum lot size with sewers; without sewers, one acre.