

Stream Corridor Protection and Steep Slope Ordinances Gibbsboro Borough, Gloucester County

§ 181-17. Conservation Districts. [Added 12-20-1977 by Ord. No.77-14 ; amended 4-15-1986 by Ord. No. -62]

- A. Intent. The Borough Council of Gibbsboro finds that increasing demands upon natural resources are despoiling or eliminating many of its water systems, wetlands, woodlands and other natural resources. Conservation or preservation of these resources in an undisturbed and natural condition constitutes important physical, aesthetic, recreational, safety, health and economic assets to existing and future residents of the Borough of Gibbsboro. It is the intent of the Borough Council to establish conservation districts for the purposes of conserving and protecting wetlands, floodplains, streams, stream corridors, lakes, lakeshores and steep slopes in order to minimize their disturbance, to prevent damage from erosion, floods, siltation and water turbidity, to prevent the loss of vegetation, fish, wildlife and natural habitat, to permit adequate recharge of groundwater aquifers and to protect the quality of ground- and surface-waters. It is the specific intent that the use and area regulations in any conservation district be applied in conjunction with the zoning regulations of the other listed zone containing the conservation district to permit only those uses in the conservation district which are compatible with natural conditions, do not increase existing flood elevations and do not have any significant adverse impacts as defined in Subsection D(8).
- B. Buffer. A transitional buffer fifty (50) feet in width is hereby established around the perimeter of all lakes and wetlands and along streams.
- C. Permitted uses.
- (1) The following uses do not require a permit from the Borough Council.
- (a) Outdoor recreation, including hiking, swimming, horseback riding, nature study, swimming, camping, boating, trapping, hunting, fishing and ice-skating, where otherwise legally permitted and regulated. The construction of recreational facilities as regulated in Subsection D(7)
- (b) Maintenance of waterways. Lawns and vegetation existing prior to the effective date of this chapter, except to the extent prohibited by Subsection D below.
- (c) Emergency activities carried out to protect the public health and safety.

(2) The following uses are permitted in conservation districts on issuance of a zoning permit from the Borough Council.

(a) Conservation of soil, vegetation, water, fish, shellfish and wildlife in accordance with recognized conservation practices as established by the New Jersey State Soil Conservation Committee, the United States Department of the Interior, Fish and Wildlife Service and the New Jersey Department of Environmental Protection

(b) The creation of foot trails.

(c) Grazing, farming, gardening, harvesting of crops and the farming of nurseries, orchards and game farms, except sod farms.

(d) Uses accessory to residential or other permitted primary uses of adjoining lands or waters, provided that they are consistent with the intent and objectives of this chapter. On-site septic systems are excluded.

(e) The maintenance and repair of roads, ditches, driveways, public utilities and irrigation ditches existing prior to the effective date of this chapter.

(f) The maintenance, repair and construction valued at more than fifty percent (50%) of the market value of the buildings lawfully existing prior to the effective date of this chapter, but not including improvements which increase ground coverage. When in doubt, market value shall be determined by a professional appraiser, who shall perform an appraisal which cites comparable buildings and construction. The applicant will reimburse the Zoning Board for the costs incurred for the appraisal.

D. [.Amended 7-11-1990 by Ord. No. 90-10] Prohibited activities. Except as may be herein provided, it shall be unlawful for any person to perform or cause to be performed any of the following prohibited activities in a conservation district:

(1) To place, deposit, store temporarily or permit to be placed or deposited soil, gravel, sand, de-icing salts, cinders, leaf and brush compost, debris, solid or liquid waste, fill or any material, including structures, pilings and containers, into, within or upon any land in a conservation district.

(2) To dig, dredge, suck, bulldoze, dragline, blast or in any other way alter, move or remove any material from a conservation district.

- (3) To remove, uproot, cut or destroy vegetation in any manner, directly or indirectly, through alteration in watercourse or water level.
- (4) To create and use trails lot motorized vehicles and to operate such motorized vehicles.
- (5) The dumping or discharge if treated or untreated domestic sewage or industrial waste, liquid or solid, except by a sewage treatment facility approved by the Borough of Gibbsboro and the Camden County Municipal Utilities Authority or their agents.
- (6) The application of pesticides which slowly degrade and persist in the environment.
- (7) any activity which has a significant adverse impact, including but not limited to the following:
 - (a) Any change in the present rate of stormwater runoff discharged into or generated within lands of any conservation district, as calculated by acceptable engineering methods.
 - (b) An alteration in the seasonal normal level or flow of surface or around water or an increase in the existing flood stage elevation
 - (c) An increase in soil erosion.
 - (d) The pollution or water or land by fertilizers, or toxic chemicals
 - (e) An alteration in the shoreline, floodplain or watercourse of any water body or wetland
 - (f) An increase in the peak discharge of a one-hundred-year flood.
 - (g) The loss of vegetation or vegetational diversity
 - (h) Any disturbance or loss of area(s) used by indigenous or migratory wildlife for breeding, nesting, and feeding

(8) (Reserved)

E. [Amended 7-11-1990 by Ord. No. 90-10] Conditional uses The following conditional uses may be permitted when authorized as a conditional use by the Planning Board:

(1) (Reserved)

- (2) The Planning Board shall issue conditional use permits for uses in conservation districts only after making the following findings of fact regarding the use, that the use
 - (a) Requires access to water or wetlands or is water dependent as a central element of its basic nature or requires access to steep slopes or is steep-slope dependent as a central element of its basic nature;
 - (b) Has no prudent alternative site which does not involve conservation district areas.
 - (c) Will result in minimum feasible alteration or impairment of the natural conditions and minimizes the adverse impacts listed in Subsection D(7).
 - (d) Does not have as its purpose the permanent alteration of a conservation district area.
- (3) The conditional use permit shall be subject to such special conditions or Safeguards as the Environmental Commission and Planning Board may deem necessary to fulfill the intent and objectives of the conservation district regulations.
- (4) The Environmental Commission and the Planning Board may request the Borough Engineer, Planning Consultant, County and/or State Environmental and Engineering Agencies to review the permit application and make recommendations for approval, disapproval or conditions of approval.
- (5) All uses and operations permitted or approved by conditional use permit shall be conducted in such a manner as will cause the least adverse impact
- (6) (Reserved)
- (7) (Reserved)
- (8) The valuation placed on conservation district lands, for purposes of real estate taxation, shall take into account and be limited by the limitation on the future use of such land by conservation district regulations
- (9) A conditional use permit shall be secured for the following uses in a conservation district:
 - (a) Maintenance or repair of dams or other water control devices whose maintenance or repair requires or causes an alteration in water level or course of a lake, stream or wetland.

(b) Driveways and roads. This use should be permitted only when all alternative means of access are proven to be impractical in the considered judgment of the Planning Board.

F. Conservation district conditional use permits. All conditional uses in the conservation district shall be subject to the following regulations:

(1) The applicant shall present an original and eight (8) copies of the permit application, together with other required information, to the Borough Clerk. All applications must be accompanied by the following information:

(a) A map showing the land and waters with existing contour lines at one-foot intervals: the permit area and all land, streams, lakes, wetlands, steep slopes and floodplains within two hundred (200) feet of the permit area: the buffer; and all areas of the permit area which are in the conservation district.

(b) A survey and topographical map with proposed final contours shown at one-foot intervals and the proposed area of removal, deposition, use or construction indicated. All maps, plans and surveys shall be certified by a registered land surveyor licensed in New Jersey. All engineering plans shall be certified by a registered professional engineer licensed in New Jersey

(c) The applicant shall notify, by certified mail and public notice in the local newspaper, all property owners within two hundred (200) feet of the premises of the hearing date, time and place ten (10) days prior to the hearing date

(d) A nonrefundable application fee as directed by § 181-32D

(2) This section does not obviate the necessity for the applicant to obtain the assent or permit required by any other agency before proceeding with operations or use under an approved permit. No operations shall be initiated by the applicant until such other permits as may be required are issued.

(3) All applications for building permits, filed subdivision maps or any development within a conservation district shall be reviewed by the Environmental Commission and receive the Commission's approval before the Planning Board approval may be issued. The Planning Board may request the plans be reviewed by other agencies as listed in Subsection E(4).

G. Compliance with conditions

(1) Performance bond

(a) The conditional use permit applicant, upon approval of a permit, shall file with the Borough Clerk a performance bond, if required, in an amount and with sureties and in a form approved by the Planning Board and its Solicitor

(b) The bond and sureties shall be conditioned on compliance with all provisions of these regulations and conditions imposed on the permit approval

(2) The applicant shall certify that he has public liability insurance (bodily injury and death, three hundred thousand dollars (\$300,000): property damage three hundred thousand dollars (\$300,000)], against liability which might result from proposed operations or use, covering any and all damage which might occur within three (3) years of completion of such operations.

(3) The applicant shall also submit to the Borough Clerk an affidavit which indemnifies and saves harmless the borough or any agent thereof from any claims arising out of operations under the permit and from all acts, omissions or negligence on the part of the applicant, his agents or employees.

(4) In the case of removal, deposition, placement of structures, other operations or uses permitted within the Conservation District, the Planning Board shall reserve the right to require payments to the borough in an amount and in such a manner as the Planning Board may direct to reimburse the costs of permit review, permit enforcement, code enforcement and prosecution fees incurred by the borough.

(5) The Planning Board shall reserve the right to require a conditional use permit for any operation, use or activity allowed or permitted in the conservation district.

H. Penalties and corrective action. Any person, firm, corporation or entity found violating any provision of this section or conditions imposed on the permit by the borough, the Zoning or Planning Board, Environmental Commission or their agent shall be served with a written notice at the direction of the Planning Board stating the nature of the violation and providing ten (10) days within which the violation shall cease and satisfactory corrective action shall be taken by the violator:

- (1) Any person, firm, corporation or entity violating this section shall be guilty of an offense and, upon conviction by the District Justice, be punished by fine or imprisonment, or both. Fine-, may be up to one thousand dollars (SUM.) and imprisonment may be for a maximum of thirty (30) days.
- (2) Any person, firm, corporation or entity who shall continue such violation beyond the time limit specified by the Planning Board shall be guilty of another offense and, upon conviction by the District Justice thereof, be fined in an amount not to exceed one thousand dollars (\$ 1,000.) for each offense or imprisonment for a maximum of thirty 30) days, or both.
- (3) Each day of such violation shall constitute a separate offense under this section.
- (4) In the event that any person, firm, corporation or entity shall continue any violation beyond ten (10) days after the written notice of violation by the Planning Board is received, the Planning Board shall direct its Solicitor to take appropriate actions for prosecution through the criminal and/or civil legal systems, AB costs and expenses incurred by the borough in connection with proceedings, including the actual costs of correction or removal, shall be assessed against the offender
- (5) Any person, firm, corporation or entity violating the provisions of § 181-17 of the Gibbsboro Zoning Ordinance shall become liable to the borough for any expenses of loss or damage occasioned by the borough by reason of such violation