

## MEMORANDUM

To: Southampton Township Committee  
From: Peter C. Lange, Jr. Esq.  
Re: Southampton Scenic Corridor Ordinances  
Date: November 16, 2017

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At the Committees' request, I have researched the various scenic corridor ordinances in the Southampton Township General Code Book. In addition, I have examined the impact of Route 70 being designated as "John Davison Rockefeller Memorial Highway" on the Township's scenic corridor ordinances.

### **I. Southampton Township General Code**

There are three ordinances within the Southampton Township General Code related to scenic corridors. Section 12-3.14 creates and governs a "Scenic Corridor Overlay District." Section 12-5.2 defines and governs "Buffers and Scenic Corridors." Section 19-4.8 governs scenic development within the Pinelands.

#### **A. Section 12-3.14 "Scenic Corridor Overlay District"**

Section 12-3.14 serves as the Township's Scenic Corridor Ordinance. The purpose of the Ordinance is to "further the public health, safety, morals and general welfare."<sup>1</sup> To serve this purpose, the Ordinance sets development standards to protect natural linear open space and preserve scenic vistas.

The Section applies to "all areas in Southampton Township designated as scenic corridors as identified in the "Scenic Corridor Vision Statement and Plan." The Statement is contained in the Township Master Plan as a Community Design Element Plan. The standards for the designated areas are considered more restrictive than their underlying zone and if there is a conflict between the Code and Section 12-3.14, Section 3.14 is controlling.

### **APPLICATION**

The regulations for the applicable areas are as follows:

- a. No buildings, structures, parking facilities, or other development shall be allowed within 200 feet measured from the ultimate right-of-way line as shown on the Scenic Corridor Map. The Code makes a list of permissible exceptions, including sidewalks, bicycle paths, etc.
- b. A buffer is required to be provided within 100 feet nearest to the right of way line for areas designated as "preservable/rural landscape" on the Scenic Corridor Map.
- c. An "adequate amount of buffer plantings and screenings" are required to be provided to areas designated as "compromised/high activity/commercial landscape" on the Scenic Corridor Map.

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<sup>1</sup> Southampton Township General Ordinance, § 12-3.14(a)(2).

- d. No more than one street access driveway is permitted per lot.
- e. Utility installations must minimize visual impact within the scenic corridors and all new utilities shall be located underground.
- f. Buildings, parking facilities, and other permanent structures that were located within the 200 foot scenic corridor when the Ordinance was passed may be enlarged or renovated as long as the addition is located beyond the existing front façade.

In conclusion, the aforementioned regulations cover the essence of the Ordinance. However, the Ordinance provides specific details regarding compliance. I have attached a copy of the Ordinance for your review.

### **B. Section 12-5.2 “Buffers and Scenic Corridors”**

Section 12-5.2 serves as the Township’s Buffer and scenic corridors ordinance. The Ordinance’s primary purpose is for “screening views and reducing noise perception and glare from direct or reflected light” from properties.

This Section states that buffers are for the “primary purpose” of screening views and reducing noise perception and glare from direct or reflected light from the subject lot. The section details the specific requirements for buffers.

### **C. Section 19-4.8 “Scenic” Development in the Pinelands**

Section 19-4.8 governs setback and screening requirements for scenic corridors located within the Pinelands. The language of the Section states that:

No development shall be located within 200 feet of the center line of a public paved road, except for those roads which provide for internal circulation within residentially developed areas in the Pinelands Forest A, Forest B, Forest C, Highway Commercial and Rural Development Districts unless environmental or other physical considerations make it impractical to do so, provided however, that the development shall be set back as close to 200 feet as practicable and the site shall be landscaped so as to provide screening from the corridor.<sup>2</sup>

These requirements do not apply to residential cluster developments in the Pinelands Forest A, Forest B, Forest C and Rural Development Districts. Therefore, the Pinelands follows the same 200 foot buffer as the Township, except for the internal circulation roads within the residential areas of the Pinelands.

### **D. Route 70**

As a state highway, the State of New Jersey owns a right of way along Route 70 for its entire length of course. The right of way is an easement that allows people to travel through Route 70 even though some parts are owned by the State and some portions are

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<sup>2</sup> Southampton Township General Ordinance, § 12-3.14(a)(2).

private land burdened by the easement. The size of the right of way owned by the State varies depending on the location. Therefore, any development involving Route 70 should involve a detailed examination of the State's right of way at that particular location.

Route 70 is also designated as the "John Davison Rockefeller Memorial Highway Historic District" by the Historic Preservation Office of the New Jersey Department of Environmental Protection. As a historic district, Townships must comply with state regulations regarding the historical preservation such sites. However, based on our discussions with the DEP and the attached report, the portion of the highway in Southampton is not subject to the historic preservation regulations.<sup>3</sup>

Thank you for the opportunity to assist you in this matter. If you have any questions or concerns please feel free to call my office.

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<sup>3</sup> Exhibit A.