

CITY OF BORDENTOWN
BURLINGTON COUNTY, NEW JERSEY

DRAFT
LAND DEVELOPMENT ORDINANCE
OF THE CITY OF BORDENTOWN

Prepared for
City of Bordentown Planning Board

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ARTICLE I

GENERAL PROVISIONS

300-1. Title; Statutory Authority

A Comprehensive Ordinance regulating and limiting the uses of land and the uses and locations of buildings and structures; regulating and restricting the height and bulk of buildings and structures and determining the area of yards and other open spaces; regulating and restricting the density of housing and population; implementing the housing requirements mandated by the "Mt. Laurel" Supreme Court decisions; dividing the City of Bordentown into zone districts; adopting a zoning map of said City showing boundaries and the classification of such districts; establishing rules, regulations and standards governing the subdivision and development of land with the City; establishing a Planning Board and a Zoning Board; and prescribing penalties for the violation of its provisions.

This Ordinance shall consist of text and a Zoning Map, said map being entitled "Zoning Map, City of Bordentown." This map, together with all explanatory matter thereon, is declared to be a part of this Ordinance, and is on file and shall be kept on file with the City Clerk and Planning Board Secretary. If and when changes are made in zoning boundaries or other matters included on said Zoning Map, such changes in the map shall be made promptly after the amendment has been approved by City Commission. This Ordinance is enacted pursuant to the authority granted by Chapter 291, Laws of 1975, commonly cited and referred to as the "Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), as amended by Assembly Bill No. 826 of the New Jersey Assembly.

300-2. **Short Title.**

The short form by which this Ordinance may be known shall be "THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF BORDENTOWN."

300-3. **Purposes.**

This Ordinance is adopted pursuant to N.J.S.A. 40:55D-1 et seq. and subsequent amendments and supplements thereto, in order to promote and protect the public health, safety, comfort, convenience, prosperity, morals, and general welfare, and in the furtherance of the following related and more specific objectives of the City of Bordentown:

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- A. To secure safety from fire, flood, panic, and other natural and man-made disasters.
- B. To provide adequate light, air, and open space.
- C. To promote the orderly growth of lands within the City of Bordentown, taking into consideration the character of each district and its peculiar suitability for particular land uses, to generally encourage the most appropriate use of land through the police power, and to promote sustainable and orderly growth.
- D. To limit and restrict buildings and structures to specified zone districts and to regulate buildings and structures according to their type and nature and the extent of their use and to regulate the nature and extent of use of land for trade, industry, residence, open space or other purposes in order to avoid undue concentration of population and to conserve the value of property.
- E. To ensure that the development of the City of Bordentown does not conflict with the development and general welfare of neighboring municipalities, the County and the State as a whole.
- F. To promote the Smart Growth planning goals of the State of New Jersey with the establishment of appropriate population densities and housing concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the man-made and natural environments.
- G. To protect and preserve the character of homes and businesses within the City and to promote orderly and beneficial development and redevelopment of such areas.
- H. To provide sufficient space in appropriate locations for a variety of residential, recreational, and commercial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of Bordentown citizens, workers, and visitors.
- I. To encourage the location and design of transportation routes which will promote the free flow of automobile, pedestrian, and bicycle traffic while discouraging the location of such facilities and routes which would result in congestion, blight, and/or safety hazards.
- J. To promote a desirable visual environment through creative development techniques and good civic design and arrangements.
- K. To safeguard and improve the amenities and appearance of the City of Bordentown by providing for the regulation of signs and for appropriate review of

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proposed new structures and substantial alterations.

- L. To protect the public health, safety, convenience, and general welfare by providing for the parking of motor vehicles and for the loading and unloading of commercial vehicles.
- M. To provide protection against fire, flood, explosion, excessive noise, light, noxious fumes and other hazards in the interest of public safety, health, comfort, and the general welfare.
- N. To provide for special districts for mixed land uses and flexible development areas to ensure that such districts and uses shall be compatible with each other and not detrimental to surrounding areas and are in complete accordance with the City's Master Plan.
- O. To regulate the use and bulk of buildings in relation to the land surrounding them and to control those uses of land, buildings, and structures which do not conform to zoning standards and to regulate their reasonable expansion so that no adjoining uses or persons are adversely affected.
- P. To regulate the intensity of land uses and to ensure the provision of open spaces surrounding buildings, necessary to provide adequate access, light and air and to protect the public health.
- Q. To prohibit and to gradually eliminate land uses, buildings and structures which are incompatible with the character of the neighborhood in which they are located or detrimental to adjoining areas.
- R. To encourage intense and varied development where land, utilities and access to mass transportation exists and to provide flexibility to encourage new construction, repair, renovation, rehabilitation and investment and a more efficient use of land.
- S. To provide for proper site planning and subdivision layouts.
- T. To promote the conservation of historic sites and other older buildings, open space, energy resources and valuable natural resources in the City and to prevent degradation of the natural environment through improper use of land.
- U. To encourage planned and comprehensive developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, and recreational development to the particular site and its immediate surroundings.

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- V. To encourage coordination of the various public and private procedures and activities that shape land development with a view of lessening the cost of such development and to promote more efficient use of land.
- W. To encourage senior citizen (age-restricted) housing construction.
- X. To promote the conservation of energy through the use of planning practices designed to reduce energy consumption and to provide for maximum utilization of renewable energy sources.
- Y. To conserve and enhance the value of property throughout the City of Bordentown.
- Z. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

These specific objectives shall also include by reference the land use goals found in the City's Master Plan Land Use Plan Element.

300-4. Scope.

The provisions of this Ordinance shall be held to be minimum requirements. It is not intended, by this Ordinance, to repeal, abrogate, annul or in any way to impair or interfere with existing provisions of other articles, chapters or ordinances, except those specifically repealed by this Ordinance, or with private restrictions placed upon property by deed, covenant or other agreements. Where this Ordinance imposes a greater restriction than is imposed and required by other provisions of law or by other rules, regulations or resolutions, the provisions of this Ordinance shall control. Where the provisions of any other laws, ordinances, rules, regulations or resolutions require greater restrictions than are imposed by this Ordinance, the provisions of such other laws, rules, regulations or restrictions shall control.

300-5. Prohibited Uses.

All uses not expressly permitted in this Ordinance are prohibited.

300-6. Conservation Restricted Overlay Districts.

Conservation Restricted Overlay Districts, as shown in the City Master Plan, are subject to the regulations of the Zone district or districts in which they are located, and are also subject to the additional requirements of Articles XVI, XVII and XVIII.

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300-7. Historic and Landmarks Overlay Districts.

Historic and Landmarks Overlay Districts, as shown and listed in the City Master Plan, are subject to the Zone district or districts in which they are located, and are also subject to the additional requirements of Article XIX.

300-8. Applicability of Definitions.

Definitions as set forth in Article II shall apply throughout this Ordinance.

300-9. Establishment of Controls.

- A. The regulations set forth in this Ordinance for each zoning district shall be minimum regulations, unless otherwise specified, and shall apply uniformly to each class or kind of structure or land.
- B. In all zoning districts, after the effective date of this Ordinance, any new building or structure or any tract of land shall be constructed, developed and used only in accordance with the regulations specified for each zone district.
- C. In all zoning districts, after the effective date of this Ordinance, any existing building or other structure or part thereof or any tract of land which is not in conformity with the regulations for the district in which it is located shall be deemed as nonconforming and subject to the regulations found in this Ordinance.

300-10. Compliance.

All applicable requirements shall be met at the first time of erection, enlargement, alteration, moving or change in use or change in ownership of a structure and shall apply to the entire structure or structures, whether or not the entire structure or structures were involved in the erection, enlargement, alteration, moving or change in use. Moreover, no building or structure shall be erected, moved, altered, added to or enlarged unless in conformity with this Ordinance and no building or structure shall be designed, used or occupied and no land shall be used or occupied for any purpose or in any manner other than as specified in this Ordinance. Nothing in this Ordinance shall be deemed to require a change in plans, construction, or intended use of any buildings, structure or land on which actual construction or the application for a permit and/or preliminary plans were lawfully submitted to any governmental agency having applicable jurisdiction, and said actions were begun and diligently pursued before the adoption of this Ordinance.

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300-11. Types of Controls.

The following minimum and uniform regulations shall apply in their respective districts:

- A. Use regulations, including uses by right, accessory uses and conditional uses.
- B. Area and bulk regulations, including required front, side and rear yards, maximum permitted height and maximum allowable lot coverages.
- C. Off-street parking regulations, including minimum required parking spaces.
- D. Off-street loading regulations, including minimum required loading spaces.

300-12. Effective Date.

This Ordinance shall take effect upon final passage, publication, and filing with the Burlington County Planning Board. All previous land development or zoning ordinances prior to the adoption of this said Ordinance are hereby repealed.

300-13. Inconsistent Ordinances Repealed.

All previously adopted subdivision and site plan ordinances and their amendments are hereby repealed.

300-14. Saving Provision.

These regulations shall not abate or modify any action, penalty, liability, or right pending under any ordinance repealed by the adoption of this Ordinance except as expressly provided in this Ordinance.

300-15. Site Plan Approvals, Zoning Variances, and Building Permits Outstanding.

Nothing in this Ordinance shall require any change in a building permit, site plan or zoning variance which was approved before the enactment of this Ordinance provided construction shall have been started within one (1) year from the effective date of this Ordinance and the project shall be continuously pursued to completion, otherwise said approvals and permits shall be void.

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ARTICLE II
DEFINITIONS AND DESCRIPTIONS

300-16. Word Usage.

For the purpose of this Ordinance, certain phrases and words are herein defined as follows:

- A. Words used in the present tense include the future tense;
- B. Words used in the singular number include the plural number and vice versa;
- C. Words used to include the male gender include the female gender and vice versa;
- D. The word “used” shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used;
- E. The word “person” includes corporation or partnership as well as individuals;
- F. The word “lot” includes the words “plot,” “parcel,” or “premises”;
- G. The word “structure” includes the word “building,” “dwelling,” or “residence.”
- H. The term “such as” shall be considered as introducing a typical or illustrative designation of terms and shall not be construed as constituting a complete list;
- I. The word “shall” is mandatory and not discretionary; and
- J. The word “may” is discretionary and indicates a permissive action and not mandatory.

300-17. Compliance with other Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meaning as herein defined. Any word or term not noted below shall be used with a meaning as defined in Webster’s Third New International Dictionary of the English Language, unabridged or the latest edition. Moreover, whenever a term is used in this Ordinance which is defined in N.J.S.A. 40:55D-1, et seq., such term is intended to have the meaning as defined in N.J.S.A. 40:55D-1, et seq., unless specified to the contrary in this Article. Where improvements are governed by the New Jersey Residential Site Improvement Standards (RSIS), such

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terms shall have the same meaning as in N.J.A.C. Title 5, Chapter 21.

300-18. Definitions and Descriptions.

Unless otherwise expressly stated, the following words and terms shall, for the purpose of this Ordinance, have the meanings as indicated:

ACCESSORY BUILDINGS, STRUCTURES OR USES – a building, structure or use of 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 cabanas, garages, carports, greenhouses, sheds, decks, non-portable swimming pools, spas, and all roofed structures. Any accessory building or structure attached to the principal building shall be considered part of the principal building. A storage trailer and/or a construction trailer shall not be considered a permitted accessory building, structure or use except as permitted pursuant to a land development application.

ACCESSORY APARTMENT – a dwelling unit that has been added onto, or created within, a single family detached house, or located adjacent to a single family detached house within a detached accessory building or structure.

ACTIVITY – means any land disturbance, including any development for which an application for development is necessary.

ADDITION, BUILDING – the construction of a new improvement as part of an existing improvement by way of an extension or an increase in the floor area, height, or coverage of an existing building, structure or landmark when such new improvement changes the exterior appearance of any building, structure or landmark.

ADMINISTRATIVE OFFICER – means the Planning Board Secretary or as designated by Ordinance or Statute or by the City Commission.

ADULT ENTERTAINMENT USE – an establishment consisting of, including, or having the characteristics of any or all of the following:

- A. ADULT BOOKSTORE – an establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, films or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas, or an establishment with a segment or section devoted to the sale or display of such material. For the purpose of this Ordinance, “specific anatomical areas” or “specified sexual activities” are defined in the New Jersey Statutes, N.J.S.A. 2C:34-3, and the same are incorporated herein and made a part of hereof as it fully set forth.

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- B. ADULT CABARET/LIVE ENTERTAINMENT – (1) An establishment devoted to adult entertainment, either with or without liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; (2) a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.

- C. ADULT MOTION PICTURE THEATER – an enclosed building used for presenting films of or films consisting of material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specific anatomical genital areas or specified sexual activities for observation by patrons therein. For the purpose of this Ordinance, “specific anatomical areas” or “specified sexual activities” are defined in the New Jersey Statutes, N.J.S.A. 2C:34-3, and the same are incorporated herein and made a part of hereof as it fully set forth.

ADVERSE EFFECT – conditions or situations creating, imposing, aggravating or leading to impractical, unsafe or unsatisfactory conditions on a subdividers property or any adjacent property properties such as, but not limited to, improper circulation and drainage rights-of-way, inadequate drainage facilities and utility service flows, insufficient street widths, unsuitable street grades, unsuitable street locations to accommodate prospective traffic or coordinate and compose a convenient and effective circulation system, locating lots in a manner not adaptable for the intended purposes without danger to health or peril from flood, fire, erosion or other menace, providing for lots of insufficient size and neither providing nor making future allowance for access to the interior portion of a property for other facilities required by this Ordinance; or otherwise in derogation of the City Master Plan.

AGE RESTRICTED HOUSING – buildings, including apartments or condominiums, which are restricted so that only persons age fifty-five (55) or older and persons who are married and cohabitating with a person fifty-five (55) or older may become residents in any unit. Residency in age restricted housing shall be restricted by bylaws, rules, regulations and restrictions of record to use by permanent residents fifty-five (55) years of age or older with the following exceptions:

- A. A husband or wife under the age of fifty-five (55) years who is residing with his/her spouse who is fifty-five (55) years of age or over;

- B. Un-emancipated children nineteen (19) years old or over residing with their parents, where the parents with whom the child or children are residing are fifty-five (55) years of age or over;

- C. One adult under fifty-five (55) years of age will be admitted as a permanent resident if it is established that the presence of such person is essential to the physical care of one of the adult occupants who shall be fifty-five (55) years of age or over.

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AGE RESTRICTED UNIT – a single-family semi-detached, single-family detached, single-family attached and/or multi-family dwelling unit in an age-restricted community which is unrestricted except as to an age requirement for occupancy.

AGRICULTURAL PURPOSES – for purposes of exempting a division of land from the provisions of this Ordinance, land that will be used solely for growing and harvesting of crops, including nursery stock and sod, and/or the raising and breeding of animals and on which no structure other than a fence or a building to contain livestock or for storage will be erected, or a building suitable for human habitation, provided that such building will be located on a lot of at least ten (10) acres.

AGRICULTURAL LAND – farmland as defined pursuant to Section 3 of P.L. 1999, c.152 (c.13:8c-3).

AISLE – the traveled way by which cars enter and depart parking spaces.

ALLEY – any public or private way less than thirty (30) feet in width.

ALTERATIONS – as applied to a building or a structure:

- A. A change or rearrangement in the structural parts or in the existing facilities or an enlargement, whether by extension of a side or by increasing in height or by moving from one location or position to another.
- B. Any other activity that would change the use of the building.
- C. Changes to the appearance of the exterior surface of any improvement
- D. The addition of a sign or the enlargement of any existing sign upon the premises.

Alteration shall not mean necessary repairs and renovation of an existing structure for the purpose of maintenance.

AMUSEMENT ARCADE – any public or quasi-public place or premises wherein five (5) or more amusement machines or devices are maintained, kept, operated or installed.

ANIMAL HOSPITAL – any building or portion thereof designed or used for the care, observation or treatment of domestic animals.

APARTMENT – a building or structure, or portion thereof, designed or used as the residence or sleeping place by one (1) family or household.

APPLICANT – any owner, or authorized representative having written consent from the legal

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owners, submitting an application for review and approval for land subdivision or site plan approval in accordance with this Ordinance and also sometimes referred to as a “developer.”

APPROVING AUTHORITY – the Planning Board of the City of Bordentown unless a different agency or individual is designated by Ordinance.

ARCADE – a series of arches supported by columns, piers, or pillars, either freestanding or attached to a wall to form a gallery; a series of arches employed for decorative purposes; and a roofed passageway or lane, especially one with slopes on one or both sides.

ARTISANAL WORKSHOP – shops of special trade including the manufacturing, compounding, assembly, processing, packaging or similar treatment of such products as: baked goods, candy, ceramics, pottery, china, weaving and other textile arts, painting, cooperage, woodworking, and other artistic endeavors and similar trades. Retail sales of products made on the premises are encouraged.

ARTIST BODY PAINTING AND PHOTOGRAPHIC STUDIO – an establishment or business which provides a service of supplying a human model, which such human model is fully or partially nude of the purpose of photographing, painting, sketching, drawing or otherwise describing or delineating said model in any shape or form.

AS-BUILT PLAN – a survey by a New Jersey Licensed Land Surveyor that indicates improvements on, above, and below the ground after construction pursuant to a final site plan or subdivision approval pursuant to the issuance of a Certificate of Occupancy.

ASSISTED LIVING FACILITY – a facility which is licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed, for four (4) or more adult persons unrelated to the proprietor. In the context of this definition, “apartment” shall mean a dwelling unit offering at a minimum, one (1) unfurnished room, private bathroom, kitchenette, and a lockable door on the unit entrance.

ASSISTED LIVING UNIT – a unit in an assisted living facility which is licensed by the New Jersey State Department of Health and Senior Services. Such units shall offer, at a minimum, one unfurnished room, a private bathroom, and a lockable door on the unit entrance. “Assisted living” is a level of care between nursing care and independent living and includes a coordinated array of supportive personal and health services, available twenty-four (24) hours per day, to residents who have been assessed to need such services. Assisted living is intended to promote resident self-direction and participation in decisions that emphasize independence, individuality, privacy, dignity, and homelike surroundings.

ATTACHED SIGN – any sign erected, constructed or maintained on a building with the principal support of said sign being the building.

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AUTO REPAIR SERVICES – an establishment that repairs and repaints motor vehicles after collisions, fire damage, water damage, or other natural disaster or for the purpose of restoration.

AUTOMOBILE SALES LOT AND BUILDING – a lot and building used for the sale or hire of automotive equipment. This shall be interpreted to include new and used car dealerships and auto accessory sales rooms but not the sale of junked automotive equipment.

AUTOMOBILE WRECKING – the dismantling by any means of automobiles or other vehicles for salvage or scrap; or the crushing or melting of inoperable vehicles. See *JUNKYARD*.

AWNING – an ancillary lightweight roof-like cover, usually of canvas cantilevered from the façade that is temporary or movable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and that may be periodically retracted against the face of the building. An awning may or may not include signage.

AWNING OR CANOPY SIGN – any sign located on or affixed to an awning or canopy.

BABYSITTING – an activity provided in an occupied residence in which child care is provided only for a child or children related to the resident care-giver, or only for a child or children of one (1) unrelated family, or only for a combination of such children; not being a CHILD CARE CENTER or FAMILY DAY CARE HOME. *Babysitting is a permitted accessory use in all City residences.*

BALCONY – an unroofed outdoor living area cantilevered from the face of a building on second or higher floors.

BANKS, FINANCIAL AND INSURANCE OFFICES – establishments such as banks and savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, lessors, lessees, buyers, sellers, and agents.

BASEMENT – a portion of the building partly underground but having less than one-half ($\frac{1}{2}$) its clear height below the average grade of the adjoining ground, plus at least one (1) means of egress directly to the exterior of the building.

BED AND BREAKFAST – a portion of a residential dwelling unit containing sleeping accommodations without individual cooking facilities which are used, let or hired out for compensation for the use of temporary guests. A central dining room area may be utilized to furnish meals only to the guests.

BEDROOM – a room planned or used primarily for sleeping.

BELGIAN BLOCK – a type of paving stone used as curbing generally cut in a truncated pyramidal shape, laid with the base of the pyramid down.

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BERM – a mound of soil, either natural or constructed, used for one or more of the following purposes: screen, buffer, separator, landscape feature, noise attenuator, dam, or storm water control.

BICYCLE AND PEDESTRIAN PATHWAY – a pathway physically separated from motorized vehicular traffic generally by an open space or barrier and either within the highway right-of-way or within an independent right-of-way or easement.

BICYCLE FACILITIES – a general term denoting improvements and provisions made by public or private agencies to accommodate or encourage bicycling, including parking facilities, maps, all bikeways, and shared roadways not specifically designated for bicycle use.

BICYCLE LANE – a portion of a roadway which has been designated by striping, signage and/or pavement markings for the preferential or exclusive use of bicyclists.

BICYCLE ROUTE – a segment of a system of bikeways designated by the jurisdiction having authority with appropriate directional and informational markers, with or without a specific bicycle route number.

BICYCLE-COMPATIBLE ROADWAY – a road designed to accommodate the shared use of the roadway by bicycles and motor vehicles.

BIKEWAY – any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes, including pedestrians.

BILLBOARD – is an off-premises object, device, display, sign, or structure, or part thereof, displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, or to express a point of view, by any means, including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. Each substantially different face of a billboard structure shall constitute a separate billboard. Billboards do not include on-premises commercial or political signage nor small commercial or non-commercial signs temporarily placed in residential lawns by residents, owners, contractors, realtors, or by or on behalf of political candidates or issues.

BIO SWALE – landscape element designed to remove silt and pollution from surface runoff water. It consists of a swaled drainage course with gently sloped sides and filled with vegetation, compost and/or riprap. The water's flow path, along with the wide and shallow ditch are designed to maximize the time water spends in the swale, which aids in the trapping of pollutants and silt.

BLOCK – an area bounded by neighboring and intersecting streets or by such streets and streams or City boundary lines.

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BOARD – the Planning Board of the City of Bordentown, Burlington County, New Jersey.

BOARD OF ADJUSTMENT – the Zoning Board established pursuant to Section 56 of P.L.1975, c.291(c.4055D-1et seq.).

BOARDER – a person who is not related to the head of the household and who may or may not pay for the privilege of boarding.

BOARDINGHOUSE – any dwelling in which people, either individuals or as families, are housed or lodged, for hire, with meals and which contain five (5) or fewer such rooms for hire.

BREEZEWAY – a covered passage, one story in height, connecting a main structure to another main structure or to an accessory building or other land uses, i.e. parking spaces.

BUFFER – an area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, and/or fences, designed to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances. No building, structure, parking area, street, sign (except traffic directional signs) or storage of materials shall be permitted in this area.

BUILDING – a structure which is designed, built or occupied as a shelter; or roofed enclosure for persons, animals, property or shelter, located on foundations or other supports and used for residential, business, mercantile, storage, commercial, professional, industrial, institutional, assembly, educational or recreational purposes.

BUILDING ALTERATIONS, STRUCTURAL – any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or in the utility system or mechanical equipment of a structure, which materially alters its usability, capacity, or function.

BUILDING COVERAGE – the horizontal plane projection taken at grade level of all covered or roofed areas and uncovered porches or decks on a lot, whether permanent or temporary. In computing building coverage; cornices, eaves, gutters, steps, and balconies are excluded.

BUILDING HEIGHT – the vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof for flat roofs; to the average height level (between the eaves and ridge) for gable and hipped roofs; and to the deck line for mansard roofs. In all cases the building height shall not include chimneys, spires, towers, elevator penthouses, tanks, antennas, air-conditioning equipment, and similar projections, provided however that such projections shall be attractively and appropriately designed and/or shielded.

BUILDING LINE or BUILDING SETBACK LINE – a line established by this Ordinance within a lot defining the minimum distances between any structure, or portion thereof, to be erected or altered and an adjacent right-of-way, easement, street line or common open space.

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BUILDING PERMIT – a permit required prior to constructing, moving or altering any building or structure, issued in compliance with the New Jersey Uniform Construction Code Act and this Ordinance.

BUILDING, MAIN OR PRINCIPAL – a building in which is conducted the main or principal use of the lot on which the building is located.

BUILDING SCALE – the relationship between the mass of a building and its surroundings including the width of the street, open space, and mass of surrounding buildings.

BULK REGULATIONS – standards and controls that establish the maximum size of building and structures on a lot and the buildable area within which the building may be located, including area, coverage, setback, height, floor area ratio, and yard or other requirements affecting the physical placement of buildings and structures on a lot.

BUS RAPID TRANSIT (BRT) – a mode of public transportation that combines the quality of rail transit and the flexibility of buses. It can operate on exclusive transit ways, high occupancy vehicles (HOV) lanes, expressways or ordinary streets. A BRT system combines intelligent transportation systems technology, priority for transit, rapid and convenient fare collection and integration with a local and regional land use policy in order to substantially upgrade bus system performance.

BUS STOP SHELTER/TRANSIT SHELTER – a small roofed structure having from one (1) to three (3) walls located near a street and designated primarily for the protection and convenience of passengers.

BUSINESS SERVICES – establishments primarily engaged in rendering services to business establishments on a fee or contract basis, including but not limited to printing, copying, computer services, publishing, binding, photo finishing, and personal supply services.

BREEZEWAY – a covered passage one (1) story in height connecting one building with another.

CALIPER – the diameter of a tree trunk measured in inches, six (6) inches above ground level for trees up to four (4) inches in diameter and measured twelve (12) inches above ground level for trees over four (4) inches in diameter.

CAPITAL IMPROVEMENT – a governmental acquisition of real property or major construction project.

CARPORT – a covered roof extending from the exterior building wall which allows a vehicle to park underneath.

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CARTWAY – the hard or paved surface portion of a street customarily used by vehicles in the regular course of travel. Where there are curbs, the cart way is that paved portion between the curbs.

CARWASH – a structure containing facilities for washing automobiles and automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.

CELLAR – a portion of the building partly underground, having one-half ($\frac{1}{2}$) or more than one half ($\frac{1}{2}$) of its clear height below the average grade of the adjoining ground with or without at least one means of egress directly to the exterior of the building.

CERTIFICATE OF OCCUPANCY – that certificate issued by the Construction Official in accordance with the New Jersey Uniform Construction Code and this Ordinance.

CERTIFICATION, SOIL EROSION – written endorsement by the Planning Board Engineer of a plan for soil erosion and sediment control which indicates that the plan meets the standards established by the Standards for Soil Erosion and Sediment Control in New Jersey as promulgated by the State Soil Conservation Commission (N.J.S.A. 4:24-39 et seq.).

CERTIFIED MASSAGE PRACTITIONER – any person educated and trained to perform therapeutic massage for bona fide purposes.

CHILD CARE CENTER – any facility which is maintained for the care, development and supervision of six (6) or more children under the age of six (6) who attend the facility for less than twelve (12) hours a day and which offers such programs as day care center, drop-in centers, recreation-type centers sponsored and operated by the County or municipal government, centers serving mildly sick children, centers that had not been licensed by the New Jersey Department of Human Services prior to the enactment of the Child Care Center Licensing Act of 1984, day nursery schools, play schools, cooperative child centers, centers for children with special needs, infant-toddler programs, employment related centers, and/or kindergartens that are not an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth. A Child Care Center shall not offer programs operated by a public or private day school of elementary and/or high school grade, special activity programs for children, youth camps, and/or religious classes.

CIRCULATION – systems, structures and physical improvements for the movement of people, goods, water, air, sewage or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits; and the handling of people and goods by such means as terminals, stations, warehouses and other storage buildings or transshipment points.

CLEAR CUTTING – the removal of all standing trees on a lot or a portion of a lot.

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CLEAR SIGHT TRIANGLE – the triangle formed by the point of intersection of the right-of-way lines of two (2) intersecting streets and the points on each of the intersecting right-of-way lines at a given distance from the point of intersection.

CLERK – the City Clerk of the City of Bordentown.

CLUB, SOCIAL OR FRATERNAL – a private organization for social purposes in which the principal use is in enclosed buildings and limited outdoor sports are involved.

CLUSTER – areas to be developed as a single entity according to a plan containing residential housing, commercial and/or industrial buildings, which have a common or public open space as an appurtenance.

COAH – the New Jersey Council on Affordable Housing.

COLONNADE – a roof or building structure, extending over the sidewalk, open to the street and sidewalk except for supporting columns or piers.

COMMERCIAL RECREATION FACILITIES – within enclosed structures, including but not limited to indoor tennis or racquetball courts, health spas, and similar facilities.

COMMERCIAL UNIT – any commercial use under separate ownership or lease.

COMMERCIAL VEHICLES – trucks, buses, sedan delivery vehicles, station wagons with advertising matter on the sides or any other commercially used vehicle except a passenger car with no advertising matter exposed to view.

COMMON OPEN SPACE – a parcel or parcels of land or an area of water, or a combination of land and water, within the site designed and intended for the use or enjoyment of residents and owners of the development and/or community. “Common Open Space” may contain such complimentary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents and owners of the development, as permitted by the Planning Board or Zoning Board.

COMMON OR PARTY WALL – a vertical wall and/or horizontal separation forming a structural part of two (2) buildings or of two (2) separately owned and/or rented units in the same building.

COMMON OWNERSHIP – ownership of two (2) or more contiguous parcels of real property by the same person or persons.

COMMUNITY FACILITIES – buildings, structures, recreational devices, service systems and other facilities generally available to and/or operated for the benefit of residents, including but not limited to swimming pools, tennis courts, building entries and passageways, roads, drainage

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systems, pedestrian and bicycle pathways, sewage treatment plants and other facilities (municipal buildings or schools).

COMMUNITY GARDEN – a parcel of land used for the growing of vegetables, flowers, etc. used for human consumption but not for commercial purposes. The garden area may include but not be limited to a greenhouse, a small accessory storage building, benches, a watering system and fencing.

COMMUNITY RESIDENCE FOR PERSONS WITH HEAD INJURIES – a community residential facility licensed pursuant to P.L. 8197, c. 448 (C.30:11B-1, et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than fifteen (15) persons with head injuries, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, halfway houses, supervised apartment living arrangements and hospitals. Such a residence shall not be considered a health care facility within the meaning of the “Health Care Facilities Planning Act,” P.L. 9171, c. 136 (C.26:2H-1, et seq.). The term “person with head injury” means a person who has sustained an injury, illness or traumatic changes to the skull, the brain contents or its coverings which results in a temporary or permanent psychobiological decrease of mental, cognitive, behavioral, social or physical functioning which causes partial or total disability.

COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED – any community residential facility licensed pursuant to P.L. 1977, c. 448 (C.30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than fifteen (15) developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, half-way houses, intermediate care facilities, supervised apartment living arrangements, and hotels. Such a residence shall not be considered a health care facility, within the meaning of the “Health Care Facilities Planning Act” (P.L. 1971, c. 163; N.J.S.A. 26:2H-1 et seq.). In the case of such a community residence housing mentally ill persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services. As used in this act, “developmentally disabled person” means a person who is developmentally disabled as defined in Section 2 of P.L. 1977, c. 448 (N.J.S.A. 30:11B-2), and “mentally ill person” means a person who is afflicted with a mental illness as defined in N.J.S.A. 30:4-23, but shall not include a person who has been committed after having been found not guilty of a criminal offense by reason of insanity or having been found unfit to be tried on a criminal charge.

COMMUNITY RESIDENCE FOR THE TERMINALLY ILL – any community residential facility operated as a hospice program providing food, shelter, personal guidance and health care services, under such supervision as required, to not more than fifteen (15) terminally ill persons.

COMMUNITY SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE – any shelter approved for a purchase of a service contract and certified pursuant to standards and procedures established

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by regulation of the Department of Human Services pursuant to P.L. 179, c. 337 (N.J.S.A. 30-40-1-14) providing food, shelter, medical care, legal assistance, personal guidance, and other services to not more than fifteen (15) persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

COMPLETE APPLICATION – an application for development shall be complete for purposes of commencing the applicable time period for action by the appropriate Board. In the event the application is not certified to be complete within forty-five (45) days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five (45) day period for purposes of commencing the applicable time period for action by the Planning Board or Zoning Board unless: (a) the application lacks information indicated on a checklist adopted by Ordinance and provided to the applicant; and (b) the Administrative Officer has notified the applicant, in writing, of the deficiencies in the application within forty-five (45) days of the submission of the application. The applicant may request that one (1) or more of the submission requirements be waived within forty-five (45) days. The appropriate Board may subsequently require correction of any information found to be in error and submission of additional information not specified in the 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 have been met. The application shall not be deemed incomplete for lack of any such additional information or any revision in the accompanying documents so required by the Planning Board or Zoning Board.

CONCEPT PLAN – a preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

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 specified in this Ordinance and upon issuance of authorization by the Planning Board. Any application seeking exception to the conditions and standards shall be considered an application for a Use Variance to the Zoning Board.

CONFORMING LOT – a parcel, plot or area of land abutting a public street complying with the minimum requirements of N.J.S.A. 40:55D-35, exclusive of any area within such public street, whose area is sufficient to provide the yard, space and setback requirements and the minimum area requirement for the zone district in which it is located and complying with all other minimum requirements for said district, as required by this Ordinance.

CONGREGATE CARE FACILITY – a part of a continuing care retirement community with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services, and other similar support services for residents.

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CONSERVATION EASEMENT – the grant of a property right stipulating that the described land will remain in its natural state and precluding future or additional development, except as may be specifically permitted therein.

CONSTRUCTION – means any site preparation, assembly, erection, repair or similar action, including demolition of buildings or structures.

CONSTRUCTION OFFICIAL – the municipal official specified in the New Jersey Uniform Construction Code and designated as such by the City Commission responsible for the enforcement of the New Jersey Uniform Construction Code.

CONSTRUCTION TRAILER – any wheeled or formerly wheeled vehicle designed for transport upon roads or highways under its own motive power or under motive power other than its own and used or intended to be used in connection with construction or development for the storage of materials, tools or equipment, or for office purposes. The meaning of “Construction Trailer” shall be deemed not to include mobile homes or recreation vehicles.

CONTIGUOUS PARCEL – tracts of land which share a common boundary.

CONTINUING CARE RETIREMENT COMMUNITY – an age-restricted development that provides a continuum of accommodations and care, from independent living to long-term bed care and which enters into contracts to provide lifelong care in exchange for the payment of monthly fees plus an entrance fee in excess of one (1) year of monthly fees conforming to N.J.S.A. 52-27D-330 et seq.

CONVENIENCE STORE – a retail store offering primarily packaged groceries and offering token selections of a wide variety of sundries.

CONVENTIONAL DEVELOPMENT – development other than a planned development.

CORNER LOT – a lot at the junction of and having frontage on two (2) or more intersecting streets.

COUNTY MASTER PLAN – means a composite of the Master Plan for the physical development of the County in which a municipality is located, with the accompanying maps, plats, charts and descriptive and explanatory matter adopted by the County Planning Board pursuant to R.S. 40:27-2 and R.S. 40:27-4.

COUNTY PLANNING BOARD – means the County Planning Board, as defined in Section 1 of P.L. 1968, c. 285 (C. 40:27-6.1), of the County in which the land or development is located.

CORNICE – the top most element composed of moldings for an entablature in formal architecture orders or used alone at the roof line or ceilings.

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COURT – an open, unoccupied space bounded on more than two (2) sides by the walls of the building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court having one (1) side open to a street, alley, yard, or other permanently open space.

CULVERT – a closed or open conduit designed for the purpose of conveying an open channel watercourse under a road, highway, pedestrian walk, railroad embankment, or other type of overhead structure.

DAYS – calendar days.

DECORATIVE PAVING – paving that is made up of solid, precise, modular units, stamped concrete, seeded concrete, colored concrete or any combination of the above.

DEDICATION - a conveyance or offer of conveyance of property to public use, which precludes the owner or any successor in interest from asserting any right of ownership inconsistent with the use for which the property is dedicated, until acceptance of the offer is acknowledged by the City or other public entity.

DEMOLITION – means any dismantling, destruction or removal of buildings, structures, or roadways or the razing of any improvement or the obliteration of any natural feature or a landmark.

DESIGN STANDARDS - regulations that set forth specific improvement requirements.

DETENTION BASIN - a man-made or natural water collector facility designed to collect surface or subsurface water in order to impede its flow and to release collected water gradually at a rate not greater than that existing prior to the development of the property, into natural or man-made outlets.

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 - 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 excavation or landfill, mining, dredging, filling, grading, paving, drilling, and any other uses 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 this Ordinance and N.J.S.A. 40:55D-1 et. seq.

DEVELOPMENT FEES – money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in New Jersey Council on Affordable Housing (COAH) rules or by others.

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DEVELOPMENT REGULATION – a zoning ordinance, land subdivision and site plan ordinance, official map ordinance or other municipal regulation of the use and development of land, or amendment thereto adopted and filed pursuant to the New Jersey Municipal Land Use Law.

DEVELOPMENT SCHEDULE – a construction schedule and plan showing the year in which each portion of a development shall be constructed.

DIAMETER AT BREAST HEIGHT – diameter of a tree measured four and one-half (4½) feet (forestry method) above the ground level on the downhill side for existing trees. Diameter at Breast Height may appear as the abbreviation “DBH” (Diameter Breast Height).

DIRECT GLARE SOURCE – any direct glare source visible from a height above five (5) feet at the subject property line.

DISTRICT – the part of the City to which certain uniform regulations of this Ordinance apply as a separate zone district.

DOUBLE-STACKED – an arrangement of parking stalls where two rows of spaces immediately abut each other and ingress/egress occurs on the exterior side of each two-space pair.

DORMER – a projecting vertical structure on the slope of a roof, which provides light and headroom to the interior space.

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 EASEMENT AND UTILITY RIGHT-OF-WAY – the lands required for the installation and maintenance of storm water and sanitary sewers, water pipes or drainage ditches and other utilities, or lands required along a natural stream or water course for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage, erosion and sedimentation.

DRIP LINE – a limiting line established by a series of perpendicular drop points marking the maximum radius of the crown of an existing tree, but not less than six (6) feet from the trunk, whichever is greater, and within which no construction or disturbance shall occur.

DRIVE-IN RESTAURANT – a business involving the serving of food and drink outside the confines of the building or where patrons are served food and drink at counters, stools or bars outside the confines of the building or where food and drink is intended for immediate consumption outside the confines of the building or in automobiles.

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DRIVEWAY - a paved or unpaved area used for ingress and egress of vehicles and allowing access from a street to a building or other structure or facility.

DRUG PARAPHERNALIA STORE – an establishment which has as a portion of its stock-in-trade any type of syringe, needles, eye dropper, spoon, pipe, testing kit, rolling paper or other paraphernalia or appliances designed for or ordinarily used in smoking, testing, weighing, measuring, injecting, cooking or sniffing marijuana, cocaine, opium, hashish or other controlled dangerous substances as defined by N.J.S.A. 24:21-1 et seq.

DUMP – land used for the disposal of garbage, sewage, sludge, trash, construction debris, discarded appliances, machinery, vehicles, or parts thereof, or waste material of any kind.

DUPLEX RESIDENCE – a double house consisting of two (2) separate dwelling units under one (1) roof, each complete in itself, with closed partition between, with independent means of ingress and egress in front and rear, and with separate sewer, water and other utility services.

DWELLING or DWELLING UNIT – a building, or portion thereof, designed or used as the residence or sleeping place of one (1) or more persons, including but not limited to one-family, duplex, two-family and multiple dwellings, condominiums, cooperatives, apartments, hotels, boarding and rooming houses, motels, tourist cabins, trailers or trailer courts, tents and other types of movable buildings.

DWELLING UNITS, TYPES:

- A. SINGLE-FAMILY DETACHED – A freestanding residential building which contains one (1) dwelling unit and which has no common walls with other units.
- B. SINGLE-FAMILY ATTACHED – A dwelling unit sharing a common wall with one (1) or more single-family dwelling units.
- C. DUPLEX (SEMIDETACHED) – A residential structure connected to a similar structure on one (1) side by a vertical or horizontal common wall or separation.
- D. TOWNHOUSE – A single dwelling unit in a structure containing five (5) or more units sharing two (2) vertical common walls, except that the end units have a single common wall.
- E. GARDEN APARTMENT – A building containing a group of separate dwelling units so designed that not more than two (2) apartments are served by a common entry.

EASEMENT – A use or burden imposed on real estate by deed or other legal means to permit the use of land by the public, a corporation or particular persons for specified uses.

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EASEMENT, CROSS ACCESS – a portion of a property which is permanently reserved for the purpose of enabling vehicular and/or non-vehicular access between adjoining properties and may be either improved or unimproved.

EASEMENT, SIGHT – an easement that establishes a clear sight triangle.

EAVE – the projecting lower edges of a roof overhanging the wall of a building.

EFFICIENCY – a residential dwelling unit without a separate bedroom and not exceeding six hundred (600) square feet in size.

EIGHTY-FIVE (85) DEGREE FULL CUT-OFF TYPE FIXTURE – light fixtures that do not allow light to escape above an 85-degree angle measured from a vertical line from the center of the lamp extended to the ground.

ELDER-CARE CENTER – a building or space in a building and grounds used for the daycare of senior citizens. It does provide normal daily health-related care, i.e., medication administration, but not nursing care and services and does not preclude services like flu shots.

EMERGENCY WORK – any work or action necessary to deliver essential public services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions.

ENVIRONMENTAL COMMISSION -- a municipal advisory body created pursuant to P.L. 1968, c.245(c.40:56A-1 et seq.).

ENVIRONMENTAL IMPACT REPORT – a description and analysis of all possible direct and indirect effects that development will have on residents and the site itself as well as adjacent and noncontiguous areas.

EQUALIZED ASSESSED VALUE – the value of a property determined by the City Tax Assessor through a process designed to ensure that all property in the City is assessed at the same assessment ratio or ratios required by law. Estimates at the time of building permit may be obtained utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the City Tax Assessor.

ERECT – to build, construct, attach, place, suspend or affix and shall also include the painting of wall signs and the painting of signs or displays on the exterior surface of a building, structure or natural surface.

EROSION – the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

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ESCROW – a deed, bond, money, or a piece of property held by a third person to be delivered to him or her to the grantee only upon fulfillment of a condition or upon the grantor’s failure to fulfill a condition.

EVALUTION – a written statement, documented by maps and charts as appropriate, examining, discussing and evaluating the impacts of a particular aspect of a proposed development. An “evaluation,” in this context, shall include a comparison of the development and its impacts, as appropriate, to applicable standards set forth in this Ordinance. If no standards in this Ordinance are applicable to the particular aspect which is the subject of the evaluation, then generally accepted standards shall apply.

EXCAVATION OR CUT – any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated.

EXTERIOR LIGHTING – temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended indoors to light something outside are considered exterior lighting for the intent of this Ordinance.

FAÇADE – the face of a building that is considered to be the architectural front and usually given special architectural treatment. The façade does not include roof designs.

FAMILY – one or more individuals not necessarily related by blood, marriage, adoption or guardianship, living together in a dwelling unit as a single housekeeping unit, including shared bathroom and kitchen facilities, and also may include other shared living space. Such occupancy is distinguished from a boarding, lodging or rooming house type of occupancy dwelling unit.

FAMILY DAY CARE HOME – a private residence which qualifies as a family day care home pursuant to the “Family Day Care Provider Registration Act,” P.L. 1987, c. 27 (C.30:5B-16 et seq.); and as further defined as a private residence in which child care services are provided for a fee to not less than three (3) and no more than five (5) children at any one time for no less than fifteen (15) hours per week. Refer to N.J.S.A. 40:55D-66.5b for further information on family day care homes.

FASCIA – the edges of a building or structure which face outward.

FAST-FOOD RESTAURANT – a public eating facility where patrons purchase food while within the physical premises of the restaurant, which is obtained by self-service or from an employee of the establishment over a counter, for consumption either within the establishment or away from the premises. Cafeterias constitute “fast-food restaurants” under this Ordinance.

FENESTRATION – windows and other openings on a building façade.

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FENCE – an artificially constructed barrier of any material or combination of materials including wood, metal, stone and masonry erected to enclose or screen areas of land.

FINAL APPROVAL – the official action of the Planning Board or Zoning Board 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 guarantees properly posted for their completion or approval conditioned upon the posting of such guarantees.

FINAL PLAT - the final map of all or a portion of the subdivision which is presented to the Planning Board or Zoning Board for final approval in accordance with these regulations and which, if approved, shall be filed with the proper County Recording Officer.

FLAG LOT – a parcel, plot or area of land abutting a public street, complying with the minimum requirements of N.J.S.A. 40:55D-35, whose width at the street line and/or at the building setback line is less than that required by the zone district in which it is located and whose principal portion shall be to the rear of a conforming lot; such lot shall comply with the minimum requirements hereinafter set forth.

FLOOD FRINGE AREA – that portion of the flood hazard area not designated as the floodway.

FLOOD HAZARD AREA – the floodway and the flood fringe area of a delineated stream.

FLOOD HAZARD AREA DESIGN FLOOD – the one hundred (100) year storm in non-delineated areas and the one hundred (100) year storm plus twenty-five percent (25%) in delineated areas.

FLOOD HAZARD DESIGN ELEVATION – the elevation of the Flood Hazard Area Design Flood.

FLOOD INSURANCE RATE MAP (FIRM) – the Official Map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY – the official report provided in which the Federal Emergency Management Agency has provided flood profiles as well as the Flood Boundary-Floodway map and the water surface elevation of the base flood.

FLOOD OR FLOODING – a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the usual and rapid accumulation of runoff of surface waters from any source.

FLOODPLAIN – the relatively flat area or low lands adjoining the channel of a natural stream, which has been or may be hereafter covered by flood water.

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FLOODWAY – the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than two tenths (0.2) of a foot.

FLOOR AREA – the area of all floors computed by using the dimensions of the outside walls of each floor of a building or from the centerline of a wall separating two (2) buildings, but not including cellars, porches, balconies, patios, terraces, breezeways, carports, verandas and garages or any space where the floor-to-ceiling height is less than six and one-half (6½) feet, except that enclosed porches and patios which are heated and used year-round may be counted in computing the floor area, provided that the walls, ceilings, foundation, etc., are the same as required for the remaining structure.

FLOOR AREA RATIO – the sum of the area of all of the floors of the building or structures compared to the total area of the site.

FOOTCANDLE – a unit of luminance on a surface one (1) foot square in area onto which there is a uniform flux of one (1) lumen. Measured by a light meter.

FRIEZE – used as one of the ornamentation elements of particular Greek and then Roman design. Applied to the top of a horizontal segment of a mantelpiece, which assumes temple format with side supports serving as pilasters.

FRONT LOT LINE – that property line of a lot coinciding with the right-of-way line of a street or other way, public or private, giving access to such lot.

FULL CUT OFF LIGHT FIXTURE – a light fixture with cutoff optics that allows no light emissions above a vertical cutoff angle of ninety (90) degrees and a maximum of ten percent (10%) of numeric value of the lamp lumen output radiates over an eighty (80) degree angle above nadir (straight down at perfect vertical) through the light fixtures lowest light emitting part when mounting height is sixteen (16) feet or less. Any structural part of the light fixture providing this cutoff angle must be permanently affixed. No direct up light.

FUNCTIONAL SIGNS – directional, information or public service signs, such as signs advertising locations of rest rooms, telephones or similar facilities of public convenience including entry and exit signs from parking areas. Functional signs shall not include any name, business, logo or message other than the directional or informational material as noted above.

FUNERAL HOME – a building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation, licensed by the State of New Jersey for such purpose.

FURNITURE AND HOME FURNISHINGS – a commercial establishment for the retail sales of furniture and home furnishings including, but not limited to, window treatments, light fixtures, and

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wallpaper. Home furnishings shall not include flooring materials (including carpets) and/or large appliances such as televisions, stereo systems, washing machines and clothes dryers.

GABLE – the part of the end wall of a building between the eaves and a pitched or gambrel roof. The gable orientation shows the vertical triangular plane rather than the slope side of the roof. A gable facing towards a frontage individualizes a building more strongly than its alignment parallel to a frontage.

GARAGE, MUNICIPAL – a building owned or operated or maintained by the City of Bordentown which is used primarily for the storage, repair, maintenance and major repair of motor vehicles owned, used or customarily maintained by the City of Bordentown and which may include such facilities designed for uses incidental thereto, including the provision of motor fuel for said vehicles.

GARAGE, PRIVATE NON-RESIDENTIAL – a structure which is accessory to a non-residential building and use and which is primarily for the parking and storage of vehicles operated by customers, visitors and employees of such non-residential building and use and which is not available to the general public.

GARAGE, PRIVATE RESIDENTIAL – a structure which is associated with a residential building and which is used for the parking and storage of vehicles owned and operated by the residents thereof, and which is not a separate commercial enterprise available to the general public. A private residential garage shall have a capacity for not more than three (3) motor vehicles, shall not exceed a width of forty-five (45) feet and shall not exceed a depth of twenty-four (24) feet. Additionally, a detached private residential garage shall not exceed a height of twenty (20) feet.

GARAGE, PUBLIC – a building space or portion thereof, other than a private non-residential garage or private residential garage, which is primarily used for the storage, repair, retail, maintenance and major repair of motor vehicles and the retail sales of motor vehicles, in connection with a franchised dealership; and which may include such facilities designed or used for polishing, greasing, washing, spraying and otherwise servicing of such motor vehicles incidental thereto, other than service stations as hereinafter defined, the sale of motor fuel and the sale of previously registered motor vehicles, commonly referred to as “used cars.” The sale of previously registered automobiles as a primary use shall be prohibited.

GARDEN CENTER – an establishment for retail sales of live plant material, fertilizers, pesticides, landscape materials, plant containers, seasonal sales of flowers, produce and holiday items, including Christmas trees both live and artificial, lawn ornaments, garden furniture and similar material.

GASOLINE STATION – a retail place of business engaged primarily in the sale of motor fuels but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. Major automotive repairs, painting and body and fender work are excluded. (*See the definition of “Service Station, Automotive.”*)

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GENERAL DEVELOPMENT PLAN – a comprehensive plan for the development of a planned development pursuant to N.J.S.A. 40:55D-45.2.

GLARE – the sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort or the loss of visual performance and visibility.

GOVERNING BODY – the City Commission of Bordentown City.

GREEN BUILDING OR GREEN DESIGN – building design that yields environmental benefits, such as savings in energy, building materials, and water consumption, or reduced waste generation.

GRADE – the slope of a road, path, driveway, swale or other surface, or the average finished ground elevation adjoining a building or project completion.

GROUND COVER – low-growing plants or sod that in time form a dense mat covering the area in which they are planted preventing soil from being blown or washed away and the growth of unwanted plants.

HABITABLE FLOOR AREA – see the definition of “floor area.”

HABITABLE ROOM – any room except those used for kitchen, bath or utility

HISTORIC BUILDING – any building or structure which is historically or architecturally significant.

HISTORIC OVERLAY DISTRICT – a definable group of tax map lots the improvements on which when viewed collectively:

- A. Represent a significant period(s) in the architectural and social history of the City; and because of their unique character, can readily be viewed as an area or neighborhood district from surrounding portions of the City; or
- B. Have a unique character resulting from their architectural style.

Except as otherwise stated, all references to “landmarks” in this Ordinance, shall be deemed to include historic districts as well.

HISTORIC LANDMARK – any real property such as a building, structure, ruins, foundation, route, trail, place or object including but not limited to a cave, cemetery, burial ground, camp or village area, or a natural object(s) or configuration, geological formation or feature which:

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- A. Is of particular historic, cultural, scenic or architectural significance to the City of Bordentown and in which the broad cultural, political, economic or social history of the nation, state or community is reflected or exemplified; or
- B. Is identified with historic personages or with important events in the main current of national, state or local history; or
- C. Shows evidence of habitation, activity or the culture of prehistoric man; or
- D. Embodies a distinguishing characteristic or an architectural type valuable as a representative of a period, style or method of construction; or
- E. Represents a work of a builder, designer, artist or architect whose individual style significantly influenced the architectural history of the City of Bordentown; or is imbued with traditional or legendary lore.

All landmarks shall specifically be identified within the Community Facilities Plan Element of the Master Plan as recognized by the provision of N.J.S.A. 40:55D-28 (b) (6). The designation of a landmark shall be deemed to include the tax map lot(s) on which it is located.

HISTORIC SITE – any real property, man-made structure, natural object or configuration or any portion or group of the foregoing of historical, archaeological, cultural, scenic or architectural significance.

HOME-BASED OCCUPATIONS AND BUSINESSES – any indoor activity carried out by a resident and some employees for financial gain in a dwelling unit or in an accessory building which is clearly incidental and secondary to the use of the dwelling for residential purposes and the office of a member of a recognized profession providing professional services on an appointment-only basis in his place of residence. The issuance of a State or local license for regulation of any gainful occupation shall not be deemed indicative of the occupation being classified as a recognized profession under the terms of this Ordinance. Recognized professions shall include, but are not limited to: professional service offices for attorneys, accountants, bookkeepers, management consultants, architects, engineers, surveyors, planners, financial service consultants, computer programmers, data processing consultants, and similar professionals; medical offices for doctors, dentists, physical therapists, psychiatrists, psychologists and other medical practitioners; and personal service businesses such as dressmaking, home cooking for off-premises consumption (catering), private tutoring, individual teaching of music, portrait painting and sculpture, graphic design, video editing, telecommunication technology services, hair care, tailors, and photography. Businesses such as barber and beauty shops, tea rooms, nursery schools, landscaping businesses, music or dancing schools other than for individual instruction, real estate offices, convalescent homes, mortuary establishments, automobile repair and body shops, welding shops, carpentry and cabinetmaking, and trades such as electricians and plumbers, shall be prohibited. Laboratories

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and other research-related uses, animal hospitals and veterinary clinics, kennels, and raising of animals and livestock shall also be prohibited. Home-based occupations and businesses of any kind not herein expressly permitted shall not be deemed to be permitted uses unless determined to be such by the Administrative Officer.

HOMEOWNERS' ASSOCIATION – an organization operating in a development under recorded agreements through which each lot owner shall be a member and each dwelling unit is subject to a charge for a proportionate share of the expenses for the organization's activities and maintenance, including any maintenance costs levied against the Association by the City in accordance with N.J.S.A. 40:55D-43.

HOUSES OF WORSHIP – a building used for public worship by a congregation, excluding buildings used for residential, educational, burial, recreational or other uses not normally associated with worship.

HOTEL, MOTEL, AND EXTENDED FAMILY STAY FACILITY – a building or group of buildings consisting of individual sleeping units designed for transient travelers and not for permanent residency; which may include conference and meeting facilities and restaurants.

IESNA – Illuminating Engineering Society of North America. An organization that provides standards for the lighting industry.

IMPERVIOUS SURFACE – the square footage or other area measurement by which all buildings and impervious surfaces cover a lot as measured in a horizontal plane to the limits of the impervious area(s), such as surface areas, walkways, patios and plazas. All parking spaces and lots, buildings, roads, driveways, walkways, tennis courts, patios, decks and any other structure or on-site material or ground condition that does not permit the natural absorption of water shall be included in the computation of improvement coverage. All surfaced parking areas and driveways, all required parking areas which are permitted to remain un-surfaced and all gravel and packed stone areas and landscape areas lined with weed-inhibiting plastic sheeting shall be included in the computation of impervious coverage. In addition, other areas determined by the Planning Board Engineer to be impervious within the meaning of this definition shall also be considered as an “impervious surface”.

IMPROVEMENT – any structure or part thereof constructed or installed upon real property by human endeavor and intended to be kept at the location of such construction or installation for a period of not less than sixty (60) consecutive days.

IMPULSIVE SOUND – means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one (1) second.

INDEPENDENT LIVING UNIT – a self-contained unit for an older adult or adults who are capable of caring for themselves but for whom dining, social and health related services are

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provided within the community through contractual arrangements with the owner/manager, either as a complete package or on a a-la-carte basis.

INSTITUTIONAL USE – a non-profit, religious, community service or public use such as a religious building, post office, library, community meeting hall, cultural-recreational-educational facility, visual and/or performance arts building or government-owned or operated building or structure.

INTERESTED PARTY – any person, whether residing within or without the City, whose right to use, acquire or enjoy property is or may be affected by any action taken under this Ordinance or whose rights to use, acquire or enjoy property under this Ordinance or under any law of this State or of the United States have been denied, violated or infringed by an action or a failure to act under this Ordinance.

INTERSECTION – a point where two (2) or more streets meet and/or cross.

ISLAND, TRAFFIC – in street design, a raised area, usually curbed, placed to guide traffic and separate lanes, or used for landscaping, signage, or lighting.

JUNKYARD – the use of any lot for the storage, keeping or abandonment of junk, including scrap metal or other scrap material, or for the dismantling, demolition or abandonment of structures, automobiles or other vehicles, equipment and machinery or parts thereof. The term “junkyard” as defined above includes automobile wrecking yards.

KENNEL – a business devoted to the boarding, care of breeding of dogs and cats.

LAND – any ground, soil, or earth, including drainage ways and areas not permanently covered by water within the City, plus improvements and fixtures on, above or below the surface.

LANDSCAPE PLAN – a component of a development plan on which is shown proposed landscape species (such as number, spacing, size at time of planting and planting details); proposals for protection of existing vegetation during and after construction; proposed treatment of hard and soft surfaces; proposed decorative features; grade changes; buffers and screening devices; and any other information required to facilitate an informed decision by the approving authority.

LANDSCAPING – an area of land restricted to landscape items which may also include such elements as natural features, earthen berms, sculpture, signs, lighting, access-ways, bikeways and pedestrian-ways, but not including motor vehicle parking, extending along the entire lot line where they are required. The width of a landscape area shall be measured at right angles to the lot line.

LEAST-COST HOUSING – that housing which may be produced at lowest price given compliance with New Jersey Uniform Construction Code and other applicable regulations.

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LEED RATING SYSTEM – the most recent version of the Leadership in Energy and Environmental Design (LEED) Commercial Green Building System, or other related LEED Rating Systems, as approved by the US Green Building Council.

LEED Accredited Professional – an individual who has passed the LEED accreditation examination issued by the USBGC in applying LEED principles to building design.

LIGHTING – any or all parts of a luminaire that function to produce light.

LIGHT INDUSTRY – the fabrication, processing or assembly of goods and material where the storage of bulk goods and materials, or such activities or materials create no major hazard from fire or explosion or produce no toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, offensive noise or vibration, glare, flashes or objectionable effluent.

LIGHT FIXTURE – the assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

LIGHT POLLUTION – any adverse effect of manmade light including, but not limited to, light trespass, uplighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky. Often used to denote urban sky glow.

LIGHT TRESPASS – light emitted by a luminaire falls where it is not wanted or needed or shines beyond the property line on which the luminaire is installed.

LINTEL – the topmost horizontal member over an opening, which helps carry the weight of the vertical structure above it.

LOADING SPACE – an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

LONG-TERM CARE FACILITY – an institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for twenty-four (24) or more consecutive hours or two or more patients who are not related to the governing authority or its members by marriage, blood, or adoption. Long-term care facility shall include the terms skilled nursing facility and intermediate care facility.

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.

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LOT COVERAGE – that part or percentage of the lot covered by building area and impervious surfaces.

LOT DEPTH – the horizontal distance between the front and rear lot lines measured along the median between the two (2) side lot lines.

LOT LINE – any line forming a portion of the exterior boundary of a lot and the same line as the street line for that portion of a lot abutting a street.

LOT WIDTH – the horizontal distance between the side lot lines measured along the street line.

LOT, CORNER – a lot at the junction of, and abutting on, two (2) or more intersecting streets. Unless prior subdivision approval requires otherwise, each corner lot shall have two (2) or more front yards, one (1) side yard and one (1) rear yard. Designation of the side and rear yards shall occur either at the time of application for subdivision approval for new residential lots or at the time of application for building permit for lots within existing development where no prior designation of such yards occurred.

LOT, INTERIOR – a lot other than a corner lot.

LOT, THROUGH – a lot, other than a corner lot, which extends from one (1) street to another, having frontage on both streets.

LUMINAIRE – the complete lighting unit, including the lamp, the fixture, and other parts.

MAINTENANCE GUARANTY – any security, other than cash, which may be accepted by the City of Bordentown for the maintenance of any improvements required by this Ordinance, including but not limited to surety bonds and letters of credit pursuant to N.J.S.A. 40:55D-53.5.

MAJOR APPLICATION – any application for a Certificate of Appropriateness which involves demolition or removal of a landmark; addition to a landmark; or construction of a new structure in an historic and landmarks overlay district; or otherwise falls within the criteria set forth in this Ordinance.

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

MANUFACTURING – an activity which involves the fabrication, reshaping, reworking, assembly or combining of products for sale to the general public from previously prepared materials and which does not involve the synthesis of chemical or chemical products or the processing of any raw materials. Manufacturing includes light industrial operations such as electronic, machine parts and small component assembly, as opposed to heavy industrial operations such as automobile assembly or milling activities.

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MAP FILING LAW – Chapter 141 of the Laws of New Jersey 1960, as amended from time to time.

MASSAGE PARLOR – an establishment, business or use which provides the service of massage an body manipulations, including exercises, heat and light treatments of the body and all forms and methods of physical therapy unless operated by a medical practitioner or professional physical therapist or certified massage practitioner.

MASTER PLAN – a composite of one (1) or more written or graphic proposals for the development of the City adopted pursuant to N.J.S.A. 40:55D-28.

METHADONE CLINIC – any facility offering outpatient methadone maintenance services. A methadone clinic shall be deemed to be a business or commercial operation, or the functional equivalent thereof, and shall not be constructed, for zoning purposes, as ancillary or adjunct to a doctor's professional office.

MINOR APPLICATION – any application for a Certificate of Appropriateness which does not involve demolition or removal of a landmark; addition to a landmark; or construction of a new structure in an historic and landmarks overlay district and meets the criteria set forth in this Ordinance.

MINOR SUBDIVISION – a subdivision of land that does not involve the creation of more than three (3) lots, including the remaining portion of the tract, but not including any land offered to the City for road-widening purposes; any new street; or the extension of any off-tract improvement, provided that the proposed subdivision does not create a condition which directly or indirectly adversely affects the development of either the remainder of the tract or nearby property.

MLUL – Municipal Land Use Law.

MOBILE HOME OR MANUFACTURED HOME – a dwelling unit manufactured in one or more sections; designed for long-term occupancy; containing living and sleeping accommodations, a flush toilet, a tub or shower, bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported on its own wheels after fabrication, arriving at the site where it is to be occupied as a complete dwelling unit, usually including major appliances and furniture and ready for occupancy, except for minor and incidental unpacking and assembly operations. For purposes of this Ordinance, "Trailers" are not considered mobile homes.

MOBILE HOME PARK – any plot of ground upon which two (2) or more mobile homes are located and used for living purposes.

MODULAR HOME – a dwelling unit manufactured in one or more sections; designed for long-term occupancy; containing living and sleeping accommodations, a flush toilet, a tub or shower,

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bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported on a flatbed or on other trailers in sections, arriving at the site where it is assembled for occupancy as a complete dwelling; and a unit that is in conformity with the New Jersey Uniform Construction Code.

MONUMENT SIGN – a sign, the bottom of which or integral support structure thereof, is flush with the ground throughout the entirety of vertical dimension.

MORTUARY – a place for the storage of human bodies prior to their burial or cremation.

MOTOR VEHICLE – means any vehicle that is propelled other than by human or animal power on land.

MOUNTABLE CURB – a curb with a sloped face designed to be crossed by a vehicle.

MOVING LANE – moving or travel lane where traffic movement is the primary, if not sole function.

MUFFLER – a properly functioning sound dissipative device or system for abating the sound of escaping gasses on equipment where such a device is part of the normal configuration of the equipment.

MULCH – a layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, to prevent weeds from growing, to hold the soil in place, and to aid plant growth.

MULTI-DWELLING UNIT BUILDING – any building comprising two (2) or more dwelling units including but not limited to apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

MULTI-FAMILY HOUSING DEVELOPMENT – a building containing three (3) or more dwelling units, occupied or intended to be occupied by persons living independently of each other or two (2) groups of such buildings.

MULTI-USE PROPERTY – any distinct parcel of land that is used for more than one (1) category of activity. Examples include, but are not limited to:

- A. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or

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- B. A building which is both commercial (usually on the ground floor) and residential property located above, behind, below or adjacent.

MUNICIPAL AGENCY – the Planning Board, the Zoning Board, City Commission, or any agency created by or responsible to the City when acting pursuant to this Ordinance and the Municipal Land Use Law (MLUL).

NATURAL FEATURES – the earth itself, the water upon or under the surface of the earth, the air above the earth and plants, animals, fish, birds, insects and other living creatures growing upon or inhabiting the earth, the water or the air.

NATURAL MATERIALS – materials found to exist naturally and/or have undergone minor modification, reduction or alloying by man, which can be reused (recycled) or are biodegradable. Such materials would include wood, stone, brick, rapidly oxidizing metals such as iron, recyclable metals and minerals such as copper and glass and some alloys such as tin, bronze and brass. Plastics, polyvinyl chlorides, special polymers, aluminum, chromium, special steels and other exotic man-made or highly refined materials are specifically and generally excluded.

NEW CONSTRUCTION – structures for which the start of construction commenced on or after the effective date of this Ordinance.

NOISE – sound or a sound that is loud, unpleasant, unexpected, or undesirable; sound or a sound of any kind; a loud outcry or commotion; a disturbance, especially a random and persistent disturbance, that obscures or reduces the clarity of a signal.

NOISE CONTROL OFFICER – an employee of:

- A. A local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et. seq.) to perform noise enforcement activities; or
- B. A municipality with a state approved noise control ordinance and the employee has received noise enforcement training and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons in order to be considered a Noise Control Officer.

NON-CONFORMING BUILDING OR STRUCTURE – a building or structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of this Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision, or amendment.

NON-CONFORMING LOT – a lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of this Ordinance, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

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NON-CONFORMING SIGN – any sign lawfully existing on the effective date of an Ordinance, or any amendment thereto, which is rendered non-conforming by reason of such adoption, revision or amendment.

NON-CONFORMING USE – a use or activity which was lawful prior to the adoption, revision or amendment of this Ordinance, but which fails to conform to the requirements of this Ordinance in which it is located by reasons of such adoption, revision or amendment.

NONPOINT SOURCE – any human-made or human-induced activity, factor, or condition, other than a point source, from which pollutants are or may be discharged; any human-made or human-induced activity, factor, or condition, other than a point source, that may temporarily or permanently change any chemical, physical, biological, or radiological characteristic of waters of the State from what was or is the natural, pristine condition of such waters, or that may increase the degree of such change; or any activity, factor, or condition, other than a point source, that contributes or may contribute to water pollution. The term “NPS” shall have the same meaning as “non-point source”.

NON-PROFIT EDUCATIONAL INSTITUTION – any educational institution for higher learning chartered by the State of New Jersey, or a private educational institution normally subject to regulations prescribed by the State of New Jersey, which institution is operated on a non-profit basis. This definition shall be deemed to include all activities secondary or subordinate to the main activity of any such institution, which activities are a part of the normal operation of such institution as set forth in its Ordinance.

NONSTRUCTURAL BEST MANAGEMENT PRACTICES (BMP) – a storm water management measure, strategy or combination of strategies that reduces adverse storm water runoff impacts through sound site planning and design. Nonstructural BMPs include such practices as minimizing site disturbance, preserving important site features, reducing and disconnecting impervious cover, flattening slopes, utilizing native vegetation, minimizing turf grass lawns, maintaining natural drainage features and characteristics and controlling storm water runoff and pollutants closer to the source. The term “Low Impact Development technique” shall have the same meaning as “nonstructural BMP”.

NUISANCE – an offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion or disturbance of another’s rights, including the actual or potential emanation of any physical characteristics, activity or use across a property line, which can be perceived by or affect a human being of ordinary sensibility or the generation of an excessive or concentrated movement of people or things, such as but not limited to dust; smoke; fumes; odor; glare; flashes; vibration; shock waves; heat; electronic or atomic radiation; objectionable effluent; noise or congregation of people, especially at night; passenger traffic; transportation of things by truck, rail or other means; and invasion of non-abutting street frontage by parking.

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NURSING CARE UNIT – a bed in a nursing facility that is licensed by the New Jersey State Department of Health to provide health care under medical supervision and continuous nursing care to patients who do not require the degree of care and treatment which a hospital provides and who, because of their physical or mental condition, require continuous nursing care and services above the level of room and board.

NURSING HOME – a facility operated for the purpose of providing therein lodging, board, and nursing care to sick, invalid, infirm, disabled, or convalescent persons for compensation and duly licensed by all governmental agencies.

OFFICES – a space accommodating any or all of the following: executive, general corporate and clerical activities, research and consumer product development connected with service industries such as financial, insurance, and banking; development of computer software; demographic, economic and statistical research; and activities of a similar character.

OFFICIAL MAP – a map adopted in accordance with the Official Map and Building Permit Act, N.J.S.A. 40:55-1.30 et seq., only to the extent that it is consistent with N.J.S.A. 40:55D-32 et seq. and to the extent that it has not been supplanted by an Official Map adopted pursuant to N.J.S.A. 40:55D-32 et seq. Such a map shall be deemed conclusive with respect to the location and width of streets, drainage rights-of-way and flood control basins and the location and extent of public parks, playgrounds and scenic and historic sites shown thereon.

OFF-PREMISES SIGN – a sign which advertises a business which is not conducted or a product which is not sold on the lot where the sign is located.

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 subdivision application or contiguous portion of a street or right-of-way.

OFF-STREET LOADING SPACE – a temporary loading area for a truck or delivery van that is directly accessible to an access aisle and that is not located within a dedicated street right-of-way.

OFF-STREET PARKING SPACE – a temporary storage area for a motor vehicle that is directly accessible to an access aisle, and that is not located on a dedicated street right-of-way.

OFF-TRACT – not located on the property which is the subject of a subdivision or site plan application nor on a contiguous portion of a street or right-of-way.

ONE HUNDRED YEAR FLOOD LINE – the line that is formed by following the outside boundaries of the area inundated by a one hundred (100) year flood. A one hundred (100) year flood is estimated to have one (1) percent chance or one (1) chance in one hundred (100) of being equaled or exceeded in any one (1) year. The one hundred (100) year flood line shall be determined by reference to the most recent Flood Insurance Rate Map published by the Federal

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Emergency Management Agency, information derived from field survey and local hydrological analyses.

ONE-FAMILY DWELLING – a building containing one (1) dwelling unit only and not occupied or designed for occupancy by more than one (1) family.

ON-SITE – located on the lot in question.

ON-STREET PARKING SPACE – a temporary storage area for a motor vehicle which is located on a dedicated street right-of-way.

ON-TRACT – located on the property which is the subject of a subdivision or site plan application or on a contiguous portion of a street or right-of-way.

OPEN SPACE – any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

OPEN SPACE ZONING – a permitted reduction in lot sizes and lot area requirements in major subdivisions in which the density requirement (dwelling units per acre) is maintained and where all resulting open land within said subdivision is deeded to the municipality for public purposes or reserved as permanent open space, i.e., cluster development.

OUTDOOR LIGHT FIXTURE – an electrically powered illuminating device which is either temporarily or permanently installed outdoors, including but not limited to, devices used to illuminate any site, architectural structure or sign. The face of the lamp must be recessed within the enclosure and any glass/plastic protective or diffusing device cannot extend beyond that enclosure.

OUTDOOR FIXTURE – light fixture suitable for outside use.

OUTDOOR STORAGE – the keeping in an unroofed area of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

OWNER - any individual, partnership, firm, association, syndicate, co-partnership or corporation having sufficient proprietary interest in the land sought to be subdivided or otherwise developed to commence and maintain proceedings under this Ordinance.

PARAPET – a low wall encircling the perimeter of a flat building roof, generally used to screen roof-mounted mechanical equipment.

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PARKING AREA – an open area, other than a street or other public way, used for the parking of motor vehicles and available for use as a service or privilege to guests, licensees, clients, customers, suppliers and/or residents. It shall include driveways and access drives located on the lot and within the parking area.

PARKING LOT – an off-street, ground level area, usually surfaced and improved for the temporary storage and circulation of motor vehicles.

PARKING SPACE – a defined area located within either a structure or garage or in the open and exclusive of driveways or other access drives for the parking of a motor vehicle.

PARTIAL DESTRUCTION – that destruction which is less than total destruction as determined by the Tax Assessor in levying taxes on said premises. That is to say, if the damaged improvement still has sufficient value so that it is assessed, the destruction is determined to be partial.

PARTIALLY SHIELDED – the bulb of the light fixture is shielded by a translucent siding and the bulb is not visible at all. Light may be emitted at the horizontal level of the bulb.

PARTY IMMEDIATELY CONCERNED – for purposes of notice, any applicant for subdivision or for site plan approval, the owners of the subject property and all owners of property and government agencies entitled to notice thereof.

PATH – a cleared way for pedestrians and/or bicycles to travel which may or may not be paved.

PEDIMENT – a crowning triangular element at the face of a roof or above a door opening.

PILASTER – a thin segment of a square column attached on a wall, which matches in details accompanying freestanding columns or on corners of buildings.

PLANTER – the element of the public streetscape which accommodates street trees. Planters may be continuous or individual.

PERFORMANCE GUARANTY – any security, which may be accepted by the City, including performance bonds, with a responsible surety authorized to do business in the State of New Jersey, or escrow agreements secured by cash, certified check or cashier's check to guarantee the completion of the required improvements before the Planning Board approves the final plat, provided that no more than ten percent (10%) of the total performance guaranty may be required in cash. A responsible surety shall not include a surety against whom there are proceedings pending in this state to revoke its license to act as such surety.

PERMANENTLY AFFIXED – any building or structure with foundation walls or footings that support the above-ground elements and which cannot easily or conveniently be removed.

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PERMITTED USE – any use of land or buildings as permitted by this Ordinance.

PERSON – an individual, association, partnership, corporation or joint venture.

PERSON WITH HEAD INJURY – a person who has sustained an injury, illness or traumatic changes to the skull, the brain contents or its coverings which results in a temporary or permanent psychobiological decrease of mental, cognitive, behavioral, social or physical functioning which causes partial or total disability.

PERSONAL SERVICES – establishments primarily engaged in providing services involving the care of a person or his or her goods or apparel, including but not limited to laundering, shoe repair, hair and body care, tailoring, travel agents, spas, tanning salons and nutrition/weight loss.

PERVIOUS SURFACE – any pervious paving material that permits a significant portion of surface water to be absorbed including pervious interlocking concrete paving blocks, concrete grid pavers, perforated brick pavers, compacted gravel and porous bituminous concrete, all of which shall be subject to the review and approval of the Planning Board Engineer.

PLAINLY AUDIBLE – any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The noise control officer need not determine the title, specific words, or the artist performing the song.

PLANNED DEVELOPMENT – planned unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development, where an area of land, controlled by a land owner, to be developed as a single entity for one (1) or more uses and where standard lot bulk, height and area requirements are replaced with performance standards with impact evaluation proceedings.

PLANNING BOARD – the Planning Board of the City of Bordentown.

PLAT – A map or maps of a subdivision or site plan. Included are:

- A. PRELIMINARY PLAT – The preliminary map indicating the proposed layout of the subdivision or site plan which is submitted to the Board Secretary for Planning Board consideration and tentative approval and meeting the requirements of this Ordinance.
- B. FINAL PLAT – The final map of all or a portion of the subdivision which is presented to the Planning Board for final approval in accordance with the regulations of this Ordinance, and which, if approved, shall be filed with the County Clerk's office.

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PLAZA or SQUARE – a continuous open area, accessible to the public at all times and designed to receive maximum sunlight containing but not limited to trees and other landscaping, seating, decorative pavement, art work, kiosks, and water features.

PORCH – a roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building.

PORT COCHRE – a covered roof extending of the building façade which allows a vehicle to park under and passengers to access the building via a side stair or entrance.

PORTICO – an open sided structure attached to a building sheltering an entrance or serving as a semi-enclosed space.

PRE-APPLICATION CONFERENCE – an initial meeting between applicants and/or developers and municipal representatives which affords applicants and developers the opportunity to present their proposals informally prior to formal application submission.

PRELIMINARY APPROVAL – the conferral of certain rights pursuant to this Ordinance after specific elements of a subdivision or site plan have been agreed upon by the Planning Board or Zoning 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.

PREMISES – a lot or parcel of ground, including any buildings or structures thereon.

PRINCIPAL FACADE – the portion of the building that faces the street which generates the most vehicular and pedestrian traffic as determined by the approving authority.

PRINCIPAL STRUCTURE – a structure arranged, adapted or designed for the predominant or primary use for which a lot may be used.

PRINCIPAL USE – the primary or predominant use of the premises

PRIVATE RIGHT-OF-WAY – any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

PRIVATE STREET – a street that is not publicly accepted or not intended to be publicly maintained or owned.

PROFESSIONAL OFFICE – the office of a member of a recognized profession, including doctors or physicians, dentists, optometrists, ministers, architects, professional engineers, lawyers, artists, authors, musicians and such other similar professional occupations which may

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be so designated by the Zoning Board upon finding by the Board that such occupation is truly professional in character by virtue of the need for special training or experience as a condition for the practice thereof and that the practice of such occupation shall not adversely affect the safety, comfort and enjoyment of property rights in any zone to a greater extent than for those professional activities listed herein. The issuance of a state or local license for regulation of any gainful occupation need not be deemed indicative of professional standing.

PROFESSIONAL USE – a building or portion thereof used as the place of business of a person, corporation, firm or public agency for professional services.

PROPERTY OWNER – an individual, or other legal entity having sufficient proprietary interest in the land for which land use approvals are sought, to maintain or consent to such land use application. Owner shall include an individual or other legal entity that has the actual or apparent authority from the owner to act as its agency to maintain such application or provide such consent.

PUBLIC AREAS –

- A. Public parks, playgrounds, trails, paths and other recreational areas.
- B. Other public open spaces.
- C. Scenic and historic sites.
- D. Sites for schools and other public buildings and structures.

PUBLIC BUILDING – a building which is owned and/or used by a governmental agency.

PUBLIC DRAINAGEWAY – the land reserved or dedicated for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion.

PUBLIC IMPROVEMENTS – improvements which the Planning Board may deem necessary or appropriate, including but not limited to streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade and street trees, utilities, landscaping, street furniture and hardware, traffic regulatory signage and other site and building related signage.

PUBLIC OPEN SPACE – an open space area conveyed or otherwise dedicated to the City, a City agency, Board of Education, state or county agency or other public body for recreational or conservational uses.

PUBLIC OR INSTITUTIONAL USE – see the definition of “Institutional Use.”

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PUBLIC RIGHT-OF-WAY – any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

PUBLIC SPACE – any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

QUASI-PUBLIC – private organizations and groups of a fraternal, church or charitable nature.

QUORUM – means the majority of the full-authorized membership of a municipal agency.

REAL PROPERTY LINE – either (1) the imaginary line including its vertical extension that separates one parcel of real property from another; (2) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (3) on a multi-use property, that interface between the two portions on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area).

RECESSED – when a light is built into a structure or portion of a structure such that the light is fully cut-off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.

RECORDED LOT – a subdivided lot that is recorded with the Burlington County Clerk's Office pursuant to the Map Filing Law.

RECHARGE – the amount of water that infiltrates into the ground, usually from above, that replenishes groundwater reserves, provides soil moisture, and affords evapotranspiration.

RECREATIONAL VEHICLES – a vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation or for recreational, camping and travel use and not for commercial purposes or profit, and including but not limited to travel trailer, trucks campers, camping trailers and self-propelled motor homes.

RECYCLING AREA – space allocated for collection and storage of source-separated recyclable materials.

REPAIR – any work done on any improvement which is not an addition to the improvement and does not change the appearance of the exterior surface of any improvement.

REPAIR GARAGE – any building, premises and land in which, or upon which, a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

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REPLACEMENT – repairs when a building permit is required for same.

REPLACEMENT TREE – a nursery-grown certified tree, properly balled, marked with a durable label indicating genus, species and variety, and satisfying the standards established for nursery stock and installation thereof, set forth by the American Association of Nurserymen.

RESEARCH – the act or enterprise of systematic search for, acquisition of, and practical application of specific knowledge in the biology, chemistry, physics and engineering sciences, specifically including, but not limited:

- A. Analytical, theoretical, experimental scientific investigation;
- B. Design, engineering, development of materials, products, processes;
- C. Assembly, fabrication, operation, processing or prototype materials, processes, products as necessary for test evaluation;
- D. Distribution, storage of materials, processes, products as necessary for test evaluation;
- E. Direct administration, control, management, support of the above activities and the personnel so employed, as necessary.

RESEARCH AND DEVELOPMENT LABORATORY – a facility housing “research” as defined herein. Research and research support uses include but are not limited to the following:

- A. Laboratories devoted to experimentation in the biology, chemistry, physics and/or engineering sciences, including the design, development, engineering, and/or testing of materials, processes and products, and the assembly, fabrication operation, and/or processing of prototype materials processed and/or products for test and/or evaluation. Such activities shall not be interpreted to include “pilot plants.”
- B. Rooms housing equipment and/or materials actively and directly used in research and technology, including computer rooms, conference rooms, libraries, and demonstration rooms.
- C. Office space for employees, consultants, and/or visitors actively participating in, supervising, or supporting research uses.
- D. Cafeteria/kitchen space for serving employees and guests; shipping/receiving, stockroom and storage facilities; support services; dispensary; and exercise, locker, and shower rooms for employees.

RESERVATION – a provision in a deed or other real estate conveyance that retains a right of the existing owner even if other property rights are transferred; and a method of holding land for

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future public use by designating public areas on a plat, map, or site plan as a condition of approval.

RESIDENTIAL SITE IMPROVEMENTS STANDARDS (RSIS) – standards, pursuant to N.J.A.C. 5:21 et seq. In this Ordinance, those definitions so marked are derived from these Standards.

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.

RESTAURANT – any establishment, however designated, at which food is sold primarily for consumption on the premises. However, a snack bar or refreshment stand at a public or community swimming pool, playground, playfield or park, operated solely by the agency or group operating the recreational facility and for the convenience of the patrons of the facility, shall not be deemed to be a “restaurant”.

RESTAURANT, FAST FOOD – an establishment whose principal business is the sale of food and/or beverages in a ready to consume state for consumption where patrons purchase food while within the restaurant building which is obtained by self service or from an employee of the establishment over a counter; within a motor vehicle parked or waiting in line on the premises, or off the premises as carry out orders, and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

RESTAURANT, DRIVE-IN – a restaurant, refreshment stand, snack bar, dairy bar, hamburger stand or hot dog stand where food is served primarily for consumption at counters, stools or bars outside or inside the building for consumption in automobiles parked, or waiting in line on the premises, or purchased while in an automobile, commonly referred to as a drive-thru, whether brought to said automobiles by the customer or by employees of the restaurant, regardless of whether or not additional seats or other accommodations are provided for customers inside the building.

RESTAURANT, STANDARD – an establishment whose principal business is the sale of food or beverages to customers in a ready to consume state, and whose principal method of operation includes one (1) or both of the following characteristics: customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed and/or a cafeteria type operation where food and beverages generally are consumed within the restaurant building.

RETAIL FOOD ESTABLISHMENT – an establishment where food and beverages are offered for retail sale or consumption off premises. Such food or beverages may be packaged in a ready-to-consume state or may come packaged and sold in bulk quantities. Examples of retail food

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establishments include grocery stores, fish or meat shops or stores, ice cream shops, retail mini-marts, bakeries, and delicatessens.

RETAIL SALES – establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, including but not limited to specialty shops and boutiques.

RETAIL SALES, OUTDOOR – the display and sale of products and services primarily outside of a building or structure, including garden supplies, food and beverages, and building and landscape materials.

RETAINING WALL – a structure that is designed and constructed to stabilize two (2) generally horizontal surfaces which are vertically displaced.

RETENTION BASIN – a pond or a constructed storm water management basin designed for the storage of runoff with no outlet provided but rather permits water to dissipate slowly in to surfaces or groundwater.

RIGHT-OF-WAY – the area between the outer boundaries of a public street or way, whether improved or unimproved, and whether acquired by deed or easement. The term “right-of-way” shall apply to planned future roadways or widening when these are shown on adopted documents.

ROADSIDE STANDS – an open or covered structure of permanent or temporary construction which fronts on a public street located on land which is owned or leased by the operator for the purposes of direct-to-consumer commodity sales.

ROOMER – a person who is not related to the head of the household and who pays for the privilege of rooming.

ROOMING HOUSE – any dwelling in which people, either as individuals or as families, are housed or lodged, for hire, and which contains five (5) or fewer such rooms for hire.

RUNOFF – the water that flows off the surface of the land, ultimately into our streams and water bodies, without being absorbed into the soil.

SATELLITE DISH ANTENNA – a satellite or dish-shaped antenna or any other apparatus or device that is designed for the purpose of receiving radio waves.

SCHOOL – any public or private institution offering instruction for students.

SCS – the Burlington Soil Conservation Service.

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SECRETARY – the Secretary of the Planning Board of the City of Bordentown.

SEDIMENTATION – the deposition of soil that has been transported from its site or origin by water, ice, wind, gravity or other natural means as a product of erosion.

SELECTIVE CUTTING – the removal of larger trees on an individual basis while leaving trees of lesser size for future harvest.

SELF-SERVICE STORAGE FACILITY – a structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

SENIOR CITIZEN – a person who has attained the age of fifty-five (55) years, or the surviving unmarried spouse of a deceased senior citizen.

SERVICE STATION, AUTOMOTIVE – a retail place of business engaged primarily in the sale of motor fuels but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. Major automotive repairs, painting and body and fender work are functions associated with a public garage and not with a service station.

SETBACK – an area extending the full width of the lot between the street right-of-way and the required yard within which no buildings or parts of buildings may be erected.

SETBACK LINES – a line drawn parallel to a street line or lot line and drawn through the point of a building nearest to the street line or lot line.

SEWER – any pipe conduit used to collect and carry away sewage or storm water runoff from the generating source to treatment plants or receiving streams.

SHADE OR STREET TREE – a tree in a public or private space, street, special easement, or right-of-way adjoining a street.

SHIELDED – when the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The bulb is not visible with a shielded light fixture, and no light is emitted from the sides of the fixture. It is also considered a full cut-off fixture.

SHOPPING CENTER – a group of retail commercial establishments planned, constructed and managed as a total entity with customer and employee parking on-site, provision for goods delivery separated from customer access, aesthetic consideration, e.g., landscaping, comprehensive signage plan, and shopper protection from the elements.

SHOULDER – the portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.

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SIDEWALK CAFÉ – an area adjacent to and directly in front of a street-level eating or drinking establishment located within the sidewalk area of the public right-of-way exclusively for dining, drinking, and pedestrian circulation. The encroachment area of a sidewalk café may be separated from the remainder of the sidewalk by railings, fencing, or landscaping planter boxes or a combination thereof.

SIGHT TRIANGLE – a triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGN – any announcement, declaration, demonstration, billboard, display, illustration or insignia used to promote or advertise the interests of any person, group of persons, company, corporation, service or product when the same is placed, erected, attached, painted or printed; to advertise or promote the interest of the same, when placed out of doors in view of the general public, or placed where it may be viewed from the outside of any structure where placed.

SIGN, FREESTANDING – any sign supported by uprights or braces placed upon or in the ground, and not attached to any building.

SIGN, OFF-PREMISES – a sign which advertises a business which is not conducted or a product which is not sold on the lot where the sign is located.

SILVICULTURE – the management of any wooded tract of land to insure its continued survival and welfare, whether for commercial or noncommercial purposes, pursuant to a plan approved by the New Jersey Bureau of Forestry.

SINGLE HOUSEKEEPING UNIT – a separate area containing separate sanitary facilities and/or cooking facilities.

SINGLE OWNERSHIP – ownership by one (1) person, or ownership by two (2) or more persons jointly as joint tenants, as tenants by the entirety or as tenants in common of a separate lot not adjacent to land in the same ownership.

SINGLE-FAMILY RESIDENCE – a structure designed for occupancy by one (1) family. Not more than two (2) roomers or boarders may occupy such a structure.

SITE IMPROVEMENTS – any construction work on, or improvements in connection with development limited to streets, roads, parking facilities, sidewalks, drainage structures and utilities.

SITE PLAN – a plan for development, not involving a subdivision, of one (1) or more lots on which is shown the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways; the location of

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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 any other information that may be reasonably required in order to make an informed determination by the Planning Board or Zoning Board. It shall also include any modification of a previously approved site plan.

SKY GLOW – luminance in the atmosphere caused by dust, water vapor, and other particles that reflect and scatter any stray lighting that is reflected or emitted into the atmosphere.

SOLAR SCREEN – a permitted device attached to a building to provide shading for glazed areas thereof.

SOLAR ENERGY SYSTEMS – an energy system which converts solar energy to usable thermal, mechanical, chemical or electrical energy to meet all or a significant part of a structures energy requirements.

SOIL – all unconsolidated mineral and organic material of any origin.

SPOTLIGHT OR FLOODLIGHT – any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

STOOP – a ground floor entry platform at the front and/or street side of a building. Stoops, where provided and/or required, may be roofed but they shall not be enclosed.

STORE, RETAIL – a building or part thereof in which or from which merchandise or services are furnished directly to the public.

STORE, WHOLESALE DISPLAY – a building or part thereof where merchandise is displayed for sale and sold at wholesale.

STORMWATER MANAGEMENT BASIN – an excavation or embankment and related areas designed to retain storm water runoff. A storm water management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed storm water wetlands).

STORMWATER MANAGEMENT MEASURES – broad term for structural and nonstructural control of storm water runoff and non-point source pollution.

STORMWATER RUNOFF – water flow on the surface of the ground or in storm sewers resulting from precipitation.

STORY – that portion of a structure included between the surface of a floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

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STREAM – a waterway depicted on the most recent United States Geological Survey Hydrologic Units Maps as published by the Office of U.S. Information Services and the United States Geological Survey Maps prepared by the U.S. Geological Survey or as otherwise identified by the latest version of the Bordentown City “Environmental Resource Inventory”.

STREAM CORRIDOR – the stream channel (the bed and banks of a stream that confine and conduct continuously or intermittently flowing water), the area within the one hundred (100) year flood line and a minimum of one hundred (100) feet from the one hundred (100) year flood line, extending outward from the stream channel on both sides of the stream. If there is no delineated one hundred (100) year flood line, the distance shall be measured outward from the bank of the stream channel. If slopes greater than fifteen percent (15%) abut the outer boundary of the stream corridor, the area of such slopes shall also be included as the stream corridor.

STREET – any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or city roadway or which is shown upon a plat heretofore approved pursuant to law or which is approved by official action as provided by this Ordinance or which is shown on a plat duly filed and recorded in the office of the County Clerk prior to the appointment of the Planning Board and the grant to such Board of the power to review plats; and includes the land between the 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 purposes of this Ordinance, “streets” shall be classified to conform to the City Master Plan and/or the Burlington County Master Plan as follows:

- A. ARTERIAL STREET – a street used primarily for fast or large volumes of traffic.
- B. COLLECTOR STREET – a street used to carry traffic from the minor streets to the arterial streets and designed to have considerable continuity and traffic capacity.
- C. MINOR STREET – those streets other than the arterial or collector streets which need be entered only for stopping at a destination on that street and which need not be used for general circulation or through traffic.
- D. CUL-DE-SAC – a short, dead-end, minor street terminating in a circular or other turnaround area.
- E. MARGINAL ACCESS STREET – streets located parallel and adjacent to arterial streets and highways which are designed to provide access to abutting properties without interrupting highway traffic except at recognized intersections and access points.

STREET FURNITURE – man-made above ground items that are usually found in street rights-of-way including but not limited to benches, kiosks, bicycle racks, canopies, decorative traffic control fixtures, bus shelters and phone booths.

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STREET HARDWARE – the mechanical and utility systems within a street right-of-way such as hydrants, manhole covers, traffic lights and signs, utility poles and lines, parking meters, and the like.

STREET HIERARCHY – the conceptual arrangement of streets based upon function. A hierarchical approach to street design classifies streets according to function, from high-traffic arterial roads to streets whose function is residential access.

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 the adopted Master Plan or Official Map, forming the dividing line between the street and a lot.

STREET TREE – a tree in a public place, along a street, within a special easement or right-of-way adjoining a street and constituting a large tree in size when mature.

STREETSCAPE – all the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street paving, street furniture, landscaping, including trees and other plantings, awnings and marquees, signs, and lighting.

STRUCTURE – any improvement, including, but not limited to, all buildings.

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 “subdivisions” within the meaning of this Ordinance if no new streets are created:

- A. Divisions of a lot found by the Planning Board or Development Review Committee thereof appointed by the Chairman to be for agricultural purposes where all resulting parcels are five (5) acres or larger in size.
- B. Divisions of property by testamentary or intestate provisions.
- C. Divisions of property upon court order.
- D. Conveyances so as to combine existing lots by deed or other instrument, provided that such deed or other instrument recites the intention to consolidate such lots and such deed or other instrument is promptly and duly recorded with the Burlington County Clerk as the Recorder of Deeds.
- E. Also includes the term “re-subdivision.”

SUSTAINABLE – having the ability to accommodate and maintain population growth and economic expansion with minimal long term effect(s) on the environment.

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SUSTAINABLE DEVELOPMENT – development with the goal of preserving environmental quality, natural resources and livability for present and future generations. Sustainable initiatives work to ensure efficient use of resources.

SWALE – a low lying or depressed land area commonly wet or moist, which can function as an intermittent drainage way.

SWIMMING POOL, PRIVATE – a body of water artificially constructed, in whole or in part, having a depth at any point greater than eighteen (18) inches when full, located outdoors within five hundred (500) feet of any residence other than that to which it is appurtenant, used or intended to be used for swimming, bathing, wading, etc., by the owner of the pool and members of his or her household or other guests.

SWIMMING POOL, PUBLIC – any pool other than a private residential swimming pool designed to be used collectively by persons for swimming and bathing purposes including pools designed as part of any hotel or motel or apartment or townhouse development.

SWIMMING POOL, WADING – a portable swimming pool that is not permanently installed and meets all of the following criteria: does not require water filtration, circulation, and purification; does not exceed eighteen (18) inches in depth or a capacity of five hundred (500) gallons; and does not require braces or supports. Portable swimming pools are not subject to this Ordinance.

TEMPORARY LIGHTING – lighting that is intended to be used for a special event for seven (7) days or less.

TEMPORARY PORTABLE SANDWICH BOARD SIGN – two (2) rigid boards, connected at the top to form an A-frame, which shall be structurally stable under all reasonable wind and weather conditions.

TEMPORARY 2-SIDED FREESTANDING SIGN – A single board, held vertically and supported at the bottom, which shall be structurally stable under all reasonable wind and weather conditions.

TEXTURE – the exterior finish of a surface, ranging from smooth to course.

THINNING – the removal of undesirable, competitive, diseased or damaged trees so as to cultivate and improve the development of remaining trees on the lot.

TRACT – a parcel, property, or area of land comprised of one (1) or more lots adjacent to one another established by a plat or otherwise as permitted by law to be used, developed, or built upon as a unit.

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TRANSIT NODES – stops along a public transportation route where people board and disembark, often where one or more routes intersect with each other. These sites can provide ideal locations for mixed-use developments as well as transit-oriented developments.

TRANSOM – a horizontal window above a door or window, usually rectangular in shape.

TREE CANOPY – the top layer or crown of mature trees.

TRELLIS – light weight elements used for controlling the shape or to support climbing and other plants. In most instances, it is usually constructed on a flat plane, in a two-dimensional way, unlike an arbor, which is frequently a three-dimensional structure.

TRAILER – a wheel-based vehicle that is designed to be transported by traction and which is used or may be used as a dwelling or for the transportation or storage of goods, materials, livestock or any object. For the purposes of this Ordinance, “trailers” shall be considered buildings and are intended to be regulated as such, where trailers are permitted. The regulations of this Ordinance that apply to trailers shall also apply to the following vehicles as herein defined below:

- A. RECREATIONAL VEHICLE – a vehicle-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation.
- B. TRAVEL TRAILER – a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, and, when factory equipped for the road, it shall have a body width not exceeding eight (8) feet and a body length not exceeding thirty-two (32) feet.
- C. PICKUP COACH – a structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
- D. MOTORIZED HOME – a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- E. BOAT TRAILER – a trailer designed for the purpose of transporting a boat over land.
- F. HORSE TRAILER – a trailer designed for the purpose of transporting horses or animals over land.
- G. TENT TRAILER – a trailer with a built-in or attached tent designed and equipped to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.

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TRAILER PARK OR COURT – a parcel of land in one (1) ownership on which there is located or intended to be located one (1) or more trailer coaches occupied for living purposes; a trailer camp. Trailer coaches on individual lots under separate ownership are not “trailer parks or courts.”

TREE PROTECTION ZONE – the entire area of a site, exclusive of buildings, parking, driveways, streets, storm water management facilities and utilities plus a perimeter width around such uses as determined by this Ordinance, in which existing individual specimen trees shall be retained and preserved.

TREE SAVE AREA – an area within the tree protection zone in which woodland shall be retained and active protection measures shall be taken during land development activities.

TREE, MATURE – any woody perennial plant having a trunk or main stem with a caliper of four (4) inches or more as measured four and one-half (4 ½) feet above the ground level.

TRUCKING TERMINAL – a premises which is used for the temporary parking of motor freight vehicles between trips and for the transfer of freight between trucks or between trucks and rail facilities for shipment elsewhere and where the storage of freight or cargo is only temporary, and which also may contain facilities for dispensing motor fuels.

USE – the specific purpose for which land or building is designed, arranged, intended or for which it is or may be occupied or maintained.

USE, ACCESSORY – a use which is customarily associated with and subordinate to the principal use of a lot or a building and which is located on the same lot.

USE, PRINCIPAL – the main or primary purpose or purposes for which land and/or structure(s), or use therefore is designed, arranged, or intended or for which they may be occupied or maintained under this Ordinance. All other structures or uses on the same lot and incidental or supplementary thereto and permitted under this Ordinance, shall be considered accessory uses.

UTILITIES – those utilities that are essential to the safe and sanitary operation of a household, and shall include water, sewer, electric, and heat. “Utilities” shall specifically not include cable television or telephone.

UTILITY AREA – a flexible space within the right-of-way designated for the installation of utility lines and facilities.

UTILITY AUTHORITY – any “sewerage authority” as defined in N.J.S.A. 40:14A-3 or any “municipal authority” as defined in N.J.S.A. 40:14B-3.

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UTILITY RIGHT-OF-WAY – the lands required for the installation and maintenance of public utilities.

VARIANCE – means permission to depart from the literal requirements of a zoning district, pursuant to N.J.S.A. 40:55d-40b, 70c, and 70d.

VERNACULAR – a regional or area-wide adoption of an architectural style or styles; usage has intrinsically resolved the architectural response to climate, construction techniques, and to some extent, social mores.

VEHICULAR SIGN – any sign permanently or temporarily attached to a non-operating vehicle, including but not limited to a car, truck, van or bus. *All such signs shall be prohibited.*

WAIVER – a deviation from a required submission item, performance standard, or design standard.

WAREHOUSE – a building used for the temporary storage of goods, materials or merchandise for later or subsequent distribution of delivery elsewhere for purposes of processing or sale.

WEEKDAY – any day that is not a federal holiday and beginning on Monday at 7 a.m. and ending on the following Friday at 6 p.m.

WEEKENDS – beginning on Friday at 6 p.m. and ending on the following Monday at 7 a.m.

WETLANDS OR WETLAND – lands that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation pursuant to N.J.A.C. 7:7A-1.4.

WIRELESS TELECOMMUNICATION FACILITY – a facility designed and used for the purpose of transmitting, receiving, and relaying voice and data signals from various wireless communication devices including transmission towers, antennas and ancillary facilities. For purposes of this Ordinance, amateur radio transmission facilities and facilities used exclusively for the reception of television and radio broadcasts are not telecommunication facilities.

WOODED ACRES PERMITTED FOR DEVELOPMENT – the wooded lands within a lot or tract which are not specifically excluded from development by any federal, state, county or municipal law or ordinance, deed restriction or covenant running with the lands. For purposes of this Ordinance, those lands specifically eliminated from consideration as wooded acres permitted for development include, but are not limited to, wetlands as defined by N.J.S.A. 13:9B-1 et seq.

YARD, REQUIRED – any yard measured between a line drawn parallel to a street or lot line at a distance there from equal to the respective yard dimension required by this Ordinance.

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ZONING DISTRICT – a finite area of land, as designated by its boundaries on the zoning map, through which specific and uniform regulations govern the use of land and/or the location, size and use of buildings.

ZONING MAP – the map annexed to and made part of this Ordinance indicating zoning boundaries.

ZONING OFFICER – the municipal official appointed by the City Commission to carry out the literal provisions of the Land Development Ordinance. The Zoning Officer will also act as the Noise Control Officer for the purposes of this Chapter.

ZONING PERMIT – a document, also referred to as “Zoning Compliance Approval,” signed by the Zoning Officer, and as necessary the Historic Preservation Officer, and which is required by Ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building, and which acknowledges that such use, structure or building complies with the provisions of the Land Development Ordinance or Variance there-from duly authorized by a municipal agency pursuant to N.J.S.A. 40:55D-60 and 40:55D-70.

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ARTICLE III

ZONING DISTRICTS, RULES AND GENERAL REGULATIONS

300-19. Establishment of Zoning Districts.

For the purpose of lessening congestion in the streets; securing safety from fire, panic, and other dangers; protecting health, morals, or the general welfare; providing adequate light and air; preventing the overcrowding of land or buildings; and avoiding undue concentration of population, with reasonable consideration to the character of the district and its peculiar suitability for particular uses and with the objective of conserving the value of property and encouraging the most appropriate use of land throughout the municipality, the City of Bordentown is hereby divided into sixteen (16) zones as follows:

- R1 Single-Family Detached: Low Density Residential Zone**
- R2 Single-Family Detached/Attached: Medium Density Residential Zone**
- R3 Multi-Family: High Density Residential Zone**
- TC Town Center Mixed Use Zone**
- HC Highway Commercial Zone**
- PC/I Planned Commercial Industrial Zone**
- CI Commercial Industrial Zone**
- WC Waterfront Commercial Zone**
- OC Office Commercial Zone**
- R Railway Zone**
- P Park Zone**
- AR/HC Age Restricted/Healthcare Zone**
- CR1 Conservation Restricted (R-1 Overlay) Zone**
- CR2 Conservation Restricted (CI Overlay) Zone**
- CR3 Conservation Restricted (PC/I Overlay) Zone**
- H Historic and Landmarks (Overlay) Zone**

300-20. Zoning Map.

The boundaries of the zoning districts are established on the map entitled "Zoning Map of the City of Bordentown" which accompanies and is hereby made part of this Ordinance, dated _____.

300-21. Effect of Establishment of Districts.

Every building hereafter erected or moved shall be on a lot adjacent to a public street, and all structures shall be located on lots as to provide safe and convenient access for servicing, fire protection and off-street parking, if needed.

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300-22. Interpretation of District Boundaries.

In determining the boundaries of zone districts shown on the Zoning Map, the following rules shall apply:

- A. Where district boundary lines are indicated as approximately following the center lines of streets, street lines or right-of-way lines, waterways, or railroad rights-of-way or such lines extended, such center lines shall be construed to be such boundaries.
- B. District boundary lines are intended to follow street, lot or property lines as they exist on plats of record unless such district boundaries are fixed by dimensions as shown on the Zoning Map.
- C. Where such boundaries are fixed by dimensions and where they approximately follow lot lines and where they are not more than ten (10) feet distant there from, such lot lines shall be construed to be such boundaries unless specifically shown otherwise.
- D. Where district boundaries are so indicated that they are running parallel to the center lines or street lines of streets, such district boundaries shall be construed as being parallel thereto, and at such distances there from, as indicated on the Zoning Map.
- E. Whenever any street or public way is vacated by official action, the zoning districts adjoining the side of such public way shall be automatically extended to include the right-of-way thus vacated which shall henceforth be subject to all regulations of the extended district or districts. In general, where the vacated right-of-way is bounded on either side by more than one (1) district, the former center line of such right-of-way shall determine extension of each district. The land formerly within the vacated right-of-way shall henceforth be subject to all regulations of the extended zone or zones.
- F. In all other cases where dimensions are not shown on the Zoning Map, the location of boundaries shown on the map shall be determined by the Zoning Officer by application of a scale thereto.
- G. In cases of uncertainty or disagreement as to the true location of any district boundary line, the determination thereof shall be with the Planning Board after a public hearing.

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300-23. General Regulations.

No development shall take place within the City of Bordentown nor shall any land be cleared or altered, nor shall any watercourse be diverted or its channel or floodplain dredged or filled, nor shall any parking areas, accessory or otherwise or access ways thereto, be constructed, installed, or enlarged, nor shall any building permit be issued with respect to any such structure, land or parking area except in accordance with an approval of such development granted pursuant to this Ordinance unless exempted in accordance with Section 300-36 of this Ordinance. Where a lot is formed from part of a lot already occupied by a building, such subdivision shall be effected in such a manner as not to impair any of the requirements of this Ordinance with respect to the existing building and all yards and other open space in connection therewith and so that all resulting lots have adequate dimensions consistent with the requirements of the zoning district in which it is located.

Where the provisions of this Ordinance impose greater restrictions than those of any statute, other Ordinance, or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other Ordinance, or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other Ordinance, or regulations shall be controlling.

300-24. Conformity with Provisions.

- A. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used, for any purpose or in any manner other than as specified among the uses, hereinafter listed as permitted in the district in which such building or land is located.
- B. No building shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.
- C. No building shall be erected, no existing building shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area and building location regulations hereinafter designated for the district in which such building or open spaces is located.
- D. No yard or other open space provided about any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building, and no yard or other open space on one (1) lot shall be considered as providing a yard or open space for a building on any

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other lot except that such parking spaces as may be required for certain uses as specified in other sections of this Ordinance and which need not be provided on the same lot as the principal structure or use shall be considered as part of the open space required for the continuance of such use but may be relocated in a manner so as to conform in all other respects to Ordinance requirements and subject to approval by the Planning Board.

- E. The Planning Board may waive the requirements of this Ordinance for minimum lot size and area only for such lots as were in individual private ownership and so indicated in the public records at the time of passage of this Ordinance and surrounded by improved properties which prevent the acquisition of such additional land as may permit compliance with the terms of this Ordinance.

300-25. Encroachment on Open Space.

No open space, contiguous to any building, shall be encroached upon or reduced in any manner except in conformity with the yard, lot, lot area, building location, percent of lot coverage, off-street parking space and such other regulations designated elsewhere in this Ordinance for the zone district in which the building or space is located. In the event of any such unlawful encroachment or reduction of such open space, said building shall be deemed in violation of this chapter, and the Certificate of Occupancy for such building shall become null and void.

300-26. One Principal Structure Permitted for Single-Family Dwellings.

No lot used for single-family detached dwelling purposes may contain more than one (1) principal structure.

300-27. Dwellings in Front Yards.

No dwelling shall be constructed or moved in front of a building on the same lot.

300-28. Identification of Buildings.

All principal buildings in all districts shall be clearly identified as to building number, house number, street number or name by means of a small, unobstructed sign, clearly visible and readable from the main abutting street. Such sign shall be attached either to the outer most door or some portion of the outer most structure or affixed to a lamppost. Any sign or legend other than a building number, house number or street number shall comply with all requirements for signs, as herein set forth. The house number, street number, building number or name shall be assigned by the Construction Official upon the approval of the building plans.

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300-29. Appearance of Buildings in Residential Districts.

Within any residential district, no building shall be constructed or altered in any manner so that its exterior design and appearance is not compatible and harmonious with the general atmosphere and character of the neighborhood. Typical commercial and storefront designs are prohibited as shall otherwise be determined by the Planning Board.

300-30. Building Permits Issued Prior to this Ordinance.

Nothing contained in this Ordinance shall require any change in the plans, construction or designated use of a building complying with existing law, a permit for which shall have been issued and the construction of which shall have been started before the date of first publication of notice of a public hearing on this Ordinance.

300-31. Vehicles Containing Advertising Matter.

A. Any vehicle containing advertising matter intended to promote an interest in any business or any commercial vehicle used in connection with any business or commercial activity shall not be parked, stored or maintained in any residential zone district except in compliance with the following conditions:

- 1) Not more than one (1) commercial vehicle per dwelling unit shall be kept on a lot.
- 2) The vehicle shall not exceed eight thousand (8,000) pounds gross vehicle weight.
- 3) The vehicle is used by a resident of the dwelling unit.

B. This Section shall apply to all vehicles which are customarily considered commercial vehicles, whether or not such vehicles shall carry a commercial registration.

300-32. Permitted Uses in All districts.

All facilities owned and/or operated or hereafter owned and/or operated by the City of Bordentown or by any authority or agency created by it and community facilities; community gardens.

300-33. Prohibited Uses in All districts.

All uses not expressly permitted by this Ordinance are prohibited in all districts (unless permitted by conditional use permit as elsewhere in this Ordinance provided), such

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prohibition to include but not be limited to the following:

- A. Adult Entertainment Uses, except as permitted as a Conditional Use in the HC zone.
- B. Amusement Arcades, except as permitted as a Conditional Use in the HC zone.
- C. Automobile Wrecking.
- D. Artist Body Painting and Photographic Studio
- E. Body Piercing Establishments.
- F. Check Cashing Facilities.
- G. Drug Paraphernalia Stores.
- H. Dumping or Outdoor Storage of waste or scrap material uses including dumps and the storage of hazardous materials; ammunition, explosives and fireworks but does not include compost piles or bins.
- I. Firearms Dealers.
- J. Junkyard.
- K. Heliports.
- L. Jet-ski rental Establishments.
- M. Massage Parlors.
- N. Methadone Clinics.
- O. Mobile Homes and Mobile Home or Manufactured Home Parks.
- P. Any use which, pursuant to the standards set forth in this Ordinance and/or standards as established by the New Jersey Department of Environmental Protection, which emits excessive or objectionable amounts of dust, fumes, noise, odor, smoke, vibrations or waste products.
- Q. The use of any portable building or structure, stationary vehicle or stand of any description for the purpose of displaying or selling of food, merchandise or commodities of any kind.

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- R. The use of a building or structure of a temporary nature on any lot or parcel of land for living or sleeping purposes in any district on either a temporary or permanent basis except for the temporary use of a tent erected in the backyard on a residential lot for the use of family members and guests.
- S. Tattoo Parlors.
- T. Removing or causing to be removed topsoil from the City.
- U. Billboards.
- V. Pawn Shops.
- W. Roadside Stands.
- X. Trailer Park or Court.
- Y. An operation open between the hours of 11:00 p.m. and 6:00 a.m., unless selling food for on or off-premises consumption.
- Z. Conversion of hotels or motels into multi-family dwelling units.

300-34. Restricted Uses.

- A. Aircraft. The landing, taking off, parking, storing or maintaining of any aircraft or airborne vehicle, except in connection with an airport, shall be prohibited.
- B. Junk vehicles. The maintenance in any yard, area or open space of any non-registered, inoperable, wrecked or junked automobile or vehicle, except as otherwise specifically permitted by any provision of this Ordinance, shall be prohibited.
- C. Commercial vehicles.
 - 1) The parking, storing, keeping or maintaining of any commercial vehicle on any street or in the open on any residential property or in any residential zone district, shall be prohibited.
 - 2) The garaging of more than one (1) commercial vehicle per property exceeding three-fourths-ton rated capacity on any residential property or in any residential zone district, shall be prohibited.

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- D. Trailers. The parking, storing, keeping or maintaining of trailers, except as otherwise specifically permitted by any provision of this Ordinance, shall be prohibited.

- E. Garage sales. A person may conduct not more than three (3) sales, commonly known as “garage, porch, attic, basement or lawn sales,” on his or her premises in any one (1) calendar year. The sale shall generally be known as a “garage sale”, which is defined as any public sale of used personal property in a residential area of the City, commencing not earlier than 9:00 a.m., terminating by sundown and extending no more than a two-day period. “Garage sales” shall offer only used items and personal property owned by the residents where the sale is held. No new merchandise shall be offered for sale. No new merchandise from sources other than the home in question shall be brought in and offered for sale.

300-35. Conditional Uses.

Any use listed as a Conditional Use in a particular zoning district may be permitted by the Planning Board, but only after it has determined that the development proposal complies with the conditions and standards set forth in this Ordinance for the location and operation of such a use(s). All Conditional Uses shall comply with the following requirements and standards in addition to those set forth elsewhere in this Ordinance:

- A. All proposed structures, equipment, or material shall be readily accessible for fire and police protection.

- B. The proposed use shall be of such location, size and character that, in general, it shall be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated, shall be free of nuisance characteristics, and shall not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

- C. In addition to the above, in the case of any use located in, or directly adjacent to, a residential zone or use:
 - 1) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential zone or use, or conflict with the normal traffic of the neighborhood; and

 - 2) The location and height of buildings; the location, nature, and height of walls and fences, and the nature and extent of landscaping on the site, shall be such that the use will not hinder or discourage the appropriate development and use

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of adjacent land and buildings, nor materially affect the value of property.

- D. Each application for a Conditional Use shall be accompanied by a proposed site plan showing the size and location of the lot, the location of all buildings and proposed facilities including access drives, parking areas, and all streets.
- E. Any lot for which a Conditional Use may be granted shall be deemed to be a conforming use in the district in which such use is located, except as provided in Section F below, provided that such approval shall affect only the lot or portion thereof for which such use shall have been granted.
- F. In case of review of the Conditional Use, the Planning Board may impose such reasonable conditions, including but not limited to the placing of fencing and screening as will minimize the impact it has upon surrounding residential properties. In such cases, the Planning Board may also permit reasonable changes in existing structures on the land, within the limitation of the zone in which said use is located, for the purpose of limiting the open use of the land.

300-36. Waiver of Site Plan and Subdivision Standards/Review.

The rules, regulations, and standards set forth in this Ordinance, shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the City. Any action taken by the Planning Board under the terms of this article shall give primary consideration to the above mentioned matters and to the welfare of the entire community. However, if the applicant can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of this Ordinance is impracticable or will exact undue hardship, the Planning Board may permit such exemption(s) and waiver(s) as may be reasonable, within the general purpose and intent of the rules, regulations and standards established by this Ordinance. The Planning Board may waive the requirements for site plan approval where there is a change in use or occupancy and no extensive construction or improvements (or de minimis construction or improvements) are sought. The waiver may be granted only upon a resolution by the Board's finding that the use will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting and other considerations of site plan approval and that the existing facilities do not require upgraded or additional site improvements. The application for a waiver shall include a discussion of the prior use of the site, the proposed use and its impact. The waiver can be granted only at a public meeting. An application for plan waiver shall be considered to be an application for site plan approval so as to authorize and permit the Planning Board to exercise its ancillary powers to hear variance requests pursuant to N.J.S.A. 40:55D-60.

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300-37. Planning Board/Zoning Board Jurisdiction.

In this Ordinance, any reference to the "Planning Board" shall be considered to refer to the Zoning Board in those instances where the Zoning Board has jurisdiction as granted by the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and vice versa.

300-38. Bylaws.

The Planning Board and Zoning Board may, from time to time, promulgate such rules and regulations as it may deem necessary for the proper internal administration of this Ordinance. A copy of such rules and regulations shall be kept in the City office on file with the City Clerk and the Administrative Officer.

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ARTICLE IV

R-1 SINGLE-FAMILY DETACHED: LOW DENSITY RESIDENTIAL ZONE

300-39. Permitted Uses.

In the R-1 Single Family Detached Zone, no land shall be used and no building or structure shall be erected, structurally altered or occupied for any purposes except for the following permitted uses:

- A. Single-family detached dwellings.
- B. Community residences for persons with head injuries and for the developmentally disabled and/or community shelters for victims of domestic violence, as required by N.J.S.A. 40:55d-66.1, community residences for the terminally ill and adult family care homes for elderly persons and physically disabled adults, subject to the area requirements for single-family detached dwellings located within the R-1 Zone.
- C. Buildings, structures, and uses owned and operated by the City of Bordentown for municipal purposes.
- D. Parks, playgrounds or recreation areas, community center buildings, and libraries.
- E. Public, private or parochial schools and including private day schools and any non-profit educational institution.
- F. Family Day Care homes, subject to the requirements of Section 300-134.

300-40. Accessory Uses.

The following accessory uses customarily incidental to the above permitted uses shall be allowed:

- A. Commercial vehicles in accordance with the provisions of Article XXIII, Promotional Vehicles and Commercial Telephone Listings in Residential Zones.
- B. In-ground and Above-Ground Swimming Pools and/or other structures customarily incidental to a swimming pool on a property.
- C. Accessory Buildings and Structures or Uses.

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- D. Private Recreational Facilities and Landscaping Features, such as trellises and gazebos.
- E. Off-Street Parking, Private Residential Garages and Carports.
- F. Fences and Walls.
- G. Signs, subject to the requirements of Section 300-193.

300-41. Prohibited Uses.

Any use not listed above shall be prohibited in the R-1 Single-Family Detached Zone, and specifically the following:

- A. Signs in any form except as permitted in this Ordinance.
- B. Boardinghouses, rooming house, multi-family dwellings or any combination thereof.
- C. Wireless Telecommunications Facilities.

300-42. Conditional uses.

The following uses shall be permitted as conditional uses subject to the conditions and procedures set forth in Section 300-35, Conditional Uses:

- A. Public and institutional uses, subject to the requirements of Section 300-132.
- B. Houses of Worship, subject to the requirements of Section 300-133.
- C. Satellite dish antennae, subject to the requirements of Section 300-136.
- D. Public utility uses, subject to the requirements of Section 300-137.
- E. Pre-existing funeral homes and mortuaries.

300-43. Area Requirements.

The following area requirements shall be met in the R-1 Zone:

- A. Minimum lot area. The minimum lot area per dwelling unit shall be at least twelve thousand (12,000) square feet and must be measured within one hundred fifty (150) feet of the front right-of-way line.

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- B. Minimum lot width. The minimum lot width at the street line shall be eighty (80) feet measured along the street line. Where a lot is on a curve at the end of a permanent cul-de-sac, the minimum lot width shall be forty five (45) feet, measured along the subtended chord of the arc at the street line, and the minimum lot width at the building setback line shall be fifty five (55) feet.
- C. Front yard. There shall be a front yard of not more than twenty-five (25) feet. In blocks where structures have already been erected, the average setback line observed by buildings on the same side of the street within two hundred (200) feet on each side of any lot shall determine the setback of all new structures or additions on such lot except that this distance shall not exceed thirty (30) feet from the street line.
- D. Side yards. There shall be two (2) side yards, totaling thirty (30) feet, provided that no side yard shall be less than twelve (12) feet.
- E. Rear yard. There shall be a rear yard of not less than thirty (30) feet.
- F. Height. The height of the principal structure shall not exceed thirty five (35) feet or two and one-half (2½) stories, whichever is lesser.
- G. Lot coverage. The maximum land area to be covered by all impervious surfaces shall not exceed forty percent (40%) of the total lot area.
- H. Floor area ratio. The maximum floor area ratio shall be 0.20 with a maximum house size of four thousand (4,000) square feet.
- I. Accessory structures. All accessory structures shall meet the following requirements:
- 1) Height. The height of an accessory structure shall not exceed twenty-five (25) feet.
 - 2) Side yard. An accessory structure shall not be located closer than ten (10) feet to the side lot line.
 - 3) Rear yard. An accessory structure shall not be located closer than ten (10) feet to the rear yard line.
 - 4) All accessory structures are prohibited in front yard areas.
- J. Parking. Parking shall be as required by Article XXV.

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ARTICLE V

R-2 SINGLE-FAMILY DETACHED/ATTACHED: MEDIUM DENSITY RESIDENTIAL ZONE

300-44. Permitted Uses.

In the R-2 Single-Family Detached/Attached Zone, no land shall be used and no building or structure shall be erected, structurally altered or occupied for any purposes except for the following permitted uses:

- A. Single-family detached dwellings.
- B. Single-family semi-detached dwellings.
- C. Community residences for persons with head injuries and for the developmentally disabled and/or community shelters for victims of domestic violence, as required by N.J.S.A. 40:55d-66.1, community residences for the terminally ill and adult family care homes for elderly persons and physically disabled adults, subject to the area requirements for single-family detached dwellings located within the R-1 Zone.
- D. Buildings, structures, and uses owned and operated by the City of Bordentown for municipal purposes.
- E. Parks, playgrounds or recreation areas, community center buildings, and libraries.
- F. Public, private or parochial schools and including private day schools and any non-profit educational institution.
- G. Family Day Care homes, subject to the requirements of Section 300-134.

300-45. Accessory Uses.

The following accessory uses customarily incidental to the above permitted uses shall be allowed:

- A. Commercial vehicles in accordance with the provisions of Article XXIII, Promotional Vehicles and Commercial Telephone Listings in Residential Zones.
- B. In-ground and Above-Ground Swimming Pools and/or other structures customarily incidental to a swimming pool on a property.

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- C. Accessory Buildings and Structures or Uses.
- D. Private Recreational Facilities and Landscaping Features, such as trellises and gazebos.
- E. Off-Street Parking, Private Residential Garages and Carports.
- F. Fences and Walls.
- G. Signs, subject to the requirements of Section 300-193.

300-46. Prohibited Uses.

Any use not listed above shall be prohibited in the R-2 Single-Family Detached/Attached Zone, and specifically the following:

- A. Signs in any form except as permitted in this Ordinance.
- B. Boardinghouses, rooming house, multi-family dwellings or any combination thereof.
- C. Wireless Telecommunications Facilities.

300-47. Conditional Uses.

The following uses shall be permitted as conditional uses subject to the conditions and procedures set forth in Section 300-35, Conditional Uses:

- A. Public and institutional uses, subject to the requirements of Section 300-132.
- B. Pre-existing multi-family residential development.
- C. Houses of Worship, subject to the requirements of Section 300-133.
- D. Satellite dish antennae, subject to the requirements of Section 300-136.
- E. Public utility uses, subject to the requirements of Section 300-137.
- F. Pre-existing funeral homes and mortuaries.

300-48. Area Requirements.

The following area requirements shall be met in the R-2 Zone:

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- A. Minimum lot area. The minimum lot area per dwelling unit shall be at least seven thousand five hundred (7,500) square feet and must be measured within one hundred fifty (150) feet of the front right-of-way line.
- B. Minimum lot width. The minimum lot width at the street line shall be sixty (60) feet measured along the street line. Where a lot is on a curve at the end of a permanent cul-de-sac, the minimum lot width shall be forty five (45) feet, measured along the subtended chord of the arc at the street line, and the minimum lot width at the building setback line shall be sixty (60) feet.
- C. Front yard. There shall be a front yard of not more than twenty-five (25) feet. In blocks where structures have already been erected, the average setback line observed by buildings on the same side of the street within two hundred (200) feet on each side of any lot shall determine the setback of all new structures or additions on such lot except that this distance shall not exceed thirty (30) feet from the street line.
- D. Side yards. There shall be two (2) side yards, totaling twenty (20) feet, provided that no side yard shall be less than eight (8) feet.
- E. Rear yard. There shall be a rear yard of not less than twenty-five (25) feet.
- F. Height. The height of the principal structure shall not exceed thirty four (40) feet or three (3) stories, whichever is lesser.
- G. Lot coverage. The maximum land area to be covered by all impervious surfaces shall not exceed forty percent (40%) of the total lot area.
- H. Floor area ratio. The maximum floor area ratio shall be 0.35 with a maximum house size of three thousand (3,000) square feet.
- I. Accessory structures. All accessory structures shall meet the following requirements:
 - 1) Height. The height of an accessory structure shall not exceed twenty-five (25) feet.
 - 2) Side yard. An accessory structure shall not be located closer than five (5) feet to the side lot line.
 - 3) Rear yard. An accessory structure shall not be located closer than five (5) feet to the rear yard line.

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4) All accessory structures are prohibited in front yard areas.

J. Parking. Parking shall be as required by Article XXV.

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ARTICLE VI

R-3 MULTI-FAMILY: HIGH DENSITY RESIDENTIAL ZONE

300-49. Permitted Uses.

In the R-3 Multi-Family Zone, no land shall be used and no building or structure shall be erected, structurally altered or occupied for any purposes except for the following permitted uses:

- A. Single-family detached dwellings.
- B. Single-family semi-detached dwellings of not more than two (2) units.
- C. Single-family attached dwellings in buildings of not more than six (6) units.
- D. Community residences for persons with head injuries and for the developmentally disabled and/or community shelters for victims of domestic violence, as required by N.J.S.A. 40:55d-66.1, community residences for the terminally ill and adult family care homes for elderly persons and physically disabled adults, subject to the area requirements for single-family detached dwellings located within the R-1 Zone.
- E. A total of fifteen (15) dwelling units of which three (3) would be low and moderate income on Block 902, Lot 20 and a portion of Lot 23 as per the City's "Housing Plan Element and Fair Share Plan" adopted October 27, 2005
- F. A total of twenty (20) dwelling units of which four (4) would be low and moderate income on Block 1101, Lot 5 as per the City's "Housing Plan Element and Fair Share Plan" adopted October 27, 2005.
- G. Buildings, structures, and uses owned and operated by the City of Bordentown for municipal purposes.
- H. Parks, playgrounds or recreational areas, community center buildings, and libraries.
- I. Public, private or parochial schools and including private day schools and any non-profit educational institution.
- J. Family Day Care homes, subject to the requirements of Section 300-134.

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300-50. Accessory Uses.

The following accessory uses customarily incidental to the above permitted uses shall be allowed:

- A. Commercial vehicles in accordance with the provisions of Article XXIII, Promotional Vehicles and Commercial Telephone Listings in Residential Zones.
- B. In-ground and Above-Ground Swimming Pools and/or other structures customarily incidental to a swimming pool on a property.
- C. Accessory Buildings and Structures or Uses.
- D. Private Recreational Facilities and Landscaping Features, such as trellises and gazebos.
- E. Off-Street Parking, Private Residential Garages and Carports.
- F. Fences and Walls.
- G. Signs, subject to the requirements of Section 300-193.

300-51. Prohibited Uses.

Any use not listed above shall be prohibited in the R-3 Multi-Family High Density Residential Zone, and specifically the following:

- A. Signs in any form except as permitted in this Ordinance.
- B. Boardinghouses, rooming house, multi-family dwellings or any combination thereof.
- C. Wireless Telecommunications Facilities.

300-52. Conditional Uses.

The following uses shall be permitted as conditional uses subject to the conditions and procedures set forth in Section 300-35, Conditional Uses:

- A. Public and institutional uses, subject to the requirements of Section 300-132.
- B. Houses of Worship, subject to the requirements of Section 300-133.

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- C. Satellite dish antennae, subject to the requirements of Section 300-136.
- D. Public utility uses, subject to the requirements of Section 300-137.
- E. Pre-existing funeral homes and mortuaries.

300-53. Area Requirements.

The following area requirements shall be met in the R-3 Zone:

A. Single-family detached, minimum standards:

- 1) Minimum lot area. The minimum lot area per dwelling unit shall be at least five thousand (5,000) square feet and must be measured within one hundred fifty (150) feet of the front right-of-way line.
- 2) Minimum lot width. The minimum lot width at the street line shall be fifty (50) feet measured along the street line.
- 3) Front yard. There shall be a front yard of not more than twenty (20) feet. In blocks where structures have already been erected, the average setback line observed by buildings on the same side of the street within two hundred (200) feet on each side of any lot shall determine the setback of all new structures or additions on such lot except that this distance shall not exceed twenty-five (25) feet from the street line.
- 4) Side yards. There shall be two (2) side yards, totaling sixteen (16) feet, provided that no side yard shall be less than four (4) feet.
- 5) Rear yard. There shall be a rear yard of not less than twenty (20) feet.
- 6) Lot coverage. The maximum land area to be covered by all impervious surfaces shall not exceed forty percent (40%) of the total land area.
- 7) Floor area ratio. The maximum floor area ratio shall be 0.40 with a maximum house size of three thousand (3,000) square feet

B. Single-family semi-detached, minimum standards:

- 1) Minimum lot area. The minimum lot area per dwelling unit shall be at least seven thousand five hundred (7,500) square feet and must be measured within one hundred fifty (150) feet of the front right-of-way line.

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- 2) Minimum lot width. The minimum lot width at the street line shall be fifty (50) feet, measured along the street line.
- 3) Front yard. There shall be a front yard of not more than twenty (20) feet. In blocks where structures have already been erected, the average setback line observed by buildings on the same side of the street within two hundred (200) feet on each side of any lot shall determine the setback of all new structures or additions on such lot except that this distance shall not exceed twenty-five (25) feet from the street line.
- 4) Side yards. There shall be two (2) side yards, totaling sixteen (16) feet, provided that no side yard shall be less than four (4) feet.
- 5) Rear yard. There shall be a rear yard of not less than twenty (20) feet.
- 6) Lot coverage. The maximum land area to be covered by all impervious surfaces shall not exceed forty five percent (45%) of the total lot area.
- 7) Floor area ratio. The maximum floor area ratio shall be 0.40 with a maximum house size of three thousand (3,000) square feet.

C. Single-family attached, minimum standards:

- 1) Minimum lot area. The minimum lot area per dwelling unit shall be at least three thousand (3,000) square feet and must be measured within one hundred fifty (150) feet of the front right-of-way line.
- 2) Minimum lot width. The minimum lot width at the street line shall be twenty (20) feet, measured along the street line.
- 3) Front yard. There shall be a front yard of not more than ten (10) feet. In blocks where structures have already been erected, the average setback line observed by buildings on the same side of the street within two hundred (200) feet on each side of any lot shall determine the setback of all new structures or additions on such lot except that this distance shall not exceed twenty-five (25) feet from the street line.
- 4) Side yards. There shall be a minimum side yard of not less than four (4) feet.
- 5) Rear yard. There shall be a rear yard of not less than twenty (20) feet.
- 6) Lot coverage. The maximum land area to be covered by all impervious surfaces shall not exceed fifty percent (50%) of the total lot area.

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- 7) Floor area ratio. The maximum floor area ratio shall be 0.40 with a maximum house size of three thousand (3,000) square feet.
- D. Height. The height of the principal structure shall not exceed forty (40) feet or three (3) stories, whichever is lesser, for single-family detached and single-family semi-detached dwelling units and shall not exceed forty-five (45) feet or three and one-half stories, whichever is lesser, for single-family attached dwelling units.
- E. Gross density. The maximum overall tract gross density shall not exceed ten (10) dwelling units per acre.
- F. Accessory structures. All accessory structures shall meet the following requirements:
- 1) Height. The height of an accessory structure shall not exceed twenty-five (25) feet.
 - 2) Side yard. An accessory structure shall not be located closer than five (5) feet to the side lot line.
 - 3) Rear yard. An accessory structure shall not be located closer than five (5) feet to the rear yard line.
 - 4) All accessory structures are prohibited in front yard areas.
- G. Parking. Parking shall be as required by Article XXV.

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ARTICLE VII

TC TOWN CENTER MIXED USE ZONE

300-54. Permitted Uses.

In the TC Town Center Mixed Use Zone, no land shall be used and no building or structure shall be erected, structurally altered or occupied for any purposes except for the following permitted uses:

- A. Antique shops.
- B. Artists' studios and artisanal workshops.
- C. Bakery and confectionery shops.
- D. Banks, financial and insurance offices and other fiduciary institutions. Drive-through facilities may be permitted, provided that such facilities do not adversely impede or conflict with the safe traffic flow required by the permitted use on or off the site.
- E. Book or stationery stores, jewelry stores and watch repairing.
- F. Business and personal services.
- G. Club, social or fraternal.
- H. Convenience stores, drugstores and grocery stores.
- I. Establishments for physical therapy treatments.
- J. Theaters, both movie and live.
- K. Hardware stores.
- L. Health care facilities and allied health services, including family planning clinics, group health associations, visiting nurse association.
- M. Interior decorating establishments, clothing stores and gift shops.
- N. Medical and dental educational and vocational centers.

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- O. Medical and dental laboratories and testing facilities.
- P. Offices including business, governmental and professional.
- Q. Outpatient care facilities, including surgical centers.
- R. Retail food establishments, including fish and meat stores.
- S. Retail sales and stores.
- T. Standard restaurants, fast food, cafes, and luncheonettes, but excluding drive-in, drive-thru and curb service establishments.
- U. Museums, art centers, sculpture parks, and similar public uses.
- V. Farm market.
- W. Visitor information center.
- X. Buildings, structures, and uses owned and operated by the City of Bordentown for municipal purposes.
- Y. Parks, playgrounds or recreational areas, community center buildings, and libraries.
- Z. Public, private or parochial schools and including private day schools and any non-profit educational institution.

300-55. Accessory Uses.

The following accessory uses customarily incidental to the above permitted uses shall be allowed:

- A. Off-Street Parking, Private Non-Residential Garages, Municipal Garages and Carports.
- B. Multilevel parking structures.
- C. Fences and Walls.
- D. Signs, subject to the requirements of Section 300-193.
- E. No more than two (2) apartments per lot. Apartments are not permitted on ground level.

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300-56. Prohibited Uses.

Any use not listed above shall be prohibited in the TC Zone, and specifically the following:

- A. Signs in any form except as permitted in this Ordinance.
- B. Boardinghouses, rooming houses, community residences or any combination thereof.

300-57. Conditional Uses.

The following uses shall be permitted as conditional uses subject to the conditions and procedures set forth in Section 300-35, Conditional Uses:

- A. Public and institutional uses, subject to the requirements of Section 300-132.
- B. Pre-existing Houses of Worship.
- C. Pre-existing single-family detached dwellings.
- D. Pre-existing multi-family residential development.
- E. Satellite dish antennae, subject to the requirements of Section 300-136.
- F. Public utility uses, subject to the requirements of Section 300-137.
- G. Wireless Telecommunications Facilities, subject to the requirements of Section 300-138.
- H. Outdoor Sidewalk Café, subject to the requirements of Section 300-140.
- I. Child Care Centers, subject to the requirements of Section 300-135.

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300-58. Area Requirements.

The following area requirements shall be met in the TC Zone:

- A. Minimum lot area. The minimum lot area shall be at least three thousand (3,000) square feet for a mixed-use (non-residential and residential) and one thousand eight hundred (1,800) square feet for a non-residential building.
- B. Minimum lot width. The minimum lot width at the street line shall be thirty (30) feet measured along the street line.
- C. Front yard. There shall be a front yard of not more than zero (0) feet with an arcade and ten (10) feet without an arcade. Parking and loading in the front yard is prohibited.
- D. Side yards. There shall be two (2) side yards, totaling twenty (20) feet, provided that no side yard shall be less than five (5) feet for any non-residential structure.
- E. Rear yard. There shall be area yard of not less than twenty (20) feet.
- F. Lot coverage. The maximum land area to be covered by all impervious surfaces shall not exceed seventy percent (70%) of the total lot area.
- G. Accessory structures. All accessory structures shall meet the following requirements:
 - 1) Height. The height of an accessory structure shall not exceed twenty-five (25) feet.
 - 2) Side yard. An accessory structure shall not be located closer than five (5) feet to the side lot line.
 - 3) Rear yard. An accessory structure shall be located closer than five (5) feet to the rear yard line.
 - 4) All accessory structures are prohibited in front yard areas.
- H. Parking. Parking shall be as required by Article XXV.
- I. Other. Any structure located in the TC Zone, which is classified as an R-1 use, shall meet all of the area requirements contained in the R-1 Zone, Article IV.

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- J. Supplemental Design Standards. See Section 300-156 for supplemental design regulations for all TC development activity.
- K. The height of the principal structure shall not exceed forty (40) feet or three (3) stories.

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ARTICLE VIII

HC HIGHWAY COMMERCIAL ZONE

300-59. Permitted Uses.

In the HC Highway Commercial Zone, no land shall be used and no building or structure shall be erected, structurally altered or occupied for any purposes except for the following permitted uses:

- A. Automobile sales lot and building.
- B. Banks, financial and insurance offices and other fiduciary institutions. Drive-through facilities may be permitted, provided that such facilities do not adversely impede or conflict with the safe traffic flow required by the principal use on or off the site.
- C. Business and personal services.
- D. Club, social or fraternal.
- E. Commercial printing plants and publishing houses.
- F. Convenience stores, drug stores, grocery stores and supermarkets.
- G. Funeral homes and mortuaries.
- H. Furniture and home furnishings.
- I. Garden center.
- J. Hotels, motels and extended family stay facilities.
- K. Movie theaters, bowling alleys and health and commercial recreation facilities.
- L. Lumber and building material yards.
- M. Offices including business, governmental and professional.
- N. Retail food establishments.
- O. Retail sales and stores.

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- P. Retail sales, outdoor.
- Q. Standard restaurants, fast food, and eating and drinking places including drive-in, drive-thru and curbside service establishments.
- R. Shopping center. A building or a group of abutting buildings designed to be utilized by more than one (1) permitted use where such building or group of abutting buildings is constructed at one (1) time. The area and yard requirements shall be applied to the one (1) building or group of abutting buildings as one (1) structure.
- S. Buildings, structures, and uses owned and operated by the City of Bordentown for municipal purposes.
- T. Parks, playgrounds or recreation areas, community center buildings, and libraries.
- U. Public, private or parochial schools and including private day schools.

300-60. Accessory Uses.

The following accessory uses customarily incidental to the above permitted uses shall be allowed:

- A. Off-Street Parking, Private Non-Residential Garages, Municipal Garages and Carports.
- B. Multilevel parking structures.
- C. Fences and Walls.
- D. Signs, subject to the requirements of Section 300-193.

300-61. Prohibited Uses.

Any use not listed above shall be prohibited in the HC Zone, and specifically the following:

- A. Signs in any form except as permitted in this Ordinance.
- B. Boardinghouses, rooming houses, community residences or any combination thereof.

300-62. Conditional Uses.

The following uses shall be permitted as conditional uses subject to the conditions

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and procedures set forth in Section 300-35, Conditional Uses:

- A. Adult entertainment uses, subject to the requirements of Section 300-141.
- B. Auto repair services; repair garage and public garage subject to the requirements of Section 300-144.
- C. Amusement arcades, subject to the requirements of Section 300-142.
- D. Animal hospital and dog kennels, subject to the requirements of Section 300-148.
- E. Self-service storage, subject to the requirements of Section 300-143.
- F. Houses of Worship, subject to the requirements of Section 300-133.
- G. Satellite dish antennae, subject to the requirements of Section 300-136.
- H. Public utility uses, subject to the requirements of Section 300-137.
- I. Wireless telecommunication facilities, subject to the requirements of Section 300-138.
- J. Trucking terminals, subject to the requirements of Section 300-146.
- K. Car washes, subject to the requirements of Section 300-147.
- L. Automobile Service Station, Gasoline Station or Motor Vehicle Service Station, subject to the requirements of Section 300-145.
- M. Child Care Centers, subject to the requirements of Section 300-135.

300-63. Area Requirements.

The following area requirements shall be met in the HC Zone:

- A. Minimum lot area. The minimum lot area shall be at least fifteen thousand (15,000) square feet.
- B. Minimum lot width. The minimum lot width at the street line shall be one hundred (100) feet measured along the street line.
- C. Front yard. There shall be a front yard of not less than fifteen (15) feet and a maximum of twenty (20) feet. Parking and loading in the front yard is prohibited.

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- D. Side yard. There shall be two (2) side yards totaling fifteen (15) feet where no access drive is located, held at twenty-five (25) feet where an access drive is located, and increased to thirty five (35) feet where parking and an access drive are located in the side yard, provided that no side yard is less than ten (10) feet.
- E. Rear yard. There shall be a rear yard of not less than twenty-five (25) feet, except where a rear lot line abuts a residential district, whereupon the rear yard shall be fifty (50) feet.
- F. Height. The height of the principal structure shall not exceed forty five (45) feet or three and one-half (3 ½) stories, whichever is lesser.
- G. Lot coverage. The maximum land area to be covered by all impervious surfaces shall not exceed fifty percent (50%) of the total lot area.
- H. Minimum floor area. Every principal structure or separate permitted use shall have a minimum heated floor area of eight hundred (800) square feet.
- I. Parking. Parking shall be as required by Article XXV.
- J. Supplemental Design Standards. See Section 300-156 for supplemental design regulations for all HC development activity.

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ARTICLE IX

PC/I PLANNED COMMERCIAL INDUSTRIAL ZONE

300-64. Permitted Uses.

In the PC/I Commercial Industrial Zone, no land shall be used and no building or structure shall be erected, structurally altered or occupied for any purposes except for the following permitted uses:

- A. Assembly of products, excluding processing of primary and raw materials.
- B. Financial and insurance offices and other fiduciary institutions.
- C. Business services.
- D. "High-tech" services, i.e., computer and business machine sales and service, communication sales, installation and service, and other similar services.
- E. Hotel, motels and extended family stay facilities.
- F. Museums, art centers, sculpture parks, and other similar public uses.
- G. Light industrial and manufacturing.
- H. Offices including business, governmental and professional.
- I. Production and manufacture of "high-tech" products, i.e., computer hardware and software, peripherals and other devices.
- J. Research.
- K. Research and development laboratories.
- L. Buildings, structures, and uses owned and operated by the City of Bordentown for municipal purposes.
- M. Parks, playgrounds or recreational areas, community center buildings, and libraries.
- N. Public, private or parochial schools and including private day schools and any non-profit educational institution.

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300-65. Accessory Uses.

The following accessory uses customarily incidental to the above permitted uses shall be allowed:

- A. Off-Street Parking, Private Non-Residential Garages and Carports.
- B. Multilevel parking structures.
- C. Fences and Walls.
- D. Signs, subject to the requirements of Section 300-193.

300-66. Prohibited Uses.

Any use not listed above shall be prohibited in the PC/I zone, and specifically the following:

- A. Signs in any form except as permitted in this Ordinance.
- B. Boardinghouses, rooming houses, community residences or any combination thereof.

300-67. Conditional Uses.

The following uses shall be permitted as conditional uses subject to the conditions and procedures set forth in Section 300-35, Conditional Uses:

- A. Public and institutional uses, subject to the requirements of Section 300-132.
- B. Satellite dish antennae, subject to the requirements of Section 300-136.
- C. Public utility uses, subject to the requirements of Section 300-137.
- D. Wireless Telecommunications Facilities, subject to the requirements of Section 300-138.
- E. Retirement facility for religious orders, subject to the acreage size of the existing facility as of January 1, 2007 and to the general design guidelines found in Section 300-158.
- F. Child Care Centers, subject to the requirements of Section 300-135.

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300-68. Area Requirements.

The following area requirements shall be met in the PC/I Zone:

- A. Minimum lot area. The minimum lot area shall be at least two (2) acres.
- B. Minimum lot width. The minimum lot width at the street line shall be two hundred (200) feet measured along the street line.
- C. Front yard. There shall be a front yard of not less than fifty (50) feet. Parking and loading in the front yard is prohibited.
- D. Side yards. There shall be two (2) side yards, totaling seventy (70) feet, provided that no side yard shall be less than thirty five (35) feet.
- E. Rear yard. There shall be area yard of not less than fifty (50) feet.
- F. Height. The height of the principal structure shall not exceed forty five (45) feet or three and one-half (3 ½) stories, whichever is less.
- G. Building coverage. The maximum land area to be covered by all buildings shall not exceed thirty five percent (35%) of the total lot area.
- H. Lot coverage. The maximum land area to be covered by all impervious surfaces shall not exceed sixty five percent (65%) of the total lot area.
- I. Floor area ratio. The maximum floor area ratio shall be 0.50.
- J. Open space. The minimum amount of open space for the entire PCI zone (not on individually subdivided lots) shall be fifty five percent (55%).
- K. Parking. Parking shall be as required by Article XXV.
- L. Plan submission. A general development plan shall be required for the entire site located within this zone.
- M. Supplemental Design Standards. See Section 300-157 for supplemental design regulations for all PC/I development activity.

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ARTICLE X

CI COMMERCIAL INDUSTRIAL ZONE

300-69. Permitted Uses.

In the CI Commercial Industrial Zone, no land shall be used and no building or structure shall be erected, structurally altered or occupied for any purposes except for the following permitted uses:

- A. Commercial printing plants and publishing houses.
- B. Lumber and building material yards.
- C. Warehouse.
- D. Light Industrial and Manufacturing
- E. Buildings, structures, and uses owned and operated by the City of Bordentown for municipal purposes.
- F. Parks, playgrounds or recreational areas, community center buildings, and libraries.
- G. Public, private or parochial schools and including private day schools and any non-profit educational institution.

300-70. Accessory Uses.

The following accessory uses customarily incidental to the above permitted uses shall be allowed:

- A. Off-Street Parking, Private Non-Residential Garages and Carports.
- B. Multilevel parking structures.
- C. Fences and Walls.
- D. Signs, subject to the requirements of Section 300-217.

300-71. Prohibited Uses.

Any use not listed above shall be prohibited in the CI zone, and specifically the

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following:

- A. Signs in any form except as permitted in this Ordinance.
- B. Boardinghouses, rooming houses, community residences or any combination thereof.

300-72. Conditional Uses.

The following uses shall be permitted as conditional uses subject to the conditions and procedures set forth in Section 300-35, Conditional Uses:

- A. Public and institutional uses, subject to the requirements of Section 300-132.
- B. Satellite dish antennae, subject to the requirements of Section 300-136.
- C. Public utility uses, subject to the requirements of Section 300-137.
- D. Wireless Telecommunications Facilities, subject to the requirements of Section 300-138.
- E. Child Care Centers, subject to the requirements of Section 300-135.

300-73. Area Requirements.

The following area requirements shall be met in the CI Zone:

- A. Minimum lot area. The minimum lot area shall be at least one (1) acre and it shall not be further subdivided within the context of a required general development plan.
- B. Minimum lot width. The minimum lot width at the street line shall be one hundred fifty (150) feet measured along the street line.
- C. Front yard. There shall be a front yard of not less than forty (40) feet.
- D. Lot depth. There shall be a lot depth of not less than two hundred (200) feet.
- E. Side yards. There shall be two (2) side yards totaling forty (40) feet, provided that no side yard is less than ten (10) feet.
- F. Rear yard. There shall be a rear yard of not less than fifty (50) feet.

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- G. Height. The height of the principal structure shall not exceed thirty five (35) feet or two and one-half (2½) stories, whichever is lesser.
- H. Floor area ratio. The maximum floor area ratio shall be 0.30.
- I. Number of permitted uses. There shall be only one (1) permitted use on each lot.
- J. Parking. Parking shall be as required by Article XXV.
- K. Plan Submission. A general development plan shall be required for lots equal to or over two (2) acres.
- L. Supplemental Design Standards. See Section 300-157 for supplemental design regulations for all CI development activity.

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ARTICLE XI

WC WATERFRONT COMMERCIAL ZONE

300-74. Permitted Uses.

In the WC Waterfront Commercial Zone, no land shall be used and no building or structure shall be erected, structurally altered or occupied for any purposes except for the following permitted uses:

- A. Boat rentals, canoe/kayak rentals, bicycle rentals, and related facilities.
- B. Art galleries and museums with a nautical theme, art or craft shops, and artisan workshops.
- C. Communications and video production studios; artisan studios
- D. Docks, wharfs, piers, and bait and tackle shops.
- E. Marine research and educational facilities.
- F. Marine-related boutique, gift or specialty shops.
- G. Public waterfront access; vista platforms.
- H. Research and education observation.
- I. Yacht clubs and marinas.
- J. Buildings, structures, and uses owned and operated by the City of Bordentown for municipal purposes.
- K. Parks, playgrounds or recreational areas, community center buildings, and libraries.
- L. Environmental education and environmental tourism activities.

300-75. Accessory Uses.

The following accessory uses customarily incidental to the above permitted uses shall be allowed:

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- A. Off-Street Parking.
- B. Facilities for fueling and refueling and providing other services for boats and related marine equipment.
- C. Marinas and marine-services, including boat and marine engine repair and maintenance, boat storage, sail making and repair, retail sale of marine supplies, boat launches, and marina administrative offices.
- D. Maintenance and rehabilitation of boats.
- E. Offices for marine-related shops and services, such as brokers and surveyors.
- F. Storage of marine products, fishing gear and marine equipment.
- G. Storage for sales and rental of marine supplies and equipment.
- H. Small scale boat building and repair.

300-76. Prohibited Uses.

Any use not listed above shall be prohibited in the WC zone, and specifically the following:

- A. Signs in any form except as permitted in this Ordinance.
- B. Boardinghouses, rooming houses, community residences or any combination thereof.

300-77. Conditional Uses.

The following uses shall be permitted as conditional uses subject to the conditions and procedures set forth in Section 300-35, Conditional Uses:

- A. Outdoor sidewalk café, subject to the requirement of Section 300-140.
- B. Standard restaurants, fast food, cafes, and luncheonettes, but excluding drive-in, drive-thru and curb service establishments. Such prohibitions shall not, however, prevent service at tables on a covered or uncovered terrace or porch incidental to a permitted restaurant.

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- C. Snack bars and ice cream stands, but excluding drive-through, drive-thru and curb service establishments.
- D. Seafood markets.

300-78. Area Requirements.

The following area requirements shall be met in the WC Zone:

- A. Minimum lot area. The minimum lot area shall be at least twelve thousand (12,000) square feet.
- B. Minimum lot width. The minimum lot width at the street line shall be eighty (80) feet measured along the street line.
- C. Front yard. There shall be a front yard of not less than twenty (20) feet.
- D. Side yards. There shall be two (2) side yards, totaling fifteen (15) feet.
- E. Rear yard. There shall be a rear yard of not less than twenty-five (25) feet.
- F. Height. The height of the principal structure shall not exceed thirty five (35) feet or two and one-half (2½) stories, whichever is lesser.
- G. Lot coverage. The maximum land area to be covered by all impervious surfaces shall not exceed fifty percent (50%) of the total lot area.

300-79. Supplemental Regulations.

- A. Provision of an appropriately sized development site to ensure adequate building setbacks, landscaping, buffering and areas for off-street parking.
- B. Analysis of traffic impacts to ensure adequate street and intersection capacity, safe and adequate traffic routing and the minimization of impacts on adjacent land uses.
- C. Analysis of the impact of hours of operation on adjacent land uses.
- D. Uses not listed as permissible may be allowed by the Planning Board or Zoning Board upon a demonstration by the applicant that the uses are in fact water-dependent or water-related.

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- E. Storage of materials or products on-site shall be permitted if found to be directly associated with water transportation and an integral part of the operation or activity.
- F. Any applicant for a permitted use shall furnish evidence of compliance with, or intent to comply with, all applicable permits and rule requirements of the State and all other agencies having interest applicable to the proposed use. If a statement of intent to comply is submitted by the applicant, the Planning Board or Zoning Board may condition approval on such compliance.
- G. A hotel, motel or extended family stay facility shall be permitted if it does not interfere with the water-dependent and water-related uses of the zone.
- H. Nondependent and non-related water uses may be permitted by the Planning Board or Zoning Board upon a demonstration of public need and/or a finding(s) that sufficient land area(s) has been established and preserved to meet the projected need for permitted water-related uses and if shown that the goods and services provided by these nondependent and non-related uses are directly associated with water-related or water-dependent uses and these uses are dependent on being located adjacent to permitted uses and the water.
- I. Dwellings for caretakers may be allowed if such a dwelling is an integral part of a water-related use and does not interfere with the location and operation of other water-related uses.
- J. In approving a plan for development on a site with frontage along the water, the Planning Board or the Zoning Board may require the dedication of vertical and lateral public access easements, except where adequate public access already exists or where the provision of access is inconsistent with public safety or the protection of fragile resources. Public access easements shall be a minimum ten (10) feet in width and may be provided within required lot setback areas.
- K. See Section 300-156 for supplemental design regulations for all WC development activity.

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ARTICLE XII

OC OFFICE COMMERCIAL ZONE

300-80. Permitted Uses.

In the OC Office Commercial Zone, no land shall be used and no building or structure shall be erected, structurally altered or occupied for any purposes except for the following permitted uses:

- A. Offices including business, governmental and professional.
- B. Business services.
- C. Buildings, structures, and uses owned and operated by the City of Bordentown for municipal purposes.
- D. Parks, playgrounds or recreational areas, community center buildings, and libraries.
- E. Public, private or parochial schools and including private day schools and any non-profit educational institution.

300-81. Accessory Uses.

The following accessory uses customarily incidental to the above permitted uses shall be allowed:

- A. Off-Street Parking and Carports.
- B. Fences and Walls.
- C. Signs, subject to the requirements of Section 300-193.

300-82. Prohibited Uses.

Any use not listed above shall be prohibited in the OC zone, and specifically the following:

- A. Signs in any form except as permitted in this Ordinance.

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- B. Boardinghouses, rooming houses, community residences or any combination thereof.

300-83. Conditional Uses.

The following uses shall be permitted as conditional uses subject to the conditions and procedures set forth in Section 300-35, Conditional Uses:

- A. Existing commercial uses situated along Ann Street and Spring Street.
- B. Houses of Worship, subject to the requirements of Section 300-133.
- C. Satellite dish antennae, subject to the requirements of Section 300-136.
- D. Public utility uses, subject to the requirements of Section 300-137.
- E. Wireless Telecommunications Facilities, subject to the requirements of Section 300-138.
- F. Child Care Centers, subject to the requirements of Section 300-135.

300-84. Area Requirements.

The following area requirements shall be met in the OC Zone:

- A. Minimum lot area. The minimum lot area shall be at least ten thousand (10,000) square feet.
- B. Minimum lot width. The minimum lot width at the street line shall be one hundred (100) feet measured along the street line.
- C. Front yard. There shall be a front yard of not less than fifty (50) feet.
- D. Side yards. There shall be two (2) side yards, totaling thirty (30) feet provided that no side yard shall be less than ten (10) feet.
- E. Rear yard. There shall be a rear yard of not less than fifty (50) feet.
- F. Height. The height of the principal structure shall not exceed forty five (45) feet or three and one-half (3 ½) stories, whichever is lesser.

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- G. Building coverage. The maximum land area to be covered by all buildings shall not exceed thirty five percent (35%) of the total lot area.
- H. Lot coverage. The maximum land area to be covered by all impervious surfaces shall not exceed sixty five percent (65%) of the total lot area.
- I. Parking. Parking shall be required by Article XXV. No off-street parking shall be permitted in front of a building. Additionally, parking facilities for the occupants of office buildings on Block 1701, Lots 1, 2, and 3 are to provided on City Block 902, Lots 21 and 22.
- J. Supplemental Design Standards. See Section 300-156 for supplemental design regulations for all OC development activity.

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ARTICLE XIII

R RAILWAY ZONE

300-85. Permitted Uses.

In the R Railway Zone, no land shall be used and no building or structure shall be erected, structurally altered or occupied for any purposes except for the following permitted uses:

- A. Railroad yards, tracks and rights-of-way.
- B. Rails-to-trails.
- C. Railroad passenger stations and railroad facilities and any other uses which shall be for railroads.
- D. Bus rapid transit.
- E. Farm market.
- F. Taxi stands, bus stops and shelters.
- G. Uses owned and operated by New Jersey Transit.
- H. Buildings, structures, and uses owned and operated by the City of Bordentown for municipal purposes.

300-86. Accessory Uses.

The following accessory uses customarily incidental to the above permitted uses shall be allowed:

- A. Off-Street Parking and Carports.
- B. Multilevel parking structures
- C. Fences and Walls.
- D. Signs, subject to the requirements of Section 300-193.

300-87. Prohibited Uses.

Any use not listed above shall be prohibited in the R zone, and specifically the

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following:

- A. Signs in any form except as permitted in this Ordinance.

300-88. Conditional Uses.

The following uses shall be permitted as conditional uses subject to the conditions and procedures set forth in Section 300-35, Conditional Uses:

- A. Satellite dish antennae, subject to the requirements of Section 300-136.
- B. Public utility uses, subject to the requirements of Section 300-137.
- C. Wireless Telecommunications Facilities, subject to the requirements of Section 300-138.

300-89. Area Requirements.

Requirements shall be the same as required for the immediately adjacent regular zone districts, except as they may be modified by a conditional use approval.

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ARTICLE XIV

P PARK ZONE

300-90. Permitted Uses.

In the P Park Zone, no land shall be used and no building or structure shall be erected, structurally altered or occupied for any purposes except for the following permitted uses:

- A. Recreational facilities promoting the preservation of open space, natural vegetation and trees.
- B. Parks and facilities incidental thereto.
- C. Pre-existing non-conforming uses.
- D. Athletic playing fields, tennis courts, playgrounds and other recreational facilities of a similar nature.
- E. Buildings, structures, and uses owned and operated by the City of Bordentown for municipal purposes.

300-91. Accessory Uses.

The following accessory uses customarily incidental to the above permitted uses shall be allowed:

- A. Off-Street Parking and Carports.
- B. Fences and Walls.
- C. Signs, subject to the requirements of Section 300-193.

300-92. Area Requirements.

Requirements shall be the same as required for the immediately adjacent regular zone districts, except as they may be modified by a conditional use approval.

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ARTICLE XV

AR/HC AGE RESTRICTED/HEALTHCARE ZONE

300-93. Permitted Uses.

In the AR/HC Age Restricted/Healthcare Zone, no building, structure or premises shall be used, and no building or structure shall be erected or structurally altered, except for the following permitted uses:

- A. Age-restricted housing, providing for a range of living accommodations, health care services and support facilities for people who are fifty five (55) years of age or older or for couples one of whom is at least fifty five (55) years of age (except to the extent otherwise provided in the certificate of need issued by the New Jersey Department of Health for a nursing facility with respect to age restriction), and which may include age-restricted units, independent living units, assisted living units and nursing care units.
- B. Assisted living facility.
- C. Continuing care retirement community.
- D. Congregate care facility.
- E. Long-term care facility, nursing homes, and elder-care centers.
- F. Independent medical and specialty care offices and treatment facilities.
- G. Buildings, structures, and uses owned and operated by the City of Bordentown for municipal purposes.
- H. Parks, playgrounds or recreational areas, community center buildings, and libraries.
- I. Public, private or parochial schools and including private day schools and any non-profit educational institution.

300-94. Accessory Uses.

The following accessory uses customarily incidental to the above permitted uses shall

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be allowed:

- A. Recreational or community facilities for the collective use of the residents and their guests may include, but shall not be limited to, the following: swimming pools, tennis or other sport courts, clubhouses, sitting or picnic areas, walking, cycling or exercise trails and other appropriate active and passive recreational facilities.
- B. Allied medical facilities, entertainment facilities, libraries, food preparation facilities, dining facilities, laundry and linen service facilities, administrative offices, staff facilities, storage and maintenance, chapels, temporary guest lodging facilities, parking facilities, barber shops and beauty parlors, facilities for the sale of sundries, personal articles, newspapers, food and similar convenience products to the residents, and such other uses as are customarily associated with and subordinate to the permitted uses.
- C. Off-Street Parking and Carports.
- D. Fences and Walls.
- E. Signs, subject to the requirements of Section 300-217.

300-95. Prohibited Uses.

Any use not listed above shall be prohibited in the AR/HC zone, and specifically the following:

- A. Signs in any form except as permitted in this Ordinance.
- B. Boardinghouses, rooming houses, community residences or any combination thereof.

300-96. Conditional Uses.

The following uses shall be permitted as conditional uses subject to the conditions and procedures set forth in Section 300-35, Conditional Uses:

- A. Satellite dish antennae, subject to the requirements of Section 300-136.
- B. Public utility uses, subject to the requirements of Section 300-137.

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300-97. Area Requirements.

The following area requirements shall be met in the AR/HC Zone:

- A. Single-family semi-detached and single-family attached dwellings units shall comply with the area requirements found in Section Article VI.
- B. Multi-family dwelling units shall comply with the following requirements:
 - 1) Setback from internal roads. There shall be a minimum setback of not less than twenty (20) feet.
 - 2) Distance from window wall to window wall. There shall be a minimum distance of not less than thirty (30) feet.
 - 3) Distance from window wall to end wall. There shall be a minimum distance of not less than thirty (30) feet.
 - 4) Distance from end wall to end wall. There shall be a minimum distance of not less than thirty (30) feet.
 - 5) Setback of building face to parking. There shall be a minimum setback of ten (10) feet.
 - 6) Setback of building face to street curb. There shall be a minimum setback of twenty (20) feet.
- C. Height. The height of a single-family semi-detached or single-family attached structure shall not exceed thirty-five (35) feet or two and one-half (2 ½) stories, whichever is lesser. The height of a multi-family structure or a building containing nursing care, assisted living and/or independent living units may have a height not exceeding forty-five (45) feet or three and one-half (3 ½) stories.
- D. Lot coverage. The maximum land area to be covered by all impervious surfaces shall not exceed fifty percent (50%) of the total lot area.
- E. Gross density. The maximum overall tract gross density shall not exceed fifteen (15) dwelling units per acre.
- F. Parking. Parking shall be as required by Article XXV.

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300-98. Supplemental Regulations.

A. Buffers.

- 1) A minimum twenty-five (25) foot wide landscape buffer shall be required along adjoining properties. No buffer or a reduced buffer dimension shall be permitted where proposed development is similar to existing dwelling units that adjoin the site.
- 2) The minimum landscape buffer requirement may be increased by the Planning Board if more than fifty percent (50%) of a development's total site acreage is occupied by independent living, assisted living/congregate care facilities or nursing homes. The landscape buffer requirement may be reduced by the Planning Board if the applicant can demonstrate that additional landscaping and/or fencing will protect residents from negative visual and physical impacts.

B. Open space, recreational and drainage requirements.

- 1) No less than twenty percent (20%) of the tract (excluding existing and proposed road rights-of-way) shall be devoted to conservation, open space, drainage and/or recreational purposes. Individual residential lots or portions thereof shall not be construed as space, recreational and drainage areas for purposes of this calculation shall not include courtyards and cul-de-sac islands.
- 2) The design and use of open space shall protect the natural resources and qualities of the site, including the natural terrain, significant views and any unique or unusual feature. Open space, recreational and drainage areas other than that preserved for their natural values shall be suitably landscaped. All structures within open space, recreational and drainage areas shall be sited so as to retain their visual appeal. Grading, drainage, planting, walkways, fencing, lighting and such other improvements may be provided in the open spaces, recreational and drainage areas as may be necessary to enhance the intended open space, drainage and recreational uses.
- 3) Within open space, recreational and drainage areas, site preparation improvements, including the following, may be required: preservation of existing trees; removal of dead or diseased trees; thinning of trees or other growth to encourage more desirable growth; removal of trees in areas planned for active recreational facilities; grading and seeding; improvement or protection of the natural drainage system with the use of protective structures, stabilization measures and similar improvement; improvement and landscaping

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to afford appropriate use and enjoyment by the residents; and generally cleaning up the site by removing trash, debris and any hazardous materials.

- 4) Active and passive recreational facilities shall be provided in an age-restricted housing development for the use and enjoyment of the residents of the development and their guests, which shall consist of the following: an in-ground community swimming pool provided with an improved sitting area, contiguous to all sides of the pool, having an area two times the water surface area of the pool; there shall be not less than twenty-five (25) square feet of floor area per dwelling unit provided in a clubhouse with meeting rooms, multipurpose space, fully equipped game rooms, art and craft rooms, fully equipped kitchen, office space and service facilities; shuffleboard and horseshoe courts; regulation double tennis courts; exercise areas and stations; picnic facilities; outdoor sitting areas; gardening areas with a communal greenhouse; and a system of handicapped-accessible sidewalks, bike paths, roads and shared drives. The location of such recreational facilities shall be carefully planned to provide privacy for the users and to avoid problems of noise, lighting and similar nuisances which might interfere with their use and enjoyment by residents of the development.

C. Fencing.

Fencing may be provided on the perimeter of the tract, or within the tract, provided the fencing is of an architecturally compatible design and consistent throughout the tract. No fence shall exceed a height of four (4) feet above grade except in such instances where such fencing separates patios or decks or adjacent semi-detached residential units or attached units wherein a fence of six (6) feet in height may be provided.

D. Design standards.

No age-restricted, independent living, assisted living, congregate care or nursing home unit shall be constructed unless the following minimum design standards are met. The design and location of all buildings and recreational facilities must be consistent with the ultimate purpose of achieving independent, self-reliant and pleasant living arrangements and shall take into account the desires and needs of older persons for privacy, participation in social community activities and access to community facilities. At the same time, provision shall be made to accommodate the limitations that sometimes accompany advanced years so that independent living can be sustained as long as possible. The application shall show in detail how the development complies with these criteria. The following design elements

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shall be required in an age-restricted housing development:

- 1) Single-family dwelling units shall be placed into small groupings such as clusters or courts. Groupings shall be visually reduced in size by using garden walls, gates, fences and variable landscape layouts.
- 2) Building exteriors shall have vertical and/or horizontal offsets to create visual breaks on the exterior.
- 3) A variety of building heights is encouraged in a single development.
- 4) A variety of building setbacks, rooflines, color schemes, and elevations shall be required in the development to avoid a repetitious or monotonous streetscape.
- 5) The exteriors of all buildings in the development, including accessory buildings, shall conform architecturally and be constructed of materials of like character.
- 6) Each age-restricted building and combined complex of units shall have a compatible architectural theme with variations in design to provide attractiveness to the development, which shall include consideration of landscaping techniques, building or orientation to the site and to other structures, topography, natural features and individual dwelling unit design, such as varying unit width, staggering unit setbacks, providing different exterior materials, changing roof lines and roof designs, altering building heights and changing types of windows, shutters, doors, porches, colors and vertical and horizontal orientation of the façades, singularly or in combination for each unit.
- 7) In order to prevent the development of long and monotonous buildings and ridge lines which serve to increase the sense of density, lack interest and liken the development to a barracks, overall structures of attached single-family units shall consist of no more than eight (8) dwelling units. There shall be at least three (3) different ridge line heights in each overall structure of attached units, which shall vary by at least three (3) feet. In any overall structure of attached units, no more than two (2) adjacent dwelling units shall have the same setback. Setbacks shall vary by at least eight (8) feet.
- 8) Each development shall provide for the removal of trash, garbage, and recycling. Storage of trash, garbage, and recycling shall be subject to Planning Board review and approval.

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- 9) The development plan for the site, its developed facilities and the interior of residential units must be specifically designed to meet the potential physical and social needs and visual, auditory, ambulatory and other impairments that may affect older persons, particularly as residents age in place.

- 10) There shall be provided a safe and convenient system of sidewalks accessible to all occupants. Due consideration should be given in planning walks, paths, and ramps to prevent slipping or stumbling. Handrails and ample space for rest shall be provided. All walks, paths and risers shall be designed according to the requirements of the Americans with Disabilities Act (ADA). When required, sidewalks shall be at least five (5) feet wide as approved by the Planning Board.

- 11) Artificial lighting shall be provided along all walks, paths, and interior roads and driveways and in all off-street parking areas with sufficient illumination for the safety and convenience of older age residents depending on anticipated nighttime use.

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ARTICLE XVI

CR1 CONSERVATION RESTRICTED (R-1 OVERLAY) ZONE

300-99. Permitted Uses.

In the CR1 Conservation Overlay Zone, no land shall be used and no building or structure shall be erected, structurally altered or occupied for any purposes except for the following permitted uses:

- A. Cluster residential development, subject to the following requirements:
 - 1) The residential lots on which single-family detached dwellings are built shall be clustered so that the maximum gross density on the tract of land does not exceed one (1) dwelling unit per acre.
 - 2) Only detached single-family dwellings shall be permitted as principal uses in a cluster residential development. Accessory uses, such as detached garages, pools, decks, etc., typically permitted in residential zones in the City of Bordentown shall be permitted.
 - 3) The area, yard and bulk standards for the individual clustered lots on which single-family detached dwelling units are built shall conform to the area regulations found in Section 300-103.
 - 4) The lands not used for housing development shall be preserved as contiguous open space with conservation easements running with the land. In order to maximize the conservation of lands and minimize disturbance to the open space, storm water detention and retention basins shall be excluded from the open space. Notwithstanding, outflows from storm water control structures, e.g. headwalls, flared end sections, riprap channels, grassed swales and other similar storm water outflow structures, shall be permitted in the open space, given that their design complies with sound engineering practice.
- B. Buildings, structures, and uses owned operated by the City of Bordentown for municipal purposes.
- C. Parks, playgrounds or recreational areas, community center buildings, and libraries.
- D. Family Day Care Homes, subject to the requirements of Section 300-134.

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300-100. Accessory Uses.

The following accessory uses customarily incidental to the above permitted uses shall be allowed:

- A. Commercial vehicles in accordance with the provisions of Article XXIII, Promotional Vehicles and Commercial Telephone Listings in Residential Zones.
- B. In-ground and Above-Ground Swimming Pools and/or other structures customarily incidental to a swimming pool on a property.
- C. Accessory Buildings and Structures or Uses.
- D. Private, Recreational Facilities and Landscaping Features, such as trellises and gazebos.
- E. Off-Street Parking, Private Residential Garages and Carports.
- F. Fences and Walls.
- G. Signs, subject to the requirements of Section 300-193.

300-101. Prohibited Uses.

Any use not listed above shall be prohibited in the CR1 Zone, and specifically the following:

- A. Signs in any form except as permitted in this Ordinance.
- B. Boardinghouses, rooming houses, community residences or any combination thereof.
- C. Wireless and Telecommunications Facilities.

300-102. Conditional Uses.

The following uses shall be permitted as conditional uses subject to the conditions and procedures set forth in Section 300-35, Conditional Uses:

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- A. Satellite dish antennae, subject to the requirements of Section 300-136.
- B. Public utility uses, subject to the requirements of Section 300-137.

300-103. Area Requirements.

The following area requirements shall be met in the CR1 Zone:

- A. Minimum lot area. The minimum lot area shall be at least twelve thousand (12,000) square feet.
- B. Minimum lot width. The minimum lot width at the street line shall be two hundred (200) feet.
- C. Minimum lot depth. The minimum lot depth shall be two hundred (200) feet.
- D. Front yard. There shall be a front yard of not less than twenty (20) feet.
- E. Side yards. There shall be two (2) side yards, totaling thirty (30) feet, provided that no side yard shall be less than ten (10) feet.
- F. Rear yard. There shall be a rear yard of not less than twenty-five (25) feet.
- G. Height. The height of the principal structure shall not exceed thirty five (35) feet or two and one-half (2½) stories, whichever is lesser.
- H. Lot coverage. The maximum land area to be covered by all impervious surfaces shall not exceed twenty percent (20%) of the total lot area.
- I. Accessory structures. All accessory structures shall meet the following requirements:
 - 1) Height. The height of an accessory structure shall not exceed twenty-five (25) feet.
 - 2) Side yard. An accessory structure shall not be located closer than ten (10) feet to the side lot line.
 - 3) Rear yard. An accessory structure shall not be located closer than ten (10) feet to the rear yard line.

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- 4) All accessory structures are prohibited in front yard areas.
- J. Parking. Parking shall be as required by Article XXV.
- K. Open Space. Development shall occur no closer than fifty (50) feet to the top of slope along the stream corridor in order to protect and preserve the heavily wooded, environmentally sensitive stream corridor. The lands located between the fifty (50) foot distance from the top of the slope to the opposing fifty (50) foot distance from the top of the slope (the other side of the stream), whichever is farther, shall be preserved as open space with a conservation easement running with the land.

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ARTICLE XVII

CR2 CONSERVATION RESTRICTED (CI OVERLAY) ZONE

300-104. Permitted Uses.

In the CR2 Conservation Overlay Zone, no land shall be used and no building or structure shall be erected, structurally altered or occupied for any purposes except for the following permitted uses:

- A. Business and personal services.
- B. Research and development laboratories.
- C. Non-residential cluster development, subject to the following requirements:
 - 1) The area on which development is permitted to occur shall be at least three (3) acres.
 - 2) The floor area of a CI development that would be permitted to occur in the CR2 zone shall be permitted to be transferred to other CI lands adjoining the CR2 district. In essence, the amount of floor area shall be permitted to increase on a square foot-by-square foot basis on lands located in the CI district (non-CR2 district lands).
 - 3) The area requirements in Section 300-108 may be relaxed by the Planning Board; however, the amount of lot coverage, in terms of square footage, shall be permitted to increase by the same amount of floor area being transferred.
 - 4) The CR2 lands from which the development potential is transferred shall be permanently preserved as open space.
 - 5) The lands not used for development shall be preserved contiguous open space with conservation easements running with the land. In order to maximize the conservation of lands and minimize disturbance to the open space, storm water detention and retention basins shall be excluded from the open space. Notwithstanding, outflows from storm water control structures. e.g. headwalls, flared end sections, riprap channels, grassed swales and other similar storm water outflow structures, shall be permitted in the open space, given that their design complies with sound engineering practices.

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- D. Buildings, structures, and uses owned and operated by the City of Bordentown for municipal purposes.
- E. Parks, playgrounds or recreational areas, community center buildings, and libraries.
- F. Public, private or parochial schools and including private day schools and any non-profit educational institution.

300-105. Accessory Uses.

The following accessory uses customarily incidental to the above permitted uses shall be allowed:

- A. Off-Street Parking, Private Residential Garages and Carports.
- B. Fences and Walls.
- C. Signs, subject to the requirements of Section 300-193.

300-106. Prohibited Uses.

Any use not listed above shall be prohibited in the CR2 Zone, and specifically the following:

- A. Signs in any form except as permitted in this Ordinance.
- B. Boardinghouses, rooming houses, community residences or any combination thereof.

300-107. Conditional Uses.

The following uses shall be permitted as conditional uses subject to the conditions and procedures set forth in Section 300-35, Conditional Uses:

- A. Satellite dish antennae, subject to the requirements of Section 300-136.
- B. Public utility uses, subject to the requirements of Section 300-137.
- C. Child Care Centers, subject to the requirements of Section 300-135.

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300-108. Area Requirements.

The following area requirements shall be met in the CR2 Zone:

- A. Minimum lot area. The minimum lot area shall be at least one (1) acre.
- B. Minimum lot width. The minimum lot width at the street line shall be one hundred fifty (150) feet.
- C. Minimum Lot depth. The minimum lot depth shall be two hundred (200) feet.
- D. Front yard. There shall be a front yard of not less than forty (40) feet.
- E. Side yards. There shall be two (2) side yards, totaling forty (40) feet, provided that no side yard is less than ten (10) feet.
- F. Rear yard. There shall be a rear yard of not less than fifty (50) feet.
- G. Height. The height of the principal structure shall not exceed thirty five (35) feet or two and one-half (2½) stories, whichever is lesser.
- H. Floor area ratio. The maximum floor area ratio shall be 0.30.
- I. Number of permitted uses. There shall be only one (1) permitted use on each lot.
- J. Parking. Parking shall be required by Article XXV.
- K. Open space. Development shall occur no closer than fifty (50) feet to the top of slope along the stream corridor in order to protect and preserve the heavily wooded, environmentally sensitive stream corridor. The lands located between the fifty (50) foot distance from the top of slope to the opposing fifty (50) foot distance from the top of slope (the other side of the stream), whichever is farther, shall be preserved as open space with a conservation easement running with the land.

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ARTICLE XVIII

CR3 CONSERVATION RESTRICTED (PC/I OVERLAY) ZONE

300-109. Permitted Uses.

In the CR3 Conservation Overlay Zone, no land shall be used and no building or structure shall be erected, structurally altered or occupied for any purposes except for the following permitted uses:

- A. Assembly of products, excluding processing of primary and raw materials.
- B. Banks, financial and insurance offices and other fiduciary institutions. Drive-through facilities may be permitted, provided that such facilities do not adversely impede or conflict with the safe traffic flow required by the principal use on or off the site.
- C. Business services.
- D. "High-tech" services, i.e., computer and business machine sales and service, communication sales, installation and service, and other similar services.
- E. Hotels, motels and extended family stay facilities.
- F. Museums, art centers, sculpture parks, and other similar public uses.
- G. Light industrial and manufacturing.
- H. Offices including business, governmental and professional.
- I. Production and manufacture of "high-tech" products, i.e., computer hardware and software, peripherals and other devices.
- J. Research.
- K. Research and development laboratories.
- L. Non-residential cluster development, subject to the following requirements:
 - 1) The area on which development is permitted to occur shall be at least three (3) acres.

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- 2) The floor area of PC/I development that would be permitted to occur in the CR3 zone shall be permitted to be transferred to other PC/I lands adjoining the CR3 zone. In essence, the amount of floor area shall be permitted to increase on a square foot-by-square foot basis on lands located in the CI zone (non-CR3 district lands).
 - 3) The area requirements in Section 300-113 may be relaxed by the Planning Board; however, the amount of lot coverage, in terms of square footage, shall be permitted to increase by the same amount of floor area being transferred,
 - 4) The CR3 lands from which the development potential is transferred shall be permanently preserved as open space.
 - 5) The lands not used for development shall be preserved contiguous open space with conservation easements running with the land. In order to maximize the conservation of lands and minimize disturbance to the open space, storm water detention and retention basins shall be excluded from the open space. Notwithstanding, outflows from storm water control structures, e.g. headwalls, flared end sections, riprap channels, grassed swales and other similar storm water outflow structures, shall be permitted in the open space, given that their design complies with sound engineering practices.
- M. Buildings, structures, and uses owned and operated by the City of Bordentown for municipal purposes.
- N. Parks, playgrounds or recreational areas, community center buildings, and libraries.
- O. Public, private or parochial schools and including private day schools and any non-profit educational institution.

300-110. Accessory Uses.

The following accessory uses customarily incidental to the above permitted uses shall be allowed:

- A. Off-street Parking, Private Residential Garages and Carports.
- B. Multilevel parking structures.

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- C. Fences and walls.
- D. Signs, subject to the requirements of Section 300-193.

300-111. Prohibited Uses.

Any use not listed above shall be prohibited in the CR3 zone, and specifically the following:

- A. Signs in any form except as permitted in this Ordinance.
- B. Boardinghouses, rooming houses, community residences or any combination thereof.

300-112. Conditional Uses.

The following uses shall be permitted as conditional uses subject to the conditions and procedures set forth in Section 300-35, Conditional Uses:

- A. Public and institutional uses, subject to the requirements of Section 300-132.
- B. Satellite dish antennae, subject to the requirements of Section 300-136.
- C. Public utility uses, subject to the requirements of Section 300-137.
- D. Wireless Telecommunications Facilities, subject to the requirements of Section 300-138.
- E. Child Care Centers, subject to the requirements of Section 300-135.

300-113. Area Requirements.

The following area requirements shall be met in the CR3 Zone:

- A. Minimum lot area. The minimum lot area shall be at least two (2) acres.
- B. Minimum lot width. The minimum lot width at the street line shall be two hundred (200).

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- C. Front yard. There shall be a front yard of not less than fifty (50) feet. Parking and loading in the front yard is prohibited.
- D. Side yards. There shall be two (2) side yards, not less than seventy (70) feet, provided that no side yard shall be less than thirty five (35) feet.
- E. Rear yard. There shall be a rear yard of not less than fifty (50) feet.
- F. Height. The height of the principal structure shall not exceed forty five (45) feet or three and one-half stories (3½), whichever is lesser.
- G. Building coverage. The maximum land area to be covered by all buildings shall not exceed thirty five percent (35%) of the total lot area.
- H. Lot coverage. The maximum land area to be covered by all impervious surfaces shall not exceed sixty five percent (65%) of the total lot area.
- I. Floor area ratio. The maximum floor area ratio shall be 0.50.
- J. Parking. Parking shall be required by Article XXV.
- K. Open space. Development shall occur no closer than fifty (50) feet to the top of slope along the stream corridor and the bluffs in order to protect and preserve the heavily wooded, environmentally sensitive stream corridor. The lands located between the fifty (50) foot distance from the top of slope to the center line of the stream and/or opposing fifty (50) foot distance from the top of the slope (the other side of the stream), whichever is farther, shall be preserved as open space with a conservation easement running with the land.

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ARTICLE XIX

[INSERT EXISTING HISTORIC PRESERVATION COMMISSION ORDINANCE #2009-__]

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ARTICLE XX

ACCESSORY BUILDINGS, STRUCTURES, OR USES; ADDITIONAL LOT & YARD
REQUIREMENTS

300-114. Accessory Buildings and Structures or Uses.

Any accessory building attached to a principal building is part of the principal building and shall adhere to the yard requirements for the principal building, regardless of the technique of connecting the principal and accessory buildings. No accessory building or structure may be built or located upon any lot which there is no principal building or structure, and such structures shall comply with the following requirements:

- A. Size. An accessory building or structure shall not exceed a height of eighteen (18) feet and an area of seven hundred and fifty (750) square feet.
- B. Space from principal structure. Accessory buildings or structures in all zones shall be at least ten (10) feet from any principal structure situated on the same lot, unless an integral part thereof, and shall be of at least six (6) feet from any accessory building or structure.
- C. Corner lots. Accessory buildings or structures on corner lots may not be erected nearer to the street than the front yard required on the adjacent lot.
- D. Open space/buffer areas. Accessory buildings or structures shall not be located in any required open space and/or buffer areas, easements or drainage ways, except for permitted fences.
- E. Number. A maximum of three (3) accessory buildings or structures shall be permitted on a lot associated with a principal structure, building or use. Each residential property shall be permitted no more than two (2) storage sheds.
- F. Construction permit. No construction permit shall be issued for the construction of an accessory building or structure prior to the issuance of a construction permit for the construction of the principal structure or building upon the same premises.
- G. Use. No business, service or industry shall be conducted within an accessory building or structure, except for lawfully permitted home-based occupations and businesses and accessory apartments.

300-115. Additional Lot Requirements.

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- A. Corner lots. Where a lot is bounded by more than one (1) street, the front yard or setback requirements shall be met on both abutting streets; provided, however, that platted lots existing on adoption of this Ordinance that are narrower at the building setback line than the minimum width required by this Ordinance can project as close to the side street as one-half ($\frac{1}{2}$) the setback requirement.
- B. Traffic visibility across corner lots. On a corner lot, a fence or planting over thirty (30) inches in height, above the curb or edge of a roadway, which would obstruct vision for the purpose of a traffic safety shall not be erected or maintained within a triangle formed by the point of intersection of the right-of-way lines of the intersecting streets and points on each of the intersecting right-of-way lines twenty-five (25) feet from the point of intersection.
- C. Subdivision or re-subdivision of lots. When a new lot or lots are formed from a parcel of land or where two (2) or more lots are combined into a single parcel of land, the separation or combination must be effected in such a manner as not to impair any of the provisions of this Ordinance.

300-116. Additional Yard Requirements.

- A. Every lot must provide front, rear and side yards as required for its zone. All front yards must face upon a public street or private street approved by the Planning Board or governing body. On streets less than forty (40) feet in right-of-way width, the required front yard shall be increased by one-half ($\frac{1}{2}$) the difference between the width of the street and forty (40) feet.
- B. Front, side and rear building locations within five (5) feet of the minimum setback requirements of this Ordinance shall be surveyed and certified by a licensed engineer or land surveyor. The survey may be performed at any time prior to the erection of the building above the foundation. A certified copy of the survey shall be presented to the Construction Official when the foundation of the building is complete.
- C. Where a building lot has frontage upon a street which, on the Master Plan or Official Map of the municipality is proposed for right-of-way widening, the required front yard setback shall be measured from such proposed future right-of-way lines.

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ARTICLE XXI

TEMPORARY USE PERMITS

300-117. Authority to Issue Temporary Use Permits.

Recognizing, in certain instances, the necessity of certain temporary uses, the Zoning Board, after hearing, may authorize temporary use permits pursuant to the authority of N.J.S.A. 40:55D-70b.

300-118. Time Period of Permits; Extensions.

Such permits may be issued for a period not to exceed one (1) year and, on further application to the Zoning Board, may be extended, for good cause shown, for an additional period not to exceed one (1) year. Thereafter, such temporary use permit shall expire, and the use so permitted shall be abated. Any structures erected in connection therewith shall be removed. Where it deems appropriate, the Zoning Board may require such guarantees it deems sufficient to cause such abatement and/or removal.

300-119. Temporary Certificate of Occupancy.

Where a building permit has been issued, a temporary certificate of occupancy for a dwelling house may be granted to a developer to permit such dwelling house to be used, temporarily, as a sales and management office for the sale of those homes within a subdivision, provided that all of the following requirements are met:

- A. The house to be used as such office is built upon a lot approved as part of the subdivision that has been approved by the Planning Board.
- B. The house is the same quality of construction as those homes to be sold within the subdivision.
- C. No other business than that which is accessory to the management and the sale of lands owned by the developer shall be permitted.
- D. The dwelling house shall meet all other requirements of the zone district in which it is located.

300-120. Conditions for Issuance.

- A. Nonconforming uses. Where a building permit has been issued, the Zoning Board may grant a temporary use permit for a nonconforming use incidental to

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construction projects on the same premises such as the storage of building supplies and machinery and/or the assembly of building materials. For example, but not by way of limitation, such temporary use permit may be issued to permit the parking of a construction trailer on such a site.

- B. Erection and maintenance of structures. The Zoning Board may grant a temporary use permit for the erection and maintenance of temporary structures or buildings for the conduct of permitted uses where such permitted uses have been interrupted by reason of fire or other casualty. Such temporary use permit shall expire at the time the necessary repair or reconstruction of the permanent structures or buildings has been accomplished or within one (1) year, whichever occurs first.
- C. Temporary structures. The Zoning Board may grant temporary use permits for the location of temporary structures, in connection with permitted uses, on the site of such permitted use, which use is either existing or about to be established, upon the construction of a permanent structure. Such temporary structure shall provide facilities during construction of permanent facilities which are an addition to the permitted use or which will result in permanent facilities to house the permitted use. For example, but not by way of limitation, such temporary use permits may be issued to permit the parking of a trailer housing banking facilities, temporary office space, temporary classroom space and/or temporary warehouse space on such a site.

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ARTICLE XXII

NONCONFORMING USES

300-121. Continuance of Use.

Any lawful nonconforming use or structure which existed on July 1, 1983, may be continued, and any existing structure designed, arranged, intended or devoted to a nonconforming use may be structurally altered subject to the following regulations:

- A. A nonconforming use shall not be enlarged unless the use is changed to a conforming use; provided, however, that where a building meets the use requirements of this Ordinance and is nonconforming because of height, area and/or yard regulations, said use may be enlarged, provided that the height, area or yard regulations are not further violated.
- B. A nonconforming use changed to a conforming use shall not thereafter be changed back to a nonconforming use.
- C. A nonconforming use in existence July 1, 1983, shall not be permitted to be changed to another nonconforming use.
- D. In the event that there is a cessation of operation of any nonconforming use for a period of twelve (12) consecutive calendar months, the same shall be prima facie evidence of an abandonment of the use. Any subsequent exercise of such abandoned nonconforming use shall be deemed a violation of the terms of this Ordinance.

300-122. Completion of Existing Use.

Nothing in this Ordinance shall require any change in plans, construction or designated use of a structure for which a building permit has been issued when construction has been diligently prosecuted within six (6) months following the date of such permit and completed within the term of such permit.

300-123. Continuation and Restoration of Existing Nonconforming Uses.

Any nonconforming use or structure existing July 1, 1983, may be continued upon the lot or in the building so occupied, and any structure may be restored or repaired in the event of partial destruction thereof.

300-124. Authorization of Nonconforming Uses Not Implied.

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Nothing in this Ordinance shall be interpreted as implied authorization for or approval of the continuances of the use of a structure or premises in violation of zoning regulations in effect July 1, 1983.

300-125. Uses Deemed Nonconforming Due to Reclassification of Zones.

The foregoing provisions of this Ordinance shall also apply to structures, land or uses which hereafter become nonconforming due to any reclassification of zones under this Ordinance or any subsequent change in the regulations of this Ordinance.

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ARTICLE XXIII

PROMOTIONAL VEHICLES AND COMMERCIAL TELEPHONE
LISTINGS IN RESIDENTIAL ZONES

300-126. Vehicles Containing Advertising Matter.

- A. Any vehicle containing advertising matter intended to promote an interest of any business or any commercial vehicle used in connection with any business or commercial activity shall not be parked, stored or maintained in any residential zone except in compliance with the following conditions:
- 1) Not more than one (1) commercial vehicle per dwelling unit shall be kept on a lot.
 - 2) The vehicle shall not exceed eight thousand (8,000) pounds gross vehicle weight.
 - 3) The vehicle is used by a resident of the dwelling unit.
 - 4) The vehicle is not parked on the street.
- B. This section shall apply to all vehicles which are customarily considered commercial vehicles, whether or not such vehicles shall carry a commercial registration.

300-127. Commercial and Business Telephones in Residential Zones.

- A. Commercial or business telephones shall not be listed and/or installed in any residential zone and telephones may not be used for business purposes in residential zones except in compliance with the following conditions:
- 1) A commercial enterprise or business is conducted solely by telephone.
 - 2) The individuals conducting commercial enterprise or business shall be a resident of the dwelling unit.
 - 3) No sign shall be erected on the lot or displayed in the dwelling unit advertising commercial enterprise or business which is being conducted solely by phone and the dwelling unit or structure shall not be altered in order to conduct such business or commercial enterprise and shall remain strictly residential in character.

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- B. The above conditions do not apply to such nonresidential uses specifically permitted in the zone.

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ARTICLE XXIV
CONDITIONAL USES

300-128. Procedure Established.

These uses, as designated in the particular zone districts, may be established only in accordance with the following procedure and only after the following criteria are met.

300-129. Application for Conditional Use.

Application for a conditional use shall be made to the Planning Board pursuant to the authority of N.J.S.A. 40:55D-67 (or to the Zoning Board, pursuant to the authority of N.J.S.A. 40:55D-76b). The application shall be made in accordance with the instructions of the Planning Board and shall be accompanied by a site plan.

300-130. Notice of Hearing Required.

The applicant shall give notice pursuant to the requirements of N.J.S.A. 40:55D-12, such notice setting forth the date, time and place of the hearing and the nature of the matter to be considered, pursuant to the authority of N.J.S.A. 40:55D-11, only after such date of the hearing shall have been fixed, after a determination that the application is complete, in accordance with the procedures of said Planning Board.

300-131. Issuance of Permit.

The Board shall not order, direct or authorize the issuance of a permit for a conditional use unless it shall find that such use:

- A. Is a use permitted in the zone district.
- B. Meets all the required conditions for said zone district and, in addition thereto, complies with all of the conditions hereinafter set forth for the specific conditional use listed.
- C. Meets the requirements set forth for the particular conditional use hereafter described.

300-132. Public and Institutional Uses.

- A. The lot shall contain an area of at least three (3) acres. In the event that it can be demonstrated that the proposed use can meet all of the other criteria necessary for the issuance of a permit on a lot containing less than three (3) acres in area,

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the Planning Board may reduce the lot area requirement but in no event reduce it less than the minimum lot size for the zone district in which the property is located.

- B. All buildings and structures erected on said site shall meet the yard and height requirements for the zone district in which they are located. In the event that it can be demonstrated that the proposed project can meet all of the other criteria necessary for the issuance of a permit on a lot, the Planning Board may reduce the yard requirements when a reduction in lot area has been permitted but in no event reduce it less than the minimum yard requirements for the zone district in which the property is located.
- C. All buildings and structures to be erected on the tract shall be so designed and arranged in order to minimize the impact of the use on the established neighborhood scheme and shall be so designed as to harmonize, as far as possible, with the established architectural scheme of the neighborhood.
- D. Adequate provisions shall be made to provide a suitable buffer to provide a barrier to light and sound between the use sought to be established and abutting properties.
- E. Site plan approval shall be obtained in accordance with this Ordinance.
- F. Adequate parking shall be required in accordance with the parking provisions of this Ordinance.
- G. Signs shall be permitted in accordance with the provisions of this Ordinance relating to permitted uses in the HC Highway Commercial Zone.

300-133. Houses of Worship.

- A. Such use shall be subject to site plan review and approval.
- B. The use shall meet the area and bulk requirements of the zone in which it is located.
- C. The applicant shall submit a list of proposed activities, anticipated participants and a timetable reflecting the hours in which each building will be in use so that parking requirements can be determined.
- D. Regardless of the size of the church, a parish house, rectory, or similar structure shall have sufficient parking for the intended use and parking shall be screened from view from adjacent properties.

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- E. Residences for clergy shall be permitted on the same lot as the house of worship and shall meet all bulk requirements of the zone where located.
- F. A primary or secondary school and/or a child or adult day care center are permitted on the same lot as a house of worship provided that the requirements for such uses are also met.
- G. All other applicable requirements of this Ordinance shall be met.

300-134. Family Day Care Homes.

- A. No change shall be permitted to the exterior of the home for the purpose of accommodating day care use. However, the exterior of any new residential structure used as a home-based care center shall be architecturally designed as a residential unit compatible with the types of existing units or those yet to be located in the neighborhood.
- B. The applicant shall be required to submit proof that the use is in harmony with the character of the neighbourhood and with consideration to population density, design, scale and bulk of any structures, and that no adverse impacts will be created.
- C. A minimum of thirty (30) square feet of usable activity indoor floor space for each child is required. Areas for administrative use, bathrooms, hallways, storage and kitchen areas, basements or attics shall not be included in this calculation.
- D. A minimum of seventy-five (75) square feet of outdoor play area per child is required on the residential lot. The area shall be well drained, completely fenced and not include driveways, parking areas or land otherwise unsuitable for outdoor play areas. Outdoor play areas shall also be readily accessible and free from hazardous conditions.
- E. All outdoor play areas shall be screened from adjacent properties by a fence or wall at least six (6) feet in height and screen plantings within a 15' setback area along all property lines. Outdoor areas located near or adjacent to hazardous areas determined by the Planning Board to be unsafe (including, but not limited to, streets, roads, driveways, parking lots, railroad tracks, swimming pools, streams, steep grades, open pits, high voltage lines or propane gas tanks) shall be fenced or otherwise protected by a natural or man-made barrier or enclosure.
- F. No outdoor play area shall be located in the front yard.

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- G. Family day care centers must restrict their hours of operation to between 6:30 a.m. to 9:00 p.m. No outdoor play areas shall be used before 9:00 a.m. or after 8:00 p.m. There shall be no overnight care.
- H. Any site lighting shall not reflect over the property line of the premises.
- I. No signage shall be permitted for home-based care centers other than one unlighted name plate of not more than one (1) square foot attached to the home.
- J. Adequate parking and loading/unloading areas shall be determined by the Planning Board during site plan review.
- K. There shall be no detrimental impacts to the use, peaceful enjoyment, economic value, or development of the surrounding properties or neighborhoods.
- L. The home in which the use is located shall be the principal residence of the applicant.
- M. No commercial vehicle shall be kept on the premises in connection with a family day care home occupation.
- N. No goods, chattels, materials, supplies or items of any kind shall be delivered either to or from the premises in connection with a family day care center except in passenger automobiles owned by the resident and kept on the premises.
- O. Family day care use of the dwelling unit shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- P. There shall be no nuisance element detectable beyond the principal structure in connection with the family day care center.
- Q. Family day care shall be approved by the New Jersey Division of Youth and Family Services.
- R. All other applicable requirements of this Ordinance shall be met.

300-135. Child Care Centers.

- A. The applicant shall provide substantial evidence that there is a definite need for the child care center in the requested location and that the proposed child care center will have no adverse impact on surrounding properties.

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- B. The child care center shall have easy and direct access, and the entrance and exits shall be located away from areas of heavy vehicular and pedestrian traffic with limited contact with commercial and/or office uses.
- C. The hours of operation shall be limited to 7:00 a.m. to 7:00 p.m.
- D. The child care center shall not create any objectionable traffic conditions.
- E. Parking areas, pedestrian walkways or other exterior portions of the premises subject to use by child care center occupants at night shall be illuminated to provide safe entrance to and egress from the center.
- F. An outdoor play area shall be on the same lot as the child care center. The area shall be graded, well drained, completely fenced and not include driveways, parking areas or land and uses otherwise unsuitable. All outdoor play areas shall include sheltered play space.
- G. No part of any outdoor play area may be situated in the front yard.
- H. Storage facilities for movable outdoor play equipment shall be provided and such equipment shall be stored in these facilities when not in use. In addition, outdoor play equipment shall be designed to accommodate disabled children.
- I. All outdoor play areas shall be screened from adjacent properties by a fence or wall at least six (6) feet in height and screen plantings within a 15' setback area along all property lines. Outdoor areas located near or adjacent to hazardous areas determined by the Planning Board to be unsafe (including, but not limited to, streets, roads, driveways, parking lots, railroad tracks, swimming pools, streams, steep grades, open pits, high voltage lines or propane gas tanks) shall be fenced or otherwise protected by a natural or man-made barrier or enclosure.
- J. The child care center may be identified only by signage which is consistent with the overall sign design theme of the particular development project in which the center is located.
- K. Each child care center shall be connected to public sewer and water facilities.
- L. The site shall be free from any hazards to the health, safety or well-being of the children.
- M. The child care center, including any outdoor play space provided, shall be so located and designed that there shall be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual or other objectionable conditions. The Planning Board may require such special treatment in the way of design,

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screening or buildings, planting and parking areas, signs or other requirements as it shall deem necessary to protect adjacent and nearby properties.

- N. All child care centers must either be licensed by or meet the requirements of the New Jersey Department of Human Services.
- O. All other applicable requirements of this Ordinance shall be met.

300-136. Satellite Dish Antennae.

- A. A satellite dish antenna shall function only as a receiving station and not as a transmitting station except that an antenna used by an amateur radio operator licensed by the Federal Communication Commission is permitted, provided that the antenna is permitted only at the authorized transmitting location.
- B. All satellite dish antenna must be accessory to a permitted principal structure located on the same lot as the principal use for which it is accessory.
- C. A satellite dish antenna equal to or under thirty six (36) inches wide shall be a permitted accessory use and can be mounted either on the ground or on a roof or be wall mounted, subject to a zoning permit. A satellite dish antenna over thirty six (36) inches wide shall be ground mounted in the rear yard area of a lot and shall be located in conformity with the rear yard and side yard setback requirements for a principal permitted structure in the zoning district in which the lot is located; except that, in cases where the applicant can demonstrate that locating the dish antenna in the rear yard is impracticable or would prevent the otherwise proper functioning of the dish antenna, the Planning Board may approve an alternate location as listed here-in-below in order of municipal preference, based upon the testimony offered by the applicant.
 - 1) As a first preferred alternate, a satellite dish antenna may be ground mounted in the rear yard of the lot and shall be located in conformity with the rear yard and side yard setback requirements for a permitted accessory structure in the zoning district in which the lot is located; or
 - 2) As a second preferred alternate, a satellite dish antenna may be ground mounted in the side yard area of the lot and shall be located in conformity with the side yard setback requirements for permitted accessory structures and the front yard setback requirements for a permitted principal structure in the zoning district in which the lot is located; or
 - 3) As a third preferred alternate, a satellite dish antenna may be roof-mounted, provided that the bottom of the satellite dish antenna shall not extend above

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the roof line where mounted and is located toward the rear of the structure away from the street line.

- D. The materials used in the construction of a satellite dish antenna shall not be unnecessarily bright, shiny, garish or reflective. They must be properly colored so as to conform to the principal use and surrounding area, including the color of the roof if roof mounted.
- E. The antenna shall be erected on a secure ground mounted foundation. No advertisement shall be permitted on an antenna.
- F. Each antenna shall be a freestanding structure.
- G. A satellite dish antenna over thirty-six (36) inches wide may be installed in the rear yard area of any lot, and the proposed location of an antenna shall conform to the rear yard and side yard set back requirements for a principal permitted structure in the zone in which the lot is located. Moreover, no antenna shall extend higher than fifteen (15) feet above ground level.
- H. A satellite dish antenna shall not exceed twelve (12) feet in diameter and shall be effectively screened with non-deciduous plantings and, to the greatest extent possible, shall blend with the immediately surrounding area. Unless impracticable, all antennae shall be of the aluminum mesh type.
- I. No lot shall have more than one (1) antenna. Wires and cables running between the ground mounted satellite dish antenna and any structure shall be properly installed underground in accordance with the Uniform Construction Code. Additionally, the installation of the antenna shall meet all local, state and federal requirements, including those contained in the Uniform Construction Code.
- J. Portable antennae are prohibited.
- K. Satellite dish antennae shall be installed or constructed in a manner so as not to interfere with television, radio or similar reception in adjacent and nearby areas.
- L. Applications for installation and/or construction of antennae shall be subject to site plan review and approval from the Planning Board in accordance with applicable requirements of this Ordinance.

300-137. Public Utility Uses.

- A. The lot shall contain the minimum lot area required in accordance with the zone district in which the lot is located, except that the Planning Board may, for good

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cause shown, reduce the lot area requirement.

- B. All buildings shall be so designed as to conform to and harmonize with the general character of the area in which it is located and will not adversely affect the safe and comfortable enjoyment of properties in the zone.
- C. All structures shall be designed so as to be unobtrusive as feasible and to blend in with the surroundings on the site.
- D. Adequate fencing must be provided in accordance with the recommendations of the Planning Board in order to provide protection to the public.
- E. Adequate parking shall be required in accordance with the parking provisions of this Ordinance.
- F. Site plan approval shall be obtained in accordance with this Ordinance.

300-138. Wireless Telecommunication Facilities.

- A. All new telecommunication towers or antennas in the City shall be subject to these regulations.
- B. Pre-existing telecommunications towers and/or antennas shall not be required to meet the requirements of this section other than the specified requirements as noted below. However, where any enlargement of a tower and/or additional antennas are proposed, the requirements for new towers shall apply as feasible and practical as determined by the Planning Board.
- C. The requirements set forth in this Section shall govern the location of telecommunications towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district.
- D. Towers and antennas located on property owned, leased, or otherwise controlled by the City shall be encouraged where: 1) the Planning Board deems such location to be appropriate for such facility and 2) the City Commission has approved a license or lease authorizing such facility.
- E. This section shall not govern any tower, or the installation of any antenna, that is under fifty (50) feet in height and is owned and operated by a federally-licensed

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amateur radio station operator or is under fifty (50) feet in height and is used exclusively for receive-only antennas.

- F. This section shall not govern satellite dish antennas measuring two (2) feet or less in diameter or when used solely for household purposes for the transmission or reception of electromagnetic waves associated with satellites.
- G. Notwithstanding any other land use regulation, an existing building(s) and use on a lot shall not preclude the installation of a telecommunications tower (including appurtenant structures) and/or antenna on the same lot. If such tower and/or antenna constitute the sole use of the lot, then such use shall be deemed the principal use of the lot; otherwise, the use shall be considered accessory.
- H. For purposes of determining whether the installation of a tower or antenna complies with zone regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- I. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Section shall bring such towers and antennas into compliance with such revised standards and regulations within ninety (90) days of the effective date of such standards and regulations, unless a different compliance schedule is established by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations, where mandated to do so, shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- J. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association and Telecommunications Industry Association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

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- K. Telecommunications towers and antennas shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- L. The City mandates that carriers co-locate antennas on towers and other structures whenever possible.
- M. Site plan approval shall be required for all new telecommunications facilities in the City including modifications to or addition of new telecommunications facilities to existing towers, buildings or other structures.
- N. Wireless telecommunications facilities are permitted in the following areas of the City:
 - 1) On existing non-residential buildings or structures for co-location of antenna facilities.
 - 2) On lands owned, leased or otherwise controlled by the City.
 - 3) On catenary structures within the railroad right-of-way and on towers used to support electric power high-tension lines.
- O. Wireless telecommunications facilities are prohibited on all lands used for public and private schools.
- P. Wireless telecommunications facilities may be permitted provided that:
 - 1) New lattice towers and any type of guyed tower are prohibited. Pre-existing lattice towers can be increased in height for the purpose of accommodating additional antennas.
 - 2) Telecommunications towers shall be limited to monopoles and shall be designed to accommodate at least five (5) carriers. The maximum height of such towers shall be 200 feet or the height above which the FAA would require special painting and/or lighting, whichever is less.
- Q. In addition to the above standards, the Planning Board may consider the following factors in its review of a site plan for a proposed telecommunications tower:
 - 1) Proximity of the tower to residential structures and residential district boundaries.
 - 2) Nature of uses on adjacent and nearby properties.

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- 3) Surrounding topography.
 - 4) Surrounding tree coverage and foliage.
 - 5) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness, including stealth designs which are encouraged.
 - 6) Availability of suitable pre-existing towers, alternative tower structures, other structures or alternative technologies not requiring the use of towers or structures.
 - 7) Availability of proposed tower to other potential carriers.
- R. The following site design standards shall apply to wireless telecommunications facilities:
- 1) New Towers.
 - a) New telecommunications towers shall not be located closer than 1,000 feet to a residential property line. All antennas located on existing buildings or structures, including towers, are exempt from this requirement.
 - b) A fall zone shall be established such that the tower is setback 110% of the height of the tower from any adjoining lot line or non-appurtenant building.
 - c) Towers shall be enclosed by security fencing not less than eight (8) feet in height. Towers shall also be equipped with appropriate anti-climbing measures or devices.
 - d) The following requirements shall govern the landscaping surrounding towers:
 - (1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound. The standard buffer shall consist of a landscaped strip at least ten (10) feet wide outside the perimeter of the compound. However, at a minimum, the facility should be shielded from public and private view by evergreen trees at least ten (10) feet high at planting and planted in staggered double rows ten (10) to fifteen (15) feet on-center.
 - (2) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as

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towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.

- e) Any proposed building(s) enclosing related electronic equipment for one or more carriers shall not exceed ten (10) feet in height and two hundred (200) square feet in area for each carrier at a facility. When a carrier's equipment is to be contained by itself in a separate, individual building, each carrier shall be limited to one such building. Such buildings must satisfy the minimum setback requirements for accessory buildings in the zoning district. Where multiple buildings are proposed at a facility serving multiple carriers, the placement of each such building shall be done in a visually and functionally coordinated manner, with the goal being that of maximizing the number of possible carriers at a facility, while minimizing the area of the overall compound required for such facility.
- f) Towers and antennas shall meet the following requirements:
 - (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, to be painted a neutral color so as to reduce visual obtrusiveness, as determined appropriate by the Planning Board.
 - (2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- g) No lighting is permitted except as follows, which shall be subject to review and approval by the Planning Board as part of the site plan application:
 - (1) The building enclosing electronic equipment may have one (1) light at the entrance to the building, provided that the light is attached to the building, is focused downward and is switched so that the light is turned on only when authorized personnel are at the building; and
 - (2) No lighting is permitted on a tower except lighting that specifically is required by the FAA, and any such required lighting shall be focused and shielded to the greatest extent possible so as not to project towards adjacent and nearby properties.
- h) No signs are permitted except those required by the Federal Communications Commission, the Electronic Industries Association (EIA) and/or the Telecommunications Industry Association (TIA) or by law, such as warning and equipment information signs.

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2) Antennas Mounted on Existing Buildings or Structures.

- a) Any antenna which is not attached to a tower may be attached to any existing business, industrial, office, utility or institutional building or structure in the City provided:
- (1) Side and roof-mounted personal wireless service facilities shall not project more than ten (10) feet above the height of an existing building or structure nor project more than ten (10) feet above the height limit of the zoning district within which the facility is located. Personal wireless service facilities may locate on a building or structure that is legally non-conforming with respect to height, provided that the facilities do not project above the existing building or structure height.
 - (2) The antenna complies with all applicable FCC and FAA regulations.
 - (3) The antenna complies with all applicable building codes.
 - (4) The equipment structure shall not contain more than two hundred (200) square feet of gross floor area or be more than ten (10) feet in height. In addition, for existing buildings and structures which are less than thirty five (35) feet in height, the related unmanned equipment structure shall be located on the ground and not on the roof of the building or structure.

If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten (10%) percent of the roof area.

Equipment storage buildings, structures or cabinets shall comply with all applicable building codes.
- b) If an antenna is installed on a structure other than a tower, the antenna, supporting electrical and mechanical equipment, as well as any equipment storage buildings, structures or cabinets, must be of a color that is identical to or closely compatible with the color of the supporting building or structure, so as to make the antenna and related equipment and structures as visually unobtrusive as possible.
- c) While it is anticipated that antennas mounted on buildings or structures would involve existing buildings or structures, their placement on new buildings or structures is permitted where such facilities are otherwise permitted.

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3) Antennas on Pre-Existing Towers.

An antenna may be attached to a pre-existing tower and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of antennas by more than one carrier on such towers shall take precedence over the construction of new towers, provided such co-location is accomplished in a manner consistent with the following:

- a) A tower that is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the pre-existing tower, unless reconstruction as a monopole is proposed.
- b) A pre-existing tower may be modified or rebuilt to a taller height, not to exceed the maximum tower height established by this section. After the tower is rebuilt to accommodate co-location, only one tower may remain on the site.

S. Co-Location.

- 1) The City requires that licensed carriers share personal wireless service facilities and sites where feasible and appropriate, thereby reducing the number of personal wireless service facilities that are standalone facilities. All applicants for site plan approval for a personal wireless service facility shall demonstrate best efforts to co-locate with other carriers.

Such best efforts shall include:

- a) A survey of all existing structures that may be feasible sites for co-locating personal wireless service facilities;
 - b) Notification by certified mail of intent to seek site plan approval to all the other licensed carriers for commercial mobile radio services operating in Burlington County;
 - c) Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location; and
 - d) A copy of a proposed lease or affidavit of compliance with this section.
- 2) In the event that co-location is found to be not technically feasible, a written statement of the reasons for the unfeasibility shall be submitted to the City. The City may retain a technical expert in the field of RF engineering to verify if co-location is feasible. The cost for such a technical expert will be at the

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expense of the applicant. The City may deny approval to an applicant that has not demonstrated best efforts to provide for co-location.

- 3) If the applicant does intend to co-locate or to permit co-location, plans and elevations, which show the ultimate appearance and operation of the personal wireless service facility at full build-out shall be submitted.

T. Location Priorities.

Special consideration shall be given to wireless telecommunication facilities located in accordance with the following prioritized locations:

- 1) The first priority shall be on pre-existing telecommunications towers, existing water towers or standpipes, high voltage lines support towers, or railroad right-of-way catenary structures, located within or near the City and owned by either a public or private utility, a railroad corporation, or the City or other municipality.
- 2) The second priority shall be on existing non-residential buildings and structures.
- 3) The third priority shall be on existing non-residential buildings and structures in all other permitted zones.
- 4) The fourth priority shall be on new telecommunications towers on lands owned, leased or otherwise controlled by the City.

U. Site Plan Submission Requirements.

In addition to the site plan submission requirements in this Ordinance, the following information shall be submitted in conjunction with site plan approvals for all wireless telecommunication facilities:

- 1) Comprehensive Service Plan.

In order to provide proper evidence that any proposed location for a new wireless telecommunications facility (including supporting tower, antennas, and/or ancillary buildings enclosing related electronic equipment) has been planned to result in the fewest number of towers within the City at the time full service is provided by the applicant throughout the City, the applicant shall submit a "Comprehensive Service Plan." Said Comprehensive Service Plan shall indicate how the applicant proposes to provide full service throughout the City and, to the greatest extent possible, said service plan shall also indicate how the applicant's plan is coordinated with the needs of all other providers of

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telecommunication services both within and near the City. The Comprehensive Service Plan shall indicate the following:

- a) Whether the applicant's subscribers can receive adequate service from antennas located outside of the borders of the City.
 - b) How the proposed location of the antennas relates to the location of any pre-existing towers within and near the City.
 - c) How the proposed location of the facility relates to the anticipated need for additional antennas and supporting towers within and near the City by both the applicant and by other providers of telecommunication services within the City.
 - d) How the proposed location of the antennas relates to the objective of co-locating the antennas of different service carriers on the same tower.
 - e) How the proposed location of the facility relates to the overall objective of providing full telecommunication services within the City, while at the same time, limiting the total number of towers in the City to the fewest possible.
- 2) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), and all properties within the applicable fall zone, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other proposed structure, topography, parking and other information deemed by the Planning Board to be necessary to assess compliance with this Ordinance.
 - 3) Legal description of the entire tract and leased parcel (if applicable).
 - 4) The setback distance between the proposed tower and the nearest residential property line and dwelling unit.
 - 5) The separation distance from other towers and antennas.
 - 6) A landscape plan showing specific landscape materials including, but not limited to, species type, size, spacing and existing vegetation to be removed or retained.
 - 7) Method of fencing and finished color and, if applicable, the method of camouflage.
 - 8) A description of compliance with all applicable federal, state or local laws.

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- 9) A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for other carriers, with an estimate as to the total number of co-locations possible.
- 10) Identification of the entities providing the back-haul network for the tower(s) described in the application and other telecommunication sites owned or operated by the applicant in the City.
- 11) A letter of commitment to lease excess space to other potential users at prevailing market rates and conditions. The letter of commitment shall be in a form suitable for recording with the County Clerk prior to the issuance of any permit and shall commit the tower owner(s), property owner(s), and their successors in interest.
- 12) A visual impact study containing, at a minimum, a photographic simulation showing the appearance of the proposed tower with at least three (3) antenna arrays attached thereto, in addition to any visible ancillary facilities, as viewed from at least eight (8) locations within a one to three mile radius of a proposed tower, taken from locations within the City where such tower will be most visible. Such locations shall be chosen by the carrier with review and approval by the Planning Board or designee to ensure that various potential views are represented.
- 13) During the public hearing process, at the request of the Planning Board, the applicant shall schedule a crane or balloon test in order to provide members of the Board and the general public the opportunity to view a crane or balloon at the location and height of the proposed tower.
- 14) An analysis of the RFR levels at the facility as a means of assessing compliance with the FCC RF safety criteria. This analysis shall:
 - a) Take into consideration all co-located radio transmitting antennas and/or nearby antennas that could contribute to RFR levels at the facility.
 - b) Be performed by a RF engineer, health physicist or similar knowledgeable individual.
 - c) Follow current methods recommended by the FCC for performing such analyses.

V. Monitoring and Maintenance.

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- 1) After the wireless telecommunications facility is operational, the applicant shall submit, within ninety (90) days of beginning operations, and at annual intervals from the date of issuance of the building permit, existing measurements of RFR from the wireless telecommunications facility. Such measurements shall be signed and certified by a RF engineer, stating that RFR measurements are accurate and meet current FCC Guidelines.
- 2) The applicant and co-applicant, as applicable, shall maintain the personal wireless service facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.

W. Abandonment or Discontinuation of Use.

- 1) At such time that a licensed carrier plans to abandon or discontinue operation of a personal wireless service facility, such carrier shall notify the City Clerk by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the wireless telecommunications facility shall be considered abandoned upon discontinuation of operations.
- 2) Upon abandonment or discontinuation of use, at the option of the City, the carrier shall physically remove the personal wireless service facility within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:
 - a) Removal of antennas, mount, equipment shelters and security barriers for the subject property.
 - b) Proper disposal of the waste materials from the site in accordance with local, county and state solid waste disposal regulations.
 - c) Restoring the location of the personal wireless service facility to its natural condition, except that any landscaping and grading shall be handled at the direction of the City Engineer.
- 3) If a carrier fails to remove a personal wireless service facility in accordance with this Section, the City shall have the authority to enter the subject property and physically remove the facility. The Planning Board will require the applicant to post a bond at the time of approval to cover costs for the removal of the personal wireless service facility in the event the City must remove the facility.

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300-139. Multi-Family Residential Use.

- A. Such use shall be subject to site plan review and approval.
- B. *Maximum lot area.* The maximum lot area shall be at least (2) acres.
- C. *Minimum lot width.* The minimum lot width at the street line shall be one hundred (100) feet measured along the street
- D. *Front Yard.* There shall be a front yard setback of not less than twenty (20) feet. Parking and loading in front yard shall be prohibited.
- E. *Side Yards.* There shall be two (2) side yards, totaling twenty (20) feet, provided that no side yard shall be less than five (5) feet.
- F. *Height.* The height of the principal structure shall not exceed forty (40) feet or three (3) stories, whichever is the lesser.
- G. *Accessory Structures.* All accessory structures shall meet the following requirements:
 - 1). *Height.* The height of an accessory structure shall not exceed twenty-five (25) feet.
 - 2). *Side yard.* An accessory structure shall not be located closer than five (5) feet to the side lot line.
 - 3). *Rear yard.* An accessory structure shall not be located closer than ten (10) feet to the rear yard line
 - 4). All accessory structures are prohibited in the front yard areas.
- H. *Parking.* Parking shall be required by Article XXV and the following:
 - 1). Private garage space and parking area for storage of motor vehicles shall be permitted.
 - 2). Tandem parking (two parking spaces, one situated behind the other and used by the same resident) shall receive credit for each space.
- I. *Recreational facilities.* The site shall include recreational facilities, such as but not limited to, children's play area, plazas and/or gathering places, provided that they are limited to noncommercial uses and all lighting shall be directed away from adjacent lots.

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J. All other applicable requirements of this Ordinance shall be met.

300-140. Outdoor Sidewalk Café.

A. The seating area on public or private property shall meet the following standards:

- 1) The seating area shall allow patrons and pedestrians to clearly ascertain the entrance and exit to the area.
- 2) The seating area may have an overhead covering, consisting of either an individual umbrella over tables or a retractable awning covering tables and chairs.
- 3) The seating area overhead covering shall not contain advertising.
- 4) Food service shall be available during all times in which the seating area is open for business.
- 5) Alcoholic beverages, when permitted under any other City Ordinances, shall not be served or consumed in any public area which is outside the seating area.
- 6) All areas comprising the seating area, including tables and chairs, shall remain clean and orderly at all times.
- 7) No persons other than those consuming food prepared on the premises or personnel pertaining to the establishment preparing the food shall be within the seating area except for those persons passing through the seating area to enter or exit the establishment.

B. No sidewalk café shall be permitted within the public right-of-way of any property which is located within one hundred (100) feet of a school or house of worship as measured from lot line to lot line.

300-141. Adult Entertainment.

A. No such use shall be located within five hundred (500) lineal feet of the lot line of any primary or secondary school, house of worship, public park, day care center, child nursery, library, existing dwelling not owned by the same owner as the adult use, or any site marked as a proposed future park location on any City Official Map.

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- B. No such use shall be located within one thousand (1,000) lineal feet of any existing "adult use."
- C. A thirty five (35) foot buffer yard shall be provided along the side and rear lot lines with plantings of an initial minimum height of five (5) feet.
- D. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
- E. No such use shall be used for any purpose that violates any Federal, State or City law.
- F. No such use shall be allowed in combination with the sale of alcoholic beverages.
- G. The use shall not include the sale or display of "obscene" materials, as defined by State law, as may be amended by applicable Court decisions.
- H. These uses are specifically prohibited in all districts except where specifically permitted by Article III.
- I. A minimum lot area of one (1) acre is required, unless a larger lot is required in the applicable district regulations.
- J. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers. No room of any kind accessible to customers shall include less than one hundred and fifty (150) square feet.
- K. No use may include live actual or simulated sex acts or any sexual contact between entertainers or between entertainers and customers or between customers.
- L. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.
- M. All persons within any adult use, other than performers in an adult live entertainment use, shall wear non-transparent garments that cover their genitals and the female areola.
- N. Unless the Zoning Officer agrees in advance to send such notices, the applicant shall provide a written affidavit stating that he has mailed or delivered a written notice of the proposed hearing date to all property owners of record within one thousand (1,000) feet of the subject property at least ten (10) days prior to the

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hearing date.

- O. Any application for such use shall state the names, home addresses and home phone numbers of: 1) all individual intended to have more than a five percent (5%) ownership in such use or in a corporation owning such use; 2) an on-site manager responsible to ensure compliance with this Land Development Ordinance; and 3) any legal representative of the applicant. Such information shall be updated once a year in writing to the Zoning Officer.
- P. All other applicable requirements of this Ordinance shall be met.

300-142. Amusement Arcades.

- A. Automatic amusement devices or games in such facilities are coin-operated machines, mechanical machines or electronic machines which operate or may be operated as a game or contest of skill or amusement of any kind or description. Such devices shall be regulated within this use in any location where more than four (4) such devices are located.
- B. This use shall be located no closer than one thousand and five hundred (1,500) feet, measured in all directions, to a school or house of worship.
- C. This use shall only be operated between the hours of 10 a.m. and 9 p.m.
- D. No audio speakers or equipment shall cause sounds to emanate from the exterior of the premises.

300-143. Self-Service Storage.

- A. The minimum aisle width between buildings shall be twenty-six (26) feet.
- B. The storage facilities complex shall be surrounded by a fence at least six (6) feet in height.
- C. There shall be no outdoor storage unless it is screened from view from the street or adjacent property by a wooden fence of at least six (6) feet in height.
- D. The maximum size of an individual storage unit shall not exceed: two hundred fifty (250) square feet in area, and twenty (20) feet in height for the usable storage area of the building.

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- E. An office and residence is permitted as an accessory use to provide for a full-time manager.
- F. Each group of storage units shall not exceed six thousand (6,000) square feet in size.
- G. The lease for the individual storage units shall contain at least the following restrictions:
- H. No business activity shall be conducted on the property other than leasing of storage units.
- I. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.
- J. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
- K. The interior traffic aisles, required off-street parking areas, loading and unloading spaces and access ways shall be kept clear of stored items.
- L. Major body work on vehicles shall not be permitted. The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
- M. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
- N. *Parking.* One (1) parking space for each five (5) storage units, or if the size and number of units is flexible, one (1) space for each two thousand (2,000) square feet of gross floor area. These parking spaces should be distributed equally throughout the storage area. If a manager's living quarters are included, two (2) additional spaces are required. One (1) additional space for each twenty-five (25) storage compartments, or, if the size and number of units is flexible, one (1) space for each ten thousand (10,000) square feet of gross floor area to be located at the project office for use by prospective clients.
- O. All other applicable requirements of this Ordinance shall be met.

300-144. Auto Repair Services; Repair Garages

- A. Such use shall be subject to site plan review and approval.

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- B. The use shall meet the area and bulk requirements of the zone in which it is located.
- C. Any spray paint work shall be performed within a building. All spray painting shall require a fume collection system that directs fumes away from any adjacent dwellings.
- D. No more than ten (10) parking spaces for outside storage of vehicles shall be permitted.
- E. All lubrication, repair, or similar activities shall be performed in a fully enclosed building. No exterior display or storage of parts shall be permitted.
- F. No junked motor vehicle or part thereof, or such vehicles incapable of normal operation upon the highway, shall be permitted on the premises of the repair garage, except as noted herein. No more than five (5) vehicles awaiting repair or disposition at the repair garage shall be permitted on the premises for a period not exceeding seven (7) days, except that up to two (2) inoperable vehicles in an enclosed building may be permitted.
- G. No exterior display of motor vehicles, recreational vehicles, boats, other forms of transportation, or equipment for sale shall be permitted.
- H. All other applicable requirements of this Ordinance shall be met.

300-145. Automobile Service Station, Gasoline Station, or Motor Vehicle Service Station.

- A. Such use shall be subject to site plan review and approval.
- B. The use shall meet the area and bulk requirements of the zone in which it is located.
- C. No part of any service station may be used for residential or sleeping purposes.
- D. No structure used as a service station, nor filling pumps, car lifts, greasing equipment or other service equipment used to service or supply motor vehicles, shall be erected within one hundred fifty (150) feet of any residential zone boundary.
- E. All lifts, appliances, pits, storage areas, trash facilities and greasing equipment other than gasoline filling pumps or air pumps shall be located within an enclosed building.

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- F. No gasoline, air or oil pump, and on other service appliances installed for use in connection with any service station, shall be so installed or located within thirty five (35) feet of any side or rear lot line.
- G. No junked motor vehicle or boat or part thereof or any unlicensed or unregistered motor vehicle shall be permitted on the premises of any service station. However, any motor vehicle awaiting repair may be located on the premises, provided that the vehicle shall be located in the rear of side yard and shall be screened from view with landscaping and a fence such that no stored vehicle shall be visible from the front of the premises or from any adjacent premise or from the road providing access to the facility. Fences, berms or landscaping forming a one hundred (100%) percent visually impervious screen shall be required.
- H. The exterior display and parking of motor vehicles, trailers, boats or other similar equipment for sale purposes shall not be permitted as part of a service station.
- I. A car wash is a permitted accessory use to a service station
- J. No parking of vehicles shall be permitted on an unpaved area.
- K. Landscaping shall be provided in the front, side and rear yard area. The front yard shall be landscaped, within the area with a minimum depth of twenty-five (25) feet from the right-of-way.
- L. The application submitted for approval of a service station as a conditional use shall show, in addition to the exact location and dimensions of all above ground structures, including gasoline pumps, the exact locations, dimensions, capacities and depths below the surface of any tanks to be installed and the specifications for the construction of tanks for the prevention of groundwater contamination.
- M. Where other developments include a service station as an accessory use, such service station shall be developed in a manner compatible with the development of the remainder of the tract and any adjacent properties. The land to be devoted to such service station shall be retained under single ownership with the remainder of the tract, and a means of access shall be provided to the service station from within the tract. The Planning Board shall find that sufficient buffering is provided and that the design and orientation of buildings, signs and lighting are compatible with adjoining properties and with the remainder of the tract.
- N. All other applicable requirements of this Ordinance shall be met.

300-146. Trucking terminals.

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- A. The lot shall contain a minimum of ten (10) acres in area.
- B. The proposed lot shall be located within five hundred (500) feet of a state highway.
- C. The proposed lot shall be located at least one thousand (1,000) feet from a residential zone boundary.
- D. All buildings shall be located at least two hundred (200) feet from any property line.
- E. Paved areas shall not exceed ten (10) times the ground floor area of all buildings.
- F. The combined ground floor area of all buildings and paving areas shall not exceed fifty percent (50%) of the lot area.
- G. Fencing shall not be required but when provided shall be in a location and of a type approved by the Board and shall not exceed ten (10) feet in height and shall not be located within one hundred (100) feet of a street right-of-way line.
- H. A buffer consisting of dense evergreen shall be provided along the boundaries of all parking and loading areas to provide an adequate barrier to light and sound from all adjoining streets and properties.
- I. Separate vehicular entrances and exits shall be provided. Entrances and exits shall be at least one hundred (100) feet apart and shall be at least twenty-four (24) feet wide.
- J. Site plan approval shall be obtained in accordance with this Ordinance.
- K. Adequate parking shall be required in accordance with the parking provisions of this Ordinance. However, truck and trailer parking shall be located at least twenty-five (25) feet from side and rear property lines and at least one hundred (100) feet from a street right-of-way line. There shall be at least three (3) truck or trailer parking spaces for each loading bay. Aisles between truck and trailer parking spaces shall be at least sixty (60) feet in width, and there shall be at least two (2) off-street parking spaces for each loading bay.
- L. A truck terminal may include the following accessory uses: offices related to the principal use, dormitories providing temporary sleeping quarters for transient truckers, cafeterias serving trucking terminal employees and transient truckers, repairs and maintenance garages and refueling facilities for trucks and trailers otherwise using the trucking terminal.

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M. Signs shall be permitted in accordance with the provisions of this Ordinance relating to permitted uses in the HC Highway Commercial Zone.

300-147. Car Washes.

- A. Such use shall be subject to site plan review and approval.
- B. The use shall meet the area and bulk requirements of the zone in which it is located.
- C. All activities shall be conducted within a totally enclosed building.
- D. This use shall not include a self service or coin-operated car wash area in any form.
- E. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
- F. On-lot traffic circulation channels and parking areas shall be clearly marked.
- G. Adequate provisions shall be made for the proper and convenient disposal of refuse. For a truck wash, the applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways.
- H. Water used in the operation shall be collected and recycled, and shall not flow into any storm sewers or waterways or the groundwater outside of an on-lot septic system.
- I. Water from the operation shall not flow onto sidewalks or streets, to prevent hazards from ice.
- J. Any car wash that is located within two hundred fifty (250) feet of an existing dwelling shall not operate between the hours of 9 p.m. and 7 a.m.
- K. Any chemicals that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.

300-148. Animal Hospital and Dog Kennels

- A. Such use shall be subject to site plan review and approval.
- B. The use shall meet the area and bulk requirements of the zone in which it is located.

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- C. All animals shall be kept indoors between dawn and dusk.
- D. All structures housing animals shall be located not closer than two hundred (200) feet from any residence not located on the subject property.

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ARTICLE XXV

DESIGN STANDARDS FOR SUBDIVISION AND SITE PLANS

300-149. General Interest.

In passing on the adequacy of subdivision plans, site plans and other plans, the Planning Board or Zoning Board shall apply the standards contained in this Article. Each plan shall conform to design standards that will encourage good and appropriate development patterns within the City. The plan shall conform to the proposals and conditions shown on the Official Map and/or on the City Master Plan. The streets, drainage, rights-of-way, school sites, public parks and playgrounds shown on the officially adopted Master Plan or Official Map, shall be considered in the approval of site plans and subdivision plats.

No subdivision or site plan shall be approved by the Planning Board or Zoning Board unless the plan, development, or use meets the performance standards herein set forth and such state or federal standards as may be more stringent than those set forth herein. Failure to comply with the performance standards at any time after the issuance of a Certificate of Occupancy shall be cause for revocation of such certificate. In reviewing any plan, the Planning Board or Zoning Board shall consider the following:

- A. The pedestrian and vehicular traffic movement within and adjacent to the site with particular emphasis on the provision and layout of parking areas, off-street loading and unloading spaces; movement of people, goods and vehicles to and from access roads, within the site, and between buildings and vehicles.
- B. The site design and layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement. Particular attention shall be given to safety and fire protection, impact on surrounding development and contiguous and adjacent buildings and lands.
- C. Lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. Directional lights shall be arranged so as to minimize or eliminate glare and reflection on adjacent properties.
- D. Buffering shall be located around the perimeter of the site to minimize headlights of vehicles, noise, light from structures, the movement of people and vehicles, and to shield activities from adjacent properties when necessary. Buffering shall consist of fencing, landscaped berms, evergreen trees and shrubs, and deciduous trees or combinations thereof to achieve the stated objectives.

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- E. Landscaping shall be provided as part of the overall development design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping shall include preservation of existing vegetation to the extent possible as well as trees, shrubs, ground cover, perennials, annuals, plants, sculpture, art and the use of building and paving materials in an imaginative manner.
- F. Common open space shall be provided as part of any planned development. Open space shall be classified as developed (recreational) or undeveloped (natural) space. Undeveloped open space shall have as a prime objective the preservation of a site's natural amenities.
- G. Signs shall be designed to be aesthetically pleasing and harmonious with other signs and buildings on the site. They shall be located to achieve their purpose without constituting hazards to vehicles and pedestrians or be visually distracting from the overall site design.
- H. Storm drainage, sanitary waste disposal, water supply and solid waste collection and disposal shall be reviewed. Particular emphasis shall be given to the establishment of drainage rights-of-way and the adequacy of existing utility systems, and the need for improvements both on-site and off-tract, where appropriate, to adequately carry run-off and sewage, and to maintain an adequate supply of water at sufficient pressure.
- I. Environmental elements relating to prevention of soil erosion, preservation of trees, protection of watercourses, wetlands and floodplains, protection of water resources, noise, air quality, topography, and soil shall be reviewed and the design and implementation of the plan shall minimize any adverse impact on these elements and others that may be identified in the course of review and approval.
- J. The development shall provide for those elements of street furniture appropriate to the particular use and site. These shall include phone booths, benches, bike racks, trash receptacles and bus shelters or combinations thereof to achieve the stated objectives.
- K. If the Master Plan or the Official Map provides for the reservation of designated streets, public drainage ways, flood control basins, or public areas such as parks, school sites, historic sites or similar lands within the proposed development, such areas shall be shown on the plan in locations and sizes suitable to their intended uses. The Planning Board may reserve the locations and extent of such public areas in accordance with the requirements of N.J.S.A. 40:55D-44.

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300-150. Purpose.

The standards noted above and elsewhere in this Ordinance shall be for the general purpose of:

- A. Enhancing neighborhoods and the overall community.
- B. Providing adequate access and off-street parking and loading facilities for employees and visitors.
- C. Providing fencing and/or landscaping where reasonably necessary for safety and/or screening purposes.
- D. Preventing uses which may or may tend to endanger life or property or create hazards from fire, explosion, radiation or produce objectionable smoke, heat, glare, vibration or noise, whether or not any of such hazards are confined to the property shown on the development plan.
- E. Requiring that all raw materials, fuel, goods in process, finished goods, machinery and equipment shall be appropriately housed and/or screened.
- F. Prohibiting the emission of noxious, toxic or corrosive fuels, gases, or odors or the exhaust of waste or dust or other substances into the air.
- G. Providing off-street parking and loading areas appropriately designed to minimize traffic circulation problems. Off-street loading spaces shall be located so that no vehicle waiting to be loaded or unloaded, maneuvering into a space or parked in a space shall interfere with any parking space, sidewalk, street, fire lane, driveway, aisle or other loading space or sight triangle.
- H. In the event a particular development is to be constructed in stages or sections, a development plan for each particular stage or section shall be required for the issuance of each building permit.

300-151. Compliance Required.

- A. The applicant shall observe the requirements and principles of land subdivision and site plan development in the design of each minor and major subdivision and site plan development in the design of each minor and major subdivision or portion thereof of a site plan development in a manner also conforming with other ordinances of the City as well as this Ordinance.
- B. Any minor or major subdivision or site plan shall demonstrate conformance to design standards that will encourage sound development patterns within the City.

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Where either an Official Map or Master Plan have been adopted, the subdivision or site plan shall conform to the proposals and conditions shown thereon. The streets, drainage rights-of-way, school sites, public parks and playgrounds, scenic sites, historic sites and flood control basins shown on the officially adopted Master Plan or Official Map shall be considered in the approval of subdivision plats and site plans. In accordance with good subdivision design practices, extreme deviations from rectangular lot shapes and straight lot lines shall not be allowed unless made necessary by special topographic conditions or other special conditions acceptable to the Board. All improvements shall be installed or connected with existing facilities or installed in required locations to enable future connections with approved systems or contemplated systems and shall be adequate to handle all present and probably future development.

300-152. General Regulations.

- A. No development shall take place within the City, nor shall any land be cleared or altered, nor shall any watercourse be diverted or its channel or floodplain dredged or filled, nor shall any parking areas, accessory or otherwise, or access ways thereto be constructed, installed or enlarged, nor shall any building permit, certificate of occupancy, zoning permit or other required permit be issued with respect to any such structure, land or parking area except in accordance with an approval of such development by the Planning Board pursuant to the design standards as outlined in this Ordinance, unless exempted.
- B. Except as specifically modified herein, the Residential Site Improvement Standards (RSIS) adopted by the State of New Jersey under N.J.A.C. 5:21-1 et seq. are hereby adopted as the site improvement standards for residential and nonresidential development in the City.
- C. Deviations from performance and design standards of this Ordinance which are not the subject matter of the New Jersey Residential Site Improvement Standards (RSIS) shall be considered as exceptions within the meaning of N.J.S.A. 40:55D-51.
- D. All improvements shall be installed in required locations to enable future connections with approved systems of contemplated systems and shall be adequate to handle all present and probably future development.

300-153. Performance Standards for All Uses.

- A. Air quality. No use governed by federal or state air quality regulations shall emit into the air heat, odor, vibrations, noise or any other pollutant which exceeds the most stringent requirements of the applicable federal or state regulations.

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- B. Emissions. In all districts, no use, activity, operation or device shall be established, modified, constructed or used without having first obtained valid permits and certificates from the Bureau of Air Pollution Control, NJDEP pursuant to N.J.A.C. 7:27-8. Specifically, no use, activity, operation or device shall be established, modified or constructed without a valid "permit to construct." No use, activity, operation or device shall be operated, occupied or used without a valid "certificate to operate control apparatus or equipment." Proof of compliance with this requirement shall be the submission of duplicate copies of the permit to construct and certificate to operate.
- C. Toxic matter. Emissions of chemicals, gases, components or elements listed as being toxic matter by the American Conference of Governmental Hygienists, New Jersey Department of Labor or the United States Environmental Protection Agency shall not exceed the threshold level. Proof of compliance shall require the submission of copies of certificates or permits from the New Jersey Department of Environmental Protection approving the concentrations, level or loading proposed by the applicant.
- D. Drainage. No storm water or natural drainage which originates on the property or water generated by the activity (i.e., air conditioners, swimming pools, etc.) shall be diverted across property lines unless transported in an approved or existing drainage system.
- E. Electronic equipment. All electric or electronic devices are subject to the provisions of federal and state laws and regulations, including 42 U.S.C. 263b, et seq., "An Act for the Protection of Public Health and Safety from the Dangers of Electronic Product Radiation," and the applicable regulations and guidelines promulgated by the Secretary of the Department of Health and Human Services. Electronic products shall be so limited and controlled so that no measurable energy can be recorded at any point beyond the property lines. The applicant, upon request, shall produce certified data wherein measurements made in accordance with the procedures and standards established by the United States Department of Health and Human Services adequately demonstrate compliance with the minimum standards required by law. All other forms of electromagnetic radiation lying between 100 KHz and 10 GHz shall be restricted to the technical limits established in the Federal Community Commission's Rules and Regulations. Additionally, electric or electronic equipment shall be shielded so there is no interference with any radio or television reception at the lot line (or beyond the operator's dwelling unit in the case of multifamily dwellings) as the result of the operation of the equipment.
- F. Glare. No use shall produce a strong, dazzling light or reflection of a strong dazzling light or glare beyond its lot lines. Exterior lighting shall be shielded, buffered and directed so that glare, direct light or reflection will not become a

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nuisance to adjoining properties, adjoining units, adjoining districts or streets.

- G. Heat. No use shall produce heat perceptible beyond its lot lines. Further, no use shall be permitted which could cause the temperature to rise or fall in any body of water, except that this provision shall not apply to any sewage treatment plant which has received approval by the New Jersey Department of Environmental Protection. The performance standard detailed herein is not intended to prohibit or inhibit the use of geothermal exchange systems or other similar systems.
- H. Noise. Noise levels shall be designated and operated in accordance with local regulations and those rules established by the New Jersey Department of Environmental Protection as they may be adopted and amended.
- 1) Noise level restrictions. Noises shall not exceed 55 dba in residential districts and 65 dba in all other districts measured on or beyond the neighboring use, lot line or district boundaries.
 - 2) Noises such as alarms, sirens, emergency warning devices, motor vehicles, clock bells or church bells are excluded from the above limitations.
- I. Odor. Odors shall not be discernible at the lot line or beyond.
- J. Ventilation. No use shall obstruct the natural ventilation of adjacent uses nor contaminate the air with excessive heat or odor. Further, no air conditioners or exhaust fans shall be permitted to discharge exhausted air unless set back from all property lines at least ten (10) feet or equipped with baffles to deflect the discharged air away from the adjacent use. Air conditioners and vents on rooftops shall be screened from view.
- K. Vibration. Vibration levels shall not exceed a particle velocity of 0.05 inches per second in any district. During the hours of 9:00 p.m. to 7:00 a.m., said velocity shall not exceed 0.02 inches per second in residential districts.
- L. Visibility. At the intersection of roadways or at any point of entry onto a public roadway, no structure or planting which obscures vision above a height of 2½ feet above grade shall be permitted within a clear sight triangle. Site triangle means the clear site area as defined by ASHTO.
- M. Storage. All outdoor storage facilities for fuel, raw materials and products stored outdoors shall be enclosed by an approved safety fence and suitable landscaping to screen such areas from public view and must comply with Ordinance landscaping and buffering requirements.

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- N. Waste. No materials, wastes or other substances shall be stored or maintained upon a lot in such a manner that natural runoff from such areas on a site with an approved storm water drainage plan can impair the existing water quality of a stream, watercourse or aquifer more than the primary use intended for the lot.

~~300-173~~300-154. **General Design Guidelines.**

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The following general design guidelines shall be used to prepare and review the physical, visual and spatial characteristics and overall appearance of a development plan and building(s) in relationship to the existing streetscape, neighborhood and district in which such is located and to the City generally:

- A. Consideration of context. An individual development plan shall not be considered on its own, but with sufficient regard to the existing streetscape neighborhood and district in which it is located and to the City generally. Extreme consideration and respect shall be given to abutting and nearby properties and the existing buildings, site improvements and open spaces located thereon and in adjacent portions of the public rights-of-way.
- B. Urban design elements. The physical, visual and spatial characteristics of a streetscape, neighborhood, district and the City generally shall be established and reinforced through the consistent use of compatible urban design elements. Such urban design elements shall relate the physical, visual and spatial characteristics of an individual development to other existing and planned developments in a harmonious manner, resulting in a coherent overall development pattern for an entire streetscape, neighborhood and district and the City generally. A development plan shall relate to and reinforce urban design elements where such exist, as established by an urban design elements inventory conducted of the streetscape, neighborhood and district in which such development is located. If a site is located in a streetscape, neighborhood or district where existing design elements are weak or nonexistent, the development plan shall establish design elements that relate to the community generally, based on an urban design inventory of the City. In the case of an addition or renovation to an existing building, the development plan shall also relate to and reinforce design elements of such existing building. Urban design elements to be addressed in a development plan shall include but not be limited to the following:
- 1) Scale, as defined by the height of a building and its component elements.
 - 2) Massing, as defined by the shape, dimensions and volume of the solid form of a building.

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- 3) Proportion, as defined by comparing the width of a building wall to the height of the same.
- 4) Rhythm of solid to voids, as defined by comparing the solid portions of a building wall to the voids formed by door and window openings and recesses in the same.
- 5) Horizontal courses, as defined by the base course, middle wall section, belt courses and cornice of a building.
- 6) Projections and recesses, as defined by the projections formed by such elements as bay windows, dormers, cornices and eaves from the building wall surface and the indentations formed by such elements as porch and window recesses from the same.
- 7) Roof form, as defined by the type, shape and pitch of the roof of a building.
- 8) First floor elevation, as defined by the height of the first floor level of a building from the ground and any elements, such as stairs, that facilitate transition between levels.
- 9) Entrance treatment, as defined by the placement and articulation of the entrance to a building.
- 10) Street orientation, as defined by the visual and functional orientation of the front façade and entrance of a building to the street and sidewalk.
- 11) Footprint, as defined by the location and coverage of the lot by the building area of the ground floor.
- 12) Setbacks, as defined by the dimensions a building is set back from front, side and rear lot lines.
- 13) Yard areas, as defined by the areas of open space remaining between front, side and rear lot lines and a building.
- 14) Architectural style, materials, colors and details.
- 15) Signage.
- 16) Shade trees.
- 17) Lampposts and other lighting fixtures.

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18) Landscaping.

19) Walls and fencing.

20) Sidewalks and walkways.

21) Benches, trash receptacles and other street or site furniture.

- C. Visual Design Standards. The built environment of Bordentown City has developed over time, a function of the gradual, organic accrual of form, function and aesthetics that both look to the past yet confidently move forward into the future. A variety of architectural styles and periods are thus reflected across Bordentown City, ranging from Colonial, Federal, Victoria, Empire, Craftsman, Cottage and Art Deco. The following images illustrate the broad range of residential and commercial design standards that characterize Bordentown City. They do not constitute a comprehensive catalog, but rather strive to offer a general set of guidelines using specific examples that are suitable and consistent with the overall development pattern of Bordentown City. New construction shall incorporate elements of these existing and complementary patterns into its design, thereby respecting, although not simply replicating, the rich fabric of Bordentown City's buildings, neighborhoods and streetscapes.
- D. Green Design Guidelines. Green building guidelines ensure that development within the City preserves the unique character of the site. The City desires that developers construct sustainable or "green" buildings. The guidelines that follow are recommended but not required. They are intended to result in environmentally friendly and economically vibrant projects. According to the U.S. Green Building Council (USGBC) LEED evaluates environmental performance from a whole building perspective over a building's life cycle, providing a definitive standard for what constitutes a "green building". It is based on accepted energy and environmental principles and strikes a balance between known established practices and emerging concepts. LEED is a performance oriented system in which scoring points are earned for satisfying performance criteria in the categories of sustainable site development for new construction: reducing the urban heat island, energy efficiency, water savings, materials selection and in indoor environmental quality. Different levels of green building certification are awarded by the USGBC based on the total points earned. As a means of evaluation and measuring achievements in sustainable design, this Ordinance encourages design, construction, and operation of developments that meet criteria for a LEED certified rating. Any developers who elect to seek a LEED certified rating are required to meet the following criteria:
- 1) *General*.

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- a) All building projects shall have a LEED accredited professional as a principal member of the design team from the beginning of the project.
 - b) Energy Star: For multi-family residential projects; appliance and fixtures should meet US EPA's Energy Star Standards. Projects must include Energy Star compliant clothes washers' dishwashers, refrigerators, ceiling fans, ventilation fans (including kitchen and bathroom fans), light fixtures (halls and common areas), and exit signs. To enhance energy efficiency further, the project must also choose and install two of the following Energy Star components: programmable thermostats (in residential units), residential light fixtures, windows and doors; and HVAC systems.
 - c) Applicants must submit to the City the following information at the time of site plan application:
 - (1) The name of the LEED Accredited professional working on the project
 - (2) A LEED scorecard must be submitted as part of the plan. The scorecard shall be accompanied by an explanation of how each credit will be achieved or why the product cannot be achieved for the project.
- 2) *Reducing the Urban Heat Island.* The ambient air in urban environments is usually significantly warmer (sometimes more than 10° F warmer) than air in less developed areas – an effect known as the urban heat island. Dark, non-reflective surfaces absorb heat from the sun and then radiate it back to the surrounding area. Such hotter temperatures lead to an increased need for air conditioning, which costs money and consumes significant amounts of energy. Current statistics show that air conditioning consumes one sixth of all electricity used in the United States. The following guidelines help to mitigate the formation of an urban heat island:
- a) Provide shade trees (within five years) for thirty percent (30%) of the site's non-roof impervious surfaces.
 - b) Use light-colored/high albedo materials (reflectance of at least 0.3) for at least thirty percent (30%) of the site's non-roof impervious surfaces.
 - c) Use highly reflective and high emissive roofing materials (at least 0.9 when tested in accordance with ASTM 408) for at least seventy-five percent (75%) of the roof surface. In addition to the operational benefits to the building, this application helps to extend the life span of a roof.

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- d) Use a “green” vegetative roof for at least fifty percent (50%) of the roof area. In addition to its ability to reduce storm water flows and provide insulation, this application helps to extend the life span of the roof.
- 3) *Energy Efficiency.*
- a) Buildings should be designed to exceed by twenty percent (20%) the state energy code or the most recent edition of ASHRAE/IESNA Standard 90.1 (without amendments), whichever is more stringent.
 - b) Building owners are encouraged to provide a portion of the total energy used by a building with on-site sources, such as photovoltaic systems.
- 4) *Water Savings.* The following guidelines help decrease the amount of municipal water needed for buildings:
- a) Decrease the quantity of potable water used for landscape irrigation by fifty percent (50%).
 - b) Install ultra low flow fixtures in bathrooms and consider reusing roof runoff volumes for flushing toilets in order to reduce the amount of potable water required.
- 5) *Materials Selection and Indoor Environmental Quality.* The following materials guidelines ensure quality environments that help decrease the environmental impact of the materials needed for buildings:
- a) Divert as much construction waste away from disposal in landfills as possible by recycling construction materials including metal, wood, concrete, brick, drywall and cardboard.
 - b) Incorporate building materials that contain a high percentage of recycled content.
 - c) Incorporate building materials that have been manufactured and where possible generated, regionally. Using regional products not only reduces the amount of energy required for transportation, but also supports the local economy.
 - d) Incorporate bio-based building materials where possible. This includes materials incorporating certified wood, bamboo, wool, cotton, cork, natural linoleum and agricultural fiber boards.

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- e) Limit the amount of indoor air contaminants that are introduced through building materials where possible. Materials, including adhesives, sealants, paints and carpets with lower VOC values shall be preferred over standard versions. Materials made of wood and agricultural fiber shall contain no added urea formaldehyde

300-174,300-155. Appearance of Residential Buildings.

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- A. All new housing may be oriented on the lot so either the major axis or the minor axis of the house is parallel to the street line. In all cases, however, the façade facing the street line must be designed to compliment the street. Architectural articulation using such elements as windows, doors and/or porches is required. Blank facades facing the street line will not be permitted.
- B. The City Commission hereby finds that uniformity in the exterior design and appearance of dwellings erected in the same residential neighborhood tends to adversely affect the desirability of the immediate and neighboring areas for residential purposes and impairs existing residential property in such areas, tends to impair the value of both improved and unimproved real property in such areas and tends to deprive the municipality of tax revenue and destroys a proper balance between the taxable value of real property in such areas and the cost of municipal services provided therefore. It is the purpose of this section to prevent these and other harmful effects of uniformity in design and appearance of dwellings erected in any housing development in the same residential neighborhood and thus to promote and protect the general welfare of the community.
 - 1) Not more than one construction permit shall be issued for any particular single-family detached dwelling unit design in any housing development consisting of two or more detached dwellings when the houses are substantially alike in exterior design and appearance, unless such similar houses either are separated by a distance of at least two hundred (200) feet or are situated on individual lots which are themselves separated at all points by a distance of at least one hundred (100) feet, whichever distance will provide the least separation between houses.
 - 2) Houses within such specified distance from each other shall be considered uniform in exterior design and appearance if they have any one of the following characteristics:
 - a) The same basic dimensions and floor plans are used without substantial differentiation of one or more exterior elevations.

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- b) The height and design of the roofs are without substantial change in design and appearance.
 - c) The size and type of windows and doors in the front elevation are without substantial differentiation.
- 3) In addition, there shall be not less than one (1) basic house design and two (2) different exterior elevations in every housing development consisting of eight (8) or less houses; not less than two (2) basic house designs and four (4) different exterior elevations in every housing development consisting of nine (9) to fifteen (15) houses; not less than three (3) basic house designs and six (6) different exterior elevations in every housing development consisting of sixteen (16) houses to fifty (50) houses; not less than four (4) basic house designs and seven (7) different exterior elevations in every housing development consisting of fifty-one (51) houses to seventy-seven (77) houses; and not less than four (4) basic house designs and eight (8) different elevations in every housing development consisting of seventy-eight (78) houses or more houses.
- 4) To ensure conformity with the provisions of this Article, no construction permit shall hereafter be issued for more than one (1) dwelling in any housing development until the builder shall post or cause to be posted, on each specific lot on the map of the subdivision on file with the Construction Official, the type and model of each house for which a construction permit has been or is being issued.
- 5) The provisions, requirements and standards heretofore set forth shall not be considered met where there is an attempt to make minor changes or deviations from building plans and location surveys, which changes show an obvious intent to circumvent the purpose of this section.
- 6) Building elevations and floor plans for each required house design must be submitted for review to the Planning Board at final subdivision. Where an applicant has no immediate plans for construction, these building elevations and floor plans must be submitted for review to the Planning Board prior to the issuance of a building permit.

300-156. Design Standards for the TC, HC, WC and OC Zones

A. General design requirements.

- 1) Any development in these zones shall be designed so as to be part of a comprehensive development theme within the entire zone for which it is a part,

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the goals being to control means of access and to coordinate internal pedestrian and vehicular traffic flow relating to existing development and architectural compatibility. All buildings, light fixtures, fences, walls, outdoor furniture, site amenities, and landscaping improvements shall be architecturally consistent with the style of the proposed building. Preference shall be given to lighting and landscape designs that incorporate pedestrian amenities (sidewalk materials, crosswalks, street furniture, etc.) reminiscent of and complimentary to the preferred historic architectural styles. To the greatest extent possible, parking shall be located to the rear of new buildings and designed to reduce the visual impact of great expanses of parking.

- 2) Any new façade or change in the façade of an existing building shall be reviewed by the Planning Board or Zoning Board for evaluation of architectural design. Building size and scale, roof shapes, façade rhythm and proportions shall be designed to avoid long uninterrupted expanses of flat walls or roofs.
- 3) Development shall minimize the use of uniform and/or integrated architectural design and styles, unique building materials, including but not limited to ornamental lighting, architectural planters, brick and other special paving materials, water features, landscaped internal pedestrian courtyards, sitting areas and other site amenities.
- 4) Development shall provide weather protection for customers either by enclosed shopping areas, canopies or other means. When facades of a building other than the primary façade face public streets, pedestrian walkways, and adjacent residential neighborhoods, such facades shall include architectural elements consistent with the primary façade, such as window treatment, design details, and materials.
- 5) The location of store entrances and orientation of buildings shall minimize distances to walk from one store to another.
- 6) Buildings shall use at least three (3) of the following design elements along facades facing public streets and/or parking lots: dormers, gables (pitch not less than 4:12), recessed entries, covered porch entries, cupolas, pillars or posts, bay or bow windows (minimum 12 inch projection), eaves (minimum 6 inch projection) and off-sets in building face or roof (minimum 16 inches).

B. Site design and building layout.

- 1) The site design layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement. Particular attention shall be given to safety and fire protection, impact on surrounding development and contiguous and adjacent buildings and lands.

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- 2) To promote a desirable visual environment and to ensure a good civic design, the Planning Board or Zoning Board in its review shall consider, but not be limited in its consideration of, visual impacts of the proposed development, including views and view interference, shadow effects, noise impacts and design compatibility with surrounding land uses.
- 3) Buildings and site improvements shall be designed to minimize changes to existing topography and mature vegetation.

C. Building design and use.

- 1) The treatment of side and rear walls of any building in terms of building materials shall be similar to the treatment of the front façade.
- 2) The display of merchandise or nonpermanent uses and/or activities, i.e., vending machines, placed on the exterior premises of any building, is prohibited unless designed in an attractive manner.
- 3) All buildings shall have a unified architectural treatment, whether constructed as new or as an additional structure physically and aesthetically integrated with the existing structure. New structures, or the renovation of existing structures, may be constructed in any architectural style. However, these buildings shall reflect the design trends and concepts of contemporary architecture yet remain compatible with the historic character of the City. To establish a municipal identity and provide a desirable visual environment, Federal, Greek, Revival, Italianate, Second Empire, Queen Anne, Victorian, or Colonial Revival styles shall be encouraged. All new development within these zones shall, to the greatest extent possible, incorporate design features inspired by and compatible with the aforementioned architectural styles. The Planning Board or Zoning Board shall consider in its architectural review items such as materials, colors, building setbacks, façade treatments and building height and shall encourage the revitalization of existing structures to ensure compatibility with proposed building additions.
- 4) Every structure erected, designed or altered for occupancy by any use as permitted in this Article shall provide an entrance and access at the rear of its building for the loading and unloading of delivery trucks.
- 5) Where a change of use from residential to nonresidential is proposed in an existing structure, the established existing setback distance from the street shall be maintained for new construction and/or additions.

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- 6) The primary entrance of each building shall accommodate pedestrian access from the streets as well as from the parking lots.
- 7) Secondary entrances, if provided, shall be designed in a manner consistent with primary entrances if visible from public streets or parking lots.
- 8) Roofs.
 - a) Skylights, solar panels, satellite dishes, antennas, or other attachments shall be placed so that they are screened from view at the eye level of the pedestrians on the sidewalk along the street right-of-way.
 - b) Rooftop lighting is not permitted.
 - c) Roof line offsets shall be provided in order to provide architectural interest and variety to the massing of a building and relieve the negative visual effect of a single, long roof.
- 9) Mechanical equipment and services: Plumbing vents, ducts and rooftop mechanical equipment shall be screened from view at street level.
- 10) Awnings and canopies: The size, scale, and materials of the awnings shall be compatible with the rest of the building. An awning shall not be the predominant element of the façade.
- 11) Along façades with a customer entrance and along any façade abutting public parking areas, sidewalks, at least five (5) feet in width, shall be provided along the full length of the façade.
- 12) Walkways shall have at least two (2) of the following:
 - a) Landscaped areas along at least thirty percent (30%) of their length.
 - b) Use of smaller scale pavement (pavers or scoring).
 - c) Pedestrian scale lighting.
 - d) Rain protection (awnings, arcades).

D. Off-Street Parking.

- 1) Parking shall be screened from adjacent properties with grass, shrubs, trees, and/or decorative architectural walls and/or fences to protect properties from parking lot illumination and headlight glare, automobile fumes and noise.

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- 2) Curbing or curb stops shall be provided in all off-street parking areas and along all access ways.
- 3) Off-street parking areas and access ways thereto shall be properly drained, and all such areas shall have a paved hard surface.
- 4) All off-street parking areas and access ways shall be so arranged that cars and trucks may be turned on the lot so that it is not necessary to back into any roadway. Parking shall only be located in the rear of the property.
- 5) Common or joint driveway access and parking to the rear of sites is encouraged.
- 6) Access driveways onto major thoroughfares shall be permitted only if alternatives, including side or rear access and common or shared single access driveways, have been considered by the Planning Board or Zoning Board.
- 7) Where appropriate, impervious parking coverage shall be limited to the maximum extent possible by the use of parking in or under buildings, the elimination of excess paving, grassed land banked parking and the use of permeable surfaces for paving.
- 8) Parking areas shall be designed to minimize pedestrian and moving vehicle conflicts. Pedestrian walkways, parking lot islands, signage and pavement texture differentiation shall be required by the Planning Board or Zoning Board, where appropriate, to ensure the safe movement of pedestrians.
- 9) No access shall be permitted to the parking area from within or into a residential zone.
- 10) Where slopes over five percent (5%) exist, parking areas shall be terraced, with planting between changes in level.

E. Landscaping.

- 1) A landscape plan shall be provided for the entire site that shall rely on the use of native species.
- 2) All trees planted in front of the front building line shall be at least three (3) inches in diameter for single-stemmed trees, or ten (10) to twelve (12) feet in height for multi-stemmed trees at the time of planting. All other trees shall be

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two and one-half (2 ½) inches in diameter at the time of planting, unless otherwise required by the Planning Board.

- 3) Existing trees having a DBH (diameter-at-breast-height), measured at four and one-half (4 ½) feet above ground level) over eight (8) inches shall be preserved unless removal is approved by the Planning Board. If a preserved tree dies, it must be replaced with a three (3) inch diameter tree of the same or similar tree species, subject to approval by the Planning Board.
- 4) Impervious materials shall not be placed over the critical root zone of a preserved tree. The critical zone is a ratio of one (1) inch DBH to one (1) foot radius around the tree.
- 5) All exposed soil areas shall be covered with bark, mulch, or other weed control measures.
- 6) Canopy trees shall be planted along property lines abutting a street at a ratio of one (1) tree for every forty (40) linear feet within a minimum ten (10) foot wide planting strip. Trees may be clustered.
- 7) In addition to required trees, planting areas shall be landscaped with shrubs, ground cover, or other approved landscaping material not exceeding three and one-half (3 ½) feet in height.
- 8) Where parking is adjacent to a public right-of-way, a ten (10) foot wide landscape buffer shall be provided between the edge of the right-of-way and the edge of the parking lot. In addition to the required trees, the buffer shall consist of one of the following:
 - a) Landscape requirements at one (1) shrub to every three (3) linear feet.
 - b) Berm requirements with a three (3) foot minimum height. Berms shall be planted with ground covers, shrubs, and trees.
- 9) One (1) canopy tree shall be provided at a ratio of one (1) tree to every four (4) parking spaces in that area.
- 10) Each parking space shall be within fifty (50) feet of a planted or retained tree trunk.

F. Pedestrian and Bicycle Access

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- 1) Pedestrian and/or bicycle connections to the primary public entrance of the building shall be provided where a public sidewalk or bikeway is adjacent to property.
- 2) To the greatest extent possible, all portions of a site shall be linked via a sidewalk and pathway network as approved by the Planning Board; the site shall be pedestrian-oriented, with a design that enables and encourages pedestrian and bicycle circulation, with linkages to surrounding areas. The applicant shall utilize the City's Master Plan in developing a pedestrian and bicycle pathway network. Adequate bicycle storage facilities shall be provided. Where appropriate, sidewalk and bicycle paths shall utilize decorative paving materials.
- 3) Paving materials shall identify pedestrian circulation areas within the parking lot.
 - a) Pedestrian walkways, at least five (5) feet in width, shall be provided from public sidewalks, adjoining the property to a principal customer entrance.
 - b) No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within thirty five (35) feet of any public street or public sidewalk.
 - c) Materials, colors, and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the principal building.
 - d) Service functions shall be incorporated into the overall design of the building and landscaping, so that they are fully contained and out of view from adjacent properties and rights-of-way.
 - e) Truck delivery and circulation routes shall be separated from customer circulation.

G. Decorative walls, fences and screening design.

- 1) Decorative walls and fencing may be required by the Planning Board to complement the structure style, type and design of the principal structure.
- 2) Walls and fencing are allowed only in side and rear yards and behind the front building line, with the exception of outdoor eating and play areas.
- 3) Walls and fencing shall be constructed of durable high-quality materials and shall display a high quality in finish and detail; made of masonry, ornamental

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metal, wood, stucco, or a combination of these materials.

- 4) Walls and fencing greater than fifty (50) feet in length shall have a change in plane, height, materials, or material texture, or significant landscape massing.
- 5) Planting shall be considered as part of any wall or fence plan.

H. Loading, outdoor storage, and service areas.

- 1) Where these areas face adjacent residential uses or public rights-of-way, an earthen berm, no less than six (6) feet in height, containing, at a minimum, evergreen trees planted at intervals of twenty (20) feet on center and seven (7) evergreen shrubs per tree, shall be provided. Decorative walls and fencing may be substituted for an earthen berm.
- 2) Trash enclosures and other service areas shall be constructed of materials and finishes which are consistent with the principal building.

I. Signage.

- 1) There shall be a consistent sign design theme throughout the development. A unifying design theme shall include style of lettering, method of attachment, construction, material, size, proportion, lighting, position and day/night impacts. Color of letters and background shall be carefully considered in relation to the color of the material of the building(s) or where the signs are proposed to be located. Signs shall be a subordinate rather than predominant feature of any building. The lettering and sign shall be compatible with the architecture of the building.
- 2) A comprehensive signage plan shall be provided which covers overall project identification, window signage and lettering, individual building/tenant identification, traffic regulations, pedestrian crossing, street identification, parking and directional instructions. A signage hierarchy shall be established governing the above signage categories.
- 3) All permanent signage shall be affixed to a building façade, canopy or arcade; be located no higher than the sills of second-story windows; and be visible to both pedestrians and drivers.

J. Lighting.

- 1) Lighting shall be the minimum required for safety and shall be provided in the least intrusive manner. Traditional freestanding light fixtures shall be required in parking lots and along streets and pedestrian pathways. The style of the

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freestanding light fixtures used shall be consistent with the traditional styled street light fixtures planned for the TC Town Center Mixed Use zone. By way of example, a traditional street light and parking lot light fixture shall be similar to the Hagerstown Model V03 by HADCO, which is a high-quality traditional freestanding light fixture appropriate to a city or village environment. The height of such fixtures shall be appropriate to their setting.

- 2) Streets, parking lots, intersections, points where various types of circulation systems merge, intersect or split, stairways, sloping or rising paths and building entrances and exits shall require illumination. Lighting shall be provided where buildings are set back or offset if access is provided at such points.
- 3) Freestanding lights shall be located and protected to avoid being easily damaged by vehicles or vandalized. The height of such lights shall in no case be greater than eighteen (18) feet. All lighting shall be serviced underground.
- 4) The source of the illumination for freestanding and building-mounted lights shall generally be shielded, and the style of the light and light standards shall be consistent with the architectural style of the proposed structures.
- 5) Spotlight-type fixtures attached to buildings and visible to the public are prohibited. Where lights along property lines will be visible from adjacent properties, the lights shall be appropriately shielded and/or the mounting heights will be reduced.
- 6) All lights under a canopy structure shall be ceiling-mounted and recessed so the lens does not extend beyond the ceiling so as not to produce glare.
- 7) Sidewalks and pathways may be lit with low bollard-type standards, not to exceed two (2) feet in height.
- 8) All proposed lighting plans shall be accompanied by a point-by-point plan indicating numerical illumination levels. The plan shall indicate the average, minimum, maximum and minimum to maximum illumination levels for maintained foot-candles.
- 9) See Section 300-191 for additional lighting standards.

300-157. Design Standards for the PC/I and CI Zones

A. Site Layout.

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- 1) Through the site access locations and on-site circulation and building layout there shall be minimum conflicts between service vehicles, private automobiles and pedestrians.
 - 2) Visitor building entrances and vehicular entrance driveways shall be readily identifiable and accessible to the first-time visitor.
 - 3) The visual impact of large surface parking lots shall be minimized with landscaping, landscaped earthen berms, and pedestrian systems and/or by making parking lots smaller.
 - 4) Building entries shall be highlighted by such features including:
 - a) Outdoor patios;
 - b) Ceremonial entry porte cocheres;
 - c) Plazas, paver block or brick crosswalks or other landscape features;
 - d) Overhangs and peaked roof forms;
 - e) Specially treated architectural walls;
 - f) Covered walkways;
 - g) Recesses, projections and arches.
 - 5) Buildings and structures shall be arranged and clustered to maximize opportunities for shared circulation, parking, loading, pedestrian walkways and plazas, recreation areas, transit-related facilities, and day and night security surveillance.
- B. Building massing and form.**
- 1) The architectural character of each proposed building or structure shall be of contemporary design and style.
 - 2) Buildings shall generally have a horizontal appearance brought about by the use of horizontal bands and fascia to minimize the verticality of the structure.
 - 3) Materials, colors and finishes shall be coordinated on all exterior elevations of each building.

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- 4) Architectural designs shall be evaluated in terms of the sensitive integration of form, textures, and colors with the particular landscape and topographic characteristics of the site.
 - 5) Groups of related buildings shall be designed to present a harmonious appearance in terms of style and use of exterior materials, fenestration and roof type.
 - 6) Accessory buildings shall be architecturally treated in the same manner as principal structures.
 - 7) Building exterior walls shall be articulated to reduce the scale and the uniform appearance of buildings and to provide visual interest that will be consistent with the site's identity, character and scale. As such, one or a combination of the following shall be utilized:
 - a) Roof line variation;
 - b) Grouping into smaller or multiple structures;
 - c) Mature landscaping and land form manipulation;
 - d) Offsets and/or breaks in the building line;
 - e) Patterned walls;
 - f) Fenestration;
 - g) Color changes.
 - 8) The primary building objective is to maintain an architecturally harmonious development. Each building shall be sensitive to the immediate neighboring structure. Inconsistent variations in scale, texture or colors shall not be permitted.
 - 9) Opportunities to provide walkway systems to adjoining buildings, including common plazas or courtyards, are encouraged.
- C. Building appearance.
- 1) To maintain a high standard of construction and appearance and to provide interesting and tasteful exteriors, the exterior walls of each building shall be constructed of durable permanent architectural materials compatible with campus-like standards, tastefully handled, i.e., carefully selected brick; stone

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with a weathered face or polished, fluted, or broken faced. Predominant exterior building materials shall not include smooth faced concrete block; tilt-up concrete panels or prefabricated steel panels.

- 2) Pre-engineered metal buildings, industrial-type structures featuring predominantly painted exteriors, and corrugated metal-sided or clapboard aluminum sided "Butler" type buildings shall not be permitted, except for accessory maintenance and storage type buildings.
- 3) Building roofs are to be uncluttered. Vertical roof projections such as towers, vents, stacks or roof-mounted equipment shall be avoided. All penetrations through the roof (i.e., mechanical equipment or skylights) must be organized in a manner that is integral to the architectural form of the building, or completely screened from view by parapet walls or approved enclosures. Equipment screens shall be attractive in appearance and reflect or complement the architecture of the building to which they belong.
- 4) Design of canopies shall be in keeping with the design of the building(s).
- 5) Loading areas shall be screened using architectural walls and/or landscaping.

D. Building color and texture.

- 1) Simple and uniform texture patterns are encouraged to create shadow patterns.
- 2) Variations in color shall be kept to a minimum.
- 3) Colors shall be subdued in tone.
- 4) Accent colors may be used to express corporate identity.

E. Parking and circulation.

- 1) Each development site must provide adequate off-street automobile parking and loading facilities and no parking or loading facilities and spaces and spaces shall be permitted on any street, entrance drive, or any place other than in an approved location.
- 2) Parking areas shall provide safe, convenient, and efficient access. They shall be placed next to buildings in order to shorten the distance to other buildings and sidewalks and to reduce the overall scale of the paved surface.

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- 3) All parking areas shall be screened from streets and adjacent parcels by earth berms and landscaping to assure that the visual effect of large paved areas and standing automobiles is minimized. The natural landscape and building views shall predominate. Parking areas shall also be subdivided by islands containing trees and other landscape materials. Planting islands shall be located at selected intervals where they will aid in reducing the visual expanse of parking areas.
- 4) Parking areas shall be located to maximize the potential for shared parking between uses. Parking areas shall be designed and located so as to facilitate transit, bicycle and pedestrian access. Parking spaces closest to the building entrances, in order, shall be reserved for:
 - a) People with disabilities (all types of parking);
 - b) Employee vanpool vehicles; and
 - c) Employee carpool vehicles.
 - d) Electric vehicle parking with a charger; and
 - e) Bicycle parking.

F. Landscaping.

- 1) Landscaping shall be required in those areas that are designated as required setback areas, areas within parking lots, and areas not used for ingress, egress, parking, or storage, and areas subject to grading and recontouring. Although each site could have a different building configuration and use, and in some cases individual owners, an overall landscape theme dealing with major design elements shall be established. These elements shall include:
 - a) Setback and buffer areas along roadways as well as adjacent residentially zoned areas and properties;
 - b) Parking lots and areas around buildings.
- 2) The design and development of landscaping shall:
 - a) Enhance the appearance of the site internally and from a distance;
 - b) Include street trees and street side landscaping;

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- c) Provide an integrated open space and pedestrian way system within the development with appropriate connections to surrounding properties;
- d) Include, as appropriate, bike paths, bike lanes, sidewalks, pedestrian walkways and/or jogging trails;
- e) Provide buffering or transitions between uses.

G. Lighting.

- 1) Parking lot, service area, and roadway lighting shall be provided by fixtures designed to minimize glare to the street and adjacent properties. The type of fixture and color of lamping shall be evaluated for their compatibility with existing street lighting, building architecture and natural site characteristics.
- 2) Lighting for pedestrian walkways may include either cul-de-sac or exposed sources, but the height and intensity of the light must be subdued.
- 3) All lighting shall be designed and installed to avoid off-site spillage and halo effect to the greatest extent reasonably possible and consistent with public safety. Area lighting sources shall be of the cut-off type.
- 4) All lighting designs and installation including timers or motion sensors shall be subject to Planning Board review and approval.

H. Signage.

- 1) The applicant shall be required to prepare a comprehensive sign package. The Planning Board shall have the right to modify the requirements whenever such modifications are necessary to achieve an appropriate overall design theme.
- 2) An overall graphic signage plan shall be developed to complement the overall site layout.
- 3) Corporate identification signage may be erected at principal entrances to the site as approved by the Planning Board. The design, format, and materials must be consistent with site architecture. No flashing, neon or moving elements shall be permitted. Such signs may indicate the street address, the company or development's name and logo.
- 4) Identification signage of a smaller scale shall be permitted on the exterior of a building at a location related to the principal entrance carrying the occupant's logo or symbol and such other locations as the Planning Board shall permit.

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They may be placed on the building surface or in a freestanding position, provided that the latter is clearly integrated with the building architecture. They shall not project above any roof or canopy elevations.

- 5) Any on-site directional, traffic, or parking control signs shall be reviewed and approved by the Planning Board, with the intent that these signs shall be restricted to the minimum necessary, shall be visually unobtrusive, and shall be consistent in format, lettering, and coloring.
- 6) As the need may arise during construction of a planned development, directory-type signs identifying groups of building locations may be established.

I. Utilities.

All utilities and related appurtenances on the site shall be underground or located in a building or structure.

J. Street furniture, plazas and other amenities.

- 1) The design of a building's related entrance areas, plazas or terraces may vary, based on the intentions and needs of individual building uses. At a minimum, however, building entrances shall be highlighted with plant materials and paved surfaces.
- 2) The introduction of a public or private transit system may necessitate decorative New Jersey Transit bus shelters or equivalent. As such needs become formalized, the applicant shall prepare a basic design vocabulary to cover such needs consistent with the overall design program. The Planning Board shall determine the appropriate shelter design.
- 3) Every development shall include some or all of these spaces: patio/seating areas, pedestrian plazas with benches, kiosk areas, water feature, clock tower or other such deliberately shaped area and/or focal feature or amenity that in the judgment of the Planning Board, adequately enhances such spaces. Any such areas shall have direct access to a sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and overall landscape theme.

K. Screening of loading and service areas.

All loading docks and service areas shall be sufficient to serve the business being conducted on the site without using adjacent public streets. No loading and service areas shall be visible from any neighboring property or adjacent public

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street. Provision shall be made for handling all freight on those sides of a building which does not face a street. The recommended method of screening shall consist of walls and gates compatible in color and texture with the building material, buffered by deciduous and evergreen shrubs and trees, so as not to be visible from neighboring properties and streets. Delivery and loading operations shall not disturb adjoining residential neighborhoods or other land uses.

L. Refuse collection and recycling.

- 1) All outdoor containers shall be visually screened within a durable, noncombustible enclosure, so as not to be visible from adjacent lots or sites, neighboring properties or streets. No collection areas shall be permitted between a street and the front of a building. Appropriate landscaping shall be installed to form a year round effective visual screen at time of planting.
- 2) Collection areas shall be designed to contain all material generated on site and deposited between collections. Deposited material shall not be visible from outside the enclosure.
- 3) Collection enclosures shall be designed of durable materials with finishes and colors which are unified and harmonious with the overall architectural theme.
- 4) Collection areas shall be located upon the site so as to provide clear and convenient access to collection vehicles. Refuse collection and recycling areas shall not be located within parking areas or required landscaped yards and buffers.
- 5) Collection areas should be designed and located upon the property as to be convenient for the deposition of material generated on site.
- 6) An option to reduce the visual impact of the collection containers shall be to store and compact material inside the building at the service area, thus eliminating the need to screen containers.
- 7) Delivery, loading, trash removal or compaction, or other such operations may be limited by the Planning Board between certain hours where noise impacts at the lot line of any adjoining residential property or district shall be required to meet City and State requirements.

M. Storage.

- 1) No open storage shall be permitted on any site. No articles, merchandise, products, goods, materials, or like equipment shall be kept in the open or exposed to public view, and no accessory use shall be constructed to permit

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open storage of materials or goods.

- 2) Non-enclosed areas for storage shall be permanently defined and screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall also conform to those used as predominant materials and colors on the building.

N. Fences and Walls.

Fences and walls are not desirable and shall be approved only for limited service. Chain link fencing shall not be permitted. Decorative fences or walls may be used to screen service and loading areas, private patios or courts. They may be used to enclose recreational areas or to secure sensitive areas to uses, such as vehicle storage areas. Fences and walls shall not be located where they impede pedestrian or bicycle circulation through or between site areas. If approved, all fences and walls shall be designed as integrated parts of the overall architectural and site designs. All materials shall be durable and finished in textures and colors complementary to the overall architectural design.

O. Maintenance.

All site improvements including, but not limited to, streets, drives, parking lots, drainage areas, culverts, curbing, buildings, and lighting must be maintained in good condition and repair by either the owner or other designated entity. Such maintenance includes, but is not limited to, the following:

- 1) Prompt removal of all litter, trash, refuse, and wastes
- 2) Lawn mowing;
- 3) Tree and shrub pruning;
- 4) Watering;
- 5) Keeping exterior lighting and mechanical facilities in working order;
- 6) Keeping lawn and garden areas alive, free of weeds, and attractive;
- 7) Keeping parking areas, driveways, and roads in good repair;
- 8) Complying with all government health and police requirements;
- 9) Striping of parking areas and repainting of improvements;

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10) Repair of exterior damages to improvements.

P. Sidewalks and/or pathways.

- 1) On-site pedestrian circulation systems shall be provided to meet the circulation needs of on-site users. Such systems shall provide safe, all-weather-efficient, and aesthetically pleasing means of on-site movement and shall be an integrated part of the overall architectural and site design concept. At a minimum, sidewalks and/or pathways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials.
- 2) Sidewalks shall be provided along any facade featuring a visitor or customer entrance, and along any facade abutting parking areas. Such sidewalks shall be located from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade. Pedestrian sidewalks may provide weather protection features such as awnings or arcades when located close to customer entrances.
- 3) Where appropriate, connections shall be made between on-site and perimeter sidewalk and/or pathway circulation systems.
- 4) Some pedestrian crosswalks shall be clearly delineated by a material different from the surrounding road surface through the use of durable, low-maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the sidewalk and/or pathway.

Q. Electrical and mechanical equipment.

All exterior electrical and mechanical equipment at ground level, such as transformers, shall be screened and located at the side or rear of the building and away from employee and visitor entrances. Screening methods shall include walls compatible with the building material, and a plant material buffer utilizing a layered installation of shrubs, flowering trees, and ground cover.

R. Common Open Space.

An adequate amount of open space shall be provided and developed for on-site conservation and recreation facilities to service the needs of all employees and their visitors. The applicant shall submit a *Common Open Space Plan* showing the

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proposed land area and general location of any land area to be set aside for conservation and recreational purposes and a general description of improvements to be made thereon, including a plan for operation and maintenance.

300-158. Blocks, Lots and Monumentation.

- A. Blocks. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by this Ordinance and provide for convenient access, circulation control and safety of street traffic.
- B. Lots.
- 1) Lot dimensions and areas shall not be less than the requirements of this Ordinance.
 - 2) Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.
 - 3) Each lot shall abut a street. Where extra width has been, or will be, dedicated for widening of existing streets, yard requirements shall be measured from the dedicated right-of-way.
 - 4) Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as soil conditions, rock formations, flood conditions or similar circumstances, the approving authority may, after adequate investigation, withhold approval of such lots or require remedial action before approval.
- C. Monumentation. Concrete monuments and property corner markers are to be placed in accordance with the New Jersey Map Filing Law (N.J.S.A. 46:23-9.9 et seq.).

300-159. Grading.

- A. Grading specifications.
- 1) Improved surfaces, including driveways, shall have a minimum grade of 1% and a maximum grade of ten percent (10%) and be so constructed as to divert storm water runoff away from any structure serviced by the improved surface. Pedestrian walks shall have a minimum grade of two percent (2%). Road and parking lot grades along curb lines and in concrete swales may be reduced to

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0.5%.

- 2) The grade away from foundation wall shall fall a minimum of six (6) inches within the first ten (10) feet, except where restricted by lot lines, where the fall shall be a minimum of six (6) inches regardless of the horizontal distance available.
- 3) Minimum lawn grades shall be not less than two percent (2%).
- 4) Permanent benchmarks shall be set for all major subdivisions and for site plans exceeding two (2) acres in size. Concrete monuments or other similar permanent structure shall be used.
- 5) Minimum swale grades shall be not less than two percent (2%). Embankment grades shall not exceed a 3:1 slope.
- 6) Embankments in residential developments greater than three (3) feet in height shall not exceed a 5:1 slope.
- 7) Existing grades shall not be changed within five (5) feet of the boundary with an adjacent property.
- 8) Where drainage swales are located on residential lots, they shall be placed as close to the property lines as practical. Easements are to be provided where swales receive runoff from more than the adjacent properties.
- 9) Fencing in drainage-swale easements shall maintain a three (3) inch clearance between the bottom of the fence and the ground.
- 10) Residential lawns shall provide an area behind the house with a maximum grade of five percent (5%) for the lesser of twenty-five (25) feet or the depth of the required front yard. The remainder of the lot shall not have grades exceeding ten percent (10%), except where embankments are necessary to preserve existing wooded areas.
- 11) Retaining walls greater than three (3) feet in height, or walls supporting vehicle loads, shall only be allowed when the design has been approved by the reviewing agency engineer. Where walls cross property lines, a maintenance easement/agreement shall be established between the various properties. Any fencing installed to mitigate a falling hazard shall be constructed with concrete footings.

B. Grading plan required.

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- 1) A grading plan, prepared and sealed by a licensed professional engineer, shall be submitted for all proposed development requiring site plan and/or subdivision review; further providing said plan shall also be required in conjunction with residential in-fill construction on established lots and for the installation of pools, accessory structures or other improvements thereon resulting in a disturbance of greater than seven hundred and fifty (750) square feet.
- 2) Prior to the issuance of a construction permit for the type of development as set forth above, a grading plan shall first to be approved by the Planning Board Engineer.
- 3) Prior to the issuance of a certificate of occupancy, a record final grading plan, satisfying the requirements of Section and demonstrating conformance with the originally approved grading plan, is first to be approved by the Planning Board Engineer.
- 4) Absent unusual conditions, site plans resulting in no increase in impervious surface coverage or change to existing drainage patterns shall be exempt from submission of grading plans as required by this Section.
- 5) The grading plan shall be of sufficient detail to demonstrate positive storm water runoff without adverse impact to surrounding property. The plan shall provide, at a minimum, the following details:
 - a) Existing and proposed grades. For major subdivisions and major site plans, grades shall be based on the 1929 N.G.V.D. Datum.
 - b) Contours should extend a sufficient distance beyond property lines or the site of the work to demonstrate runoff patterns and the relation to adjacent topographical features.
 - c) Contours are to be clearly shown and labeled and shall be at one- or two-foot intervals, as appropriate. The scale of the drawing shall not be less than one inch to fifty (50) feet.
 - d) Property lines and dimensions.
 - e) Location, dimensions, setbacks and first floor elevations of principal and accessory structures on site and adjacent to the site.
 - f) Existing and proposed drainage facilities.

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- g) Existing and proposed spot elevations at all property corners, building corners, adjoining roadways and intermediate elevations and/or off-site spot elevations as may be necessary to determine the proposed drainage pattern.
- h) Adequate provisions to minimize erosion during construction.

300-160. Utilities.

A. Water supply.

- 1) All water distribution systems shall be designed and installed in accordance with the current rules, regulations and requirements of the City of Bordentown Water Utility, the New Jersey Department of Environmental Protection and, for residential development, the New Jersey Residential Site Improvement Standards (RSIS) as set forth under N.J.A.C. 5:21-5. The system is to be designed to ensure the provision of adequate pressure and volume of water necessary to provide for the maximum daily demand, plus fire suppression, as determined by the City of Bordentown Water Utility.
- 2) Hydrant locations are to comply with RSIS standards and with the requirement of the fire official having jurisdiction. Valves are to be located so that no more than one (1) hydrant is affected by shutting off any one section and that no more than three (3) valves are necessary to shut off any one section.

B. Sanitary sewer system.

- 1) Sanitary sewer systems shall be designed and installed in accordance with New Jersey Department of Environmental Protection rules and regulations, Bordentown Sewage Authority standards and regulations, and the New Jersey Residential Site Improvement Standards as set forth under 5:21-6.
- 2) Documentation that service can be provided shall be obtained from the Bordentown Sewage Authority and submitted to the Planning Board.

- C. Underground wiring. All electric, telephone, television and other communications service facilities, both main and service lines, proposed as part of a site plan for new commercial uses and major subdivisions shall be installed below grade as set forth under Subsection 5:21-4.12 of the New Jersey Residential Site Improvement Standards, the specifications of which are extended to nonresidential development.

300-161. Street Design and Alleyways.

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- A. The arrangement of any new streets shall be such as to provide for the appropriate extension of existing streets shown on the Official Map or Circulation Element of the Master Plan.
- B. Each residential street shall be classified and designed in accordance with the standards set forth in the New Jersey Residential Site Improvement Standards N.J.A.C. 5:21-4 et seq.
- C. Nonresidential streets proposed within the HC (Highway Commercial) and CI (Commercial Industrial) Zones shall be designed so as to provide for the following: a minimum right-of-way of fifty (50) feet, a minimum cart way width of thirty (30) feet, with curbing provided on each side. Parking lanes shall be provided if required by the Planning Board. Pavement specifications for said roadways include: a two-inch bituminous surface course, Mix I-5, a five-inch bituminous stabilized base course, Mix I-2, over a six inch dense graded aggregate subbase.
- D. At the option of the applicant, the pavement thickness may be determined by the certified results of soil testing and analysis conducted by the applicant to determine the bearing strength of the subgrade soil, together with the projected use of the street or highway with an adequate margin to cover all contingencies and extraordinary conditions. Where such tests are conducted, the pavement design shall be reviewed and approved by the Planning Board Engineer. The calculations should assume a twenty-year life for the pavement and account for construction traffic during the period when no surface course has been provided.
- E. Development that adjoins or includes existing streets that do not conform to width as shown on the Official Map or the right-of-way or cart way widths required herein shall have additional width dedicated along either one or both sides of said road. If the development is along one side only, one-half (1/2) of the required extra width shall be dedicated.
- F. No streets shall have a name which will duplicate or so nearly duplicate as to be confused with the names of existing streets. The continuation of an existing street shall have the same name.
- G. Vertical curves and sight distances shall be based on an estimated design speed of the roadway where it is likely the speeds will frequently exceed the posted limit.
- H. Dedicated sight triangles shall be provided at all intersections. The apex shall be set a minimum of twenty (20) feet behind the curb or edge of pavement of the uncontrolled street. The length shall be based on NJDOT Figure 6-B (dated November 18, 1994) standards are follows:

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Design Speed (mph)	Length (feet)
30	380
35	480
40	580
45	700
50	840
55	1,000

- I. The area of the sight triangle shall be kept clear of all obstruction to sight from an elevation of thirty (30) inches above the roadway to ten (10) feet above the roadway.
- J. Stabilized shoulders are required on roadways with less than a twenty-four (24) foot cart way.
- K. Except where otherwise required by the New Jersey Residential Site Improvement Standards in N.J.A.C. 5:21-4, concrete sidewalks and curbs shall be installed on both sides of all streets.
- L. Curbing shall conform to the New Jersey Residential Site Improvement Standards. Curbing shall also be installed whenever the separation from the edge of roadway to sidewalk is less than six (6) feet.
- M. Sidewalk standards.
 - 1) All sidewalks shall be a minimum of five (5) feet wide and four (4) inches thick except at driveway crossings where they shall be six (6) inches thick.
 - 2) Where sidewalks would be within twenty four (24) inches of the face of the curb, they should be installed adjacent to the curb and widened to six feet.
- N. Curb and sidewalk: contribution in lieu of construction.
 - 1) If a waiver is granted from the requirement to install curbs and/or sidewalks by the Planning Board Engineer, as the case may be, the applicant shall pay an amount (on a per-linear-foot basis) equal to the costs of installing the required sidewalks and/or curbs to the Sidewalk/Curb Trust Fund.
 - 2) The amount of the contribution shall be calculated by the Planning Board Engineer.
 - 3) Funds shall be utilized for the installation of sidewalks in such locations as deemed most beneficial to the residents of Bordentown City by the Board of

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Commissioners.

- 4) The payment in lieu of the construction of sidewalks and/or curbs shall be paid at final approval.
- O. Alleyways. Alleyways shall have a minimum width of ten (10) feet, a minimum illumination level of 0.5 foot-candles and satisfy all public safety concerns as may be identified by the City of Bordentown Police Department.

300-162. Off-Street Parking Regulations.

A. General provisions.

- 1) All sites within the City shall provide adequate parking improvements, including but not limited to access ways, driveways, drive aisles, loading areas, parking bays and pedestrian walkways to ensure the safe and efficient circulation of vehicles and pedestrians both on and off site.
- 2) All required off-street parking and loading facilities shall be located on the same lot or premises as the use served. No parking facility shall be permitted as a primary use on a lot.
- 3) The fire lane provisions of N.J.S.A. 39:5A-1 et seq. shall apply.
- 4) The provisions of N.J.A.C. 17:19A-4.4 and the Americans with Disabilities Act shall apply.
- 5) In determining minimum parking space requirements for uses not covered in this Article, the Planning Board shall be guided by the number of persons expected to reside in, visit or patronize the building or use; the anticipated percentage of residents, visitors or patron using various transportation modes; and the need for safe and convenient lading space for visitors or patrons and goods. The number of employees, where not clearly stipulated, shall be computed on the basis of persons to be employed, taking into consideration day, night, and seasonal variations. In all cases, minimum parking space requirements shall be in accordance with the applicable provision of the American With Disabilities Act of 1990.
- 6) The required number of parking spaces may, in the discretion of the Planning Board, be reduced where the Planning Board finds that application of the above standards is not required in the interest of the residents, owners, tenants, and occupants of a development and their employees and that modification of the above standards is consistent with the interests of the entire City. Shared parking is encouraged between different land uses on a given lot,

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parcel, or within a development. The Board may require the applicant to utilize the Urban Land Institute's "Shared Parking Analysis" and/or another comparable approach if deemed appropriate for a given application or situation.

- 7) Required parking spaces or loading berths may not be located on streets or access aisle or driveways. No areas specifically intended for parking or loading use may be located between the front building line and the street line unless otherwise specified in other Sections of this Ordinance.
- 8) All required parking spaces shall be on the same lot or tract of land as the building or use to which they are accessory unless the Planning Board or Zoning Board, as part of the site plan review, shall approve collective off-street parking facilities for two (2) or more buildings or uses on contiguous lots. The total number of spaces in such collective off-street parking facilities shall be no less than the sum of the spaces required for the individual uses, computed separately. Such approval shall be granted only subject to the submission of appropriate deed restrictions, acceptable to the Planning Board or Zoning Board Attorney, guaranteeing the availability of such facilities throughout the life of the buildings or uses to which they are proposed to be accessory.
- 9) Where it can be demonstrated, at the time of Planning Board or Zoning Board review, that the parking or loading area requirements of this Article are in excess of actual needs, the Planning Board or Zoning Board may permit a portion, not to exceed twenty-five percent (25%), of the proposed parking or loading areas to be appropriately graded and landscaped, but left unpaved. If, following construction, the experience with the actual operation of the proposed use should show the need for additional off-street parking or loading the applicant may request or the Planning Board Engineer may require such unpaved spaces to be paved.
- 10) The Planning Board or Zoning Board shall be authorized, in accordance to permit the incorporation of transit stops as a means of satisfying the otherwise applicable off-street parking standards, provided the following conditions are met:
 - a) The transit stop shall be designed to be a station or waiting area for transit rides, clearly identified as such, and open to the public at large;
 - b) The transit stop shall be designed as an integral part of the development project, with direct access to the station or waiting area from the development site

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- c) The transit waiting area or platform shall be designed to accommodate passengers in a covered waiting area, with seating for a minimum of six (6) persons shall include internal lighting, and shall include other features which encourage the use of the facility, such as temperature control within the waiting area or the inclusion of food vendors;
 - d) The maximum reduction in the number of parking spaces shall be no more than twenty percent (20%) of the total required spaces;
 - e) The Planning Board or Zoning Board shall request a report and recommendation from the Planning Board Engineer on the planning aspects, and the potential impacts of the proposed reduction in parking through the provision of a transit facility;
 - f) The transit stop shall be maintained by the developer for the life of the development project.
- 11) Minimum off-street parking loading requirements as required by this Section may only be exceeded where it can be demonstrated, at the time of Planning Board review, that such additional facilities are necessary of the actual operation of proposed use. In such instance, the Planning Board may grant an increase in minimum spaces on a lot, provided that all other bulk and area requirements are met of the use in the zoning district in which it is located.
- 12) Whenever after the date of this Ordinance there is a change in the number of employees or business visitors or in the lawful use of the premises or in any other unit of measurement specified herein and whenever such change creates a need for an increase in more than twenty percent (20%) of the number off-street automobile spaces as determine by the requirements of this Section, additional off-street parking facilities shall be provided within a reasonable time on the basis of the adjusted needs. The provision of additional parking shall constitute an expansion of use and will in turn require site plan review and approval by the Planning Board.
- 13) Every public or private off-street parking or loading area shall be maintained in good condition, free of hazards and deterioration. All paved areas, sidewalks, curbs, drainage facilities, lighting, bumpers, guardrails, markings, signs, bicycle parking devices, landscaping and other improvements shall be maintained in workable, safe and good condition. Further, the City Commission may authorize repairs for such improvements if, after proper notice, the owner fails to maintain any improvements that are governed by a development or other similar agreement of it the said body finds that the resulting condition as constitute a public health and safety hazard.

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- 14) All off-street parking and loading areas including driveways shall be maintained with graded, dust-free surfaces that are well drained. All such off-street parking and loading space and necessary passageways and driveways giving access thereto, shall be maintained in a state of good repair, and the surface thereof shall be kept clear of ruts, potholes, protrusions, debris and other vehicular or pedestrian hazards. Off-street parking spaces and/or driveways for all residential uses except multi-family developments may incorporate parking strips separated by gravel or grass as approved by the Planning Board Engineer. Turfblock may be used for off-street parking and loading areas if approved by the Planning Board Engineer.
- 15) Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use, provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to.
- 16) Parking areas, including all access ways and driveways, shall be smoothly paved with materials which do not produce dust or debris; are durable and all-weather; uniform in application and appearance; and does not permit the growth of vegetation. The choice of surfacing material is left to the property owner's discretion and Planning Board's approval, provided the above performance standards are met. Choices can include but are not limited to: bituminous asphalt, concrete, crushed stone, etc.
- 17) Parking areas shall be graded to ensure proper drainage.

B. Parking schedule.

- 1) Varying from the requirements of this parking schedule shall require the grant of a variance as provided for under Section 40:55D-70c of the Municipal Land Use Law.
- 2) For Bed and Breakfast establishments, there shall be one (1) off-street parking space per quest bedroom provided on the premises as well as one (1) off-street parking space per permitted non-residential employee, in addition to other off-street parking spaces required by the this Ordinance for the resident members of the family. The off-street parking spaces shall be located either to the rear of the main building or dwelling or otherwise screened from the roadway and adjacent properties by fencing and/or natural vegetation subject to the approval of the Planning Board or Zoning Board. The size and location of proposed parking areas shall not have an adverse impact on adjacent properties and the surrounding neighborhood.

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- 3) The following parking schedule shall be used to calculate the required minimum number of off-street parking spaces per use. Unless otherwise noted, the calculations shall be based upon the gross square footage of the floor area of the use. Where the calculation results in a fraction of a space, the required number of parking spaces shall be rounded up to the nearest whole number. As part of site plan review, the Planning Board may require an applicant to set aside up to five percent (5%) of the total number of required off-street parking spaces for carpool and/or vanpool spaces. In no case shall the number of off-street parking space exceed 150% of the minimum number required.

Section 1.01 Uses	Number of Required Spaces
Commercial uses	
All retail and service establishments except those specified below.	1 per 250 square feet of retail and service floor area, plus 1 per employee on shift of largest employment.
Furniture stores, contractor's equipment, farm equipment and feed sales, boat and marine, mobile home, motor vehicle, and monument burial vault and casket sales.	1 per 400 square feet of enclosed retail and service floor area, plus 1 per 3,000 square feet of outside sales area, plus 1 per employee on shift of largest employment.
Motor vehicle filling station.	1 per fuel pump, plus 1 per employee on shift of largest employment, plus stacking area for a minimum of 6 per island.
Motor vehicle service station.	4 per service bay or lift, plus 1 per employee on shift of largest employment.
Barbers and beauticians.	2 per chair, plus 1 employee on shift of largest employment.
Car wash.	10 per washing lane entering and 4 existing for stacking, plus 1 per employee on shift of largest employment.

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Section 1.01 Uses	Number of Required Spaces
Mortuary.	1 per 4 seats, plus 1 per vehicle maintained on the premises, plus 1 per employee on shift of largest employment.
Bowling alleys, billiard parlors, table tennis, pinball machines, or similar amusement enterprises.	4 per alley or table, 1 per machine, plus 1 per employee on shift of largest employment.
Arena, stadiums, auditoriums, theaters, roller rinks, ice rinks, and dance halls.	1 per seat with fixed seats, otherwise 1 per 4 persons based on maximum design capacity.
Business, professional, and financial offices.	1 per 200 square feet of floor area.
Medical and dental offices, clinics.	5 per physician.
Eating and drinking establishments.	1 per 4 persons, based on maximum design capacity.
Hotels, motels, and tourist homes.	1 per room, plus 1 per 4 persons for restaurants and meeting rooms, based on maximum design capacity, plus 1 per employee on shift of largest employment.
Industrial Uses	
All industrial uses except those specified below.	1 per employee on shift of largest employment, plus 10% or 3.3 per 1,000 square feet of gross floor area, whichever is greater.
Auto wrecking, junk and scrap establishments.	1 per employee on shift of largest employment, plus 1 per 400 square feet of enclosed retail and service floor area, plus 1 per 3,000 square feet of outside sales area.

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Section 1.01 Uses	Number of Required Spaces
Freight and trucking terminals, moving and storage, parcel delivery and express transfer stations, wholesale distribution and warehouses.	1 per employee on shift of largest employment, plus 1 per vehicle maintained on the premises.
Public and quasi-public uses	
Ambulance, tax, and limousine service.	1 per vehicle maintained on the premises.
Bus passenger station.	1 per employee on shift of largest employment, plus 1 per 100 square feet of waiting room.
Child day-care center.	1 per employee on shift of largest employment, plus 1 per 5 children.
Churches and other places of worship.	1 per 4 seats, based on maximum capacity of the nave.
Clubs, lodges, fraternal organizations, community centers.	1 per 3 persons, based on maximum capacity.
Commercial cemeteries.	25, plus 1 per employee on shift of largest employment..
Hospitals, nursing homes, convalescent centers.	1 for each 2 beds, plus 1 per doctor, plus 1 for each 2 employees on shift of largest employment.
Public libraries, museums, art galleries.	1 per 800 square feet.
Schools	
Elementary, nursery, kindergarten.	1 per employee on shift of largest employment, plus 10%.
Secondary.	10 per classroom, but not less than 2 per employee on shift of largest employment.

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Section 1.01 Uses	Number of Required Spaces
Institutions of higher education.	1 per 200 square feet.
Residential	As per RSIS Table 4.4

C. Off Street Parking Location. Parking spaces may be provided either on-site, off site or a combination thereof.

- 1) All off-street parking requirements shall be provided on-site. All off-street parking shall be designed in accordance with the standards contained in this Ordinance.
- 2) Commercial parking may be provided on-site, off-site or a combination thereof.
- 3) Off-site parking spaces for permitted uses may be provided through one or a combination of the following options:
 - a) Providing the required spaces on the other properties owned in fee simple by the commercial use, located within a zone which permits the proposed uses(s), either contiguous with or within three hundred (300) feet walking distance of a primary pedestrian entrance to the site being developed.
 - b) Providing evidence that the required spaces have been leased or rented from others within three hundred (300) feet walking distance. In such case, the space to be leased or rented shall be properly established under the terms of this ordinance and the minimum term of such lease or rental shall be consistent with the probable duration of the proposed occupancy but not less than twenty (20) years.
- 4) If off-street parking requirements are not met as provided above, the developer must:
 - a) Obtain approval of a parking space variance subject to the provisions this Ordinance, and,
 - b) If a variance is granted due to demonstrated hardship or other good and sufficient, make a cash contribution to the City of Bordentown for each required space not provided in order to develop a program of constructing public parking lots, in an amount equal to the cost of providing the required number of off-site parking spaces, to be calculated by the Planning Board Engineer.

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- c) Any monies which are paid to the City for parking space as described shall be a one-time credit against an assessment for parking spaces if they are included within the assessment.

D. Design standards. The following regulations shall apply to all nonresidential off-street parking areas, unless the Planning Board, after considering testimony and evidence submitted or presented by the applicant, waives strict compliance therefrom.

- 1) The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements set forth below. Compact car space may be permitted by the Planning Board only where the total number of spaces proposed to be provided exceeds thirty (30) and shall not exceed thirty percent (30%) of the total number required. If permitted, compact car parking spaces shall be grouped in one or more locations rather than dispersed throughout the site.

- a) Minimum standard car spaces dimensional requirements.

Space Angle	Space Width (feet)	Space Depth (feet)	Aisle One-Way (feet)	Width Two-Way (feet)
90 degrees	9	18	24	24
75 degrees	9	18	20	22
60 degrees	9	18	18	20
45 degrees	9	18	15	20
Parallel to aisle	9	18	12	18

- b) Minimum compact car spaces dimensional requirements.

Space Angle	Space Width (feet)	Space Depth (feet)	Aisle One-Way (feet)	Width Two-Way (feet)
90 degrees	7.5	15	24	24
75 degrees	7.5	15	20	22
60 degrees	7.5	15	18	20
45 degrees	7.5	15	15	20
Parallel to aisle	7.5	15	12	18

- c) Handicapped spaces.

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Eight (8) feet minimum width with a five (5) foot minimum width access aisle by twenty (20) feet in length.

- 2) All parking spaces shall be identified by means of four (4) inch painted lines. Where possible, areas should be separated from roads or aisle by landscaped islands. All parking shall be curbed with permanent and durable curbing to confine cars without overhang or projection onto sidewalks, driveways, bicycle parking areas, planted areas or adjacent landscaped areas. Markings for designated handicapped parking spaces shall be in accordance with the provision of the Americans With Disabilities Act of 1990.
- 3) A space which abuts a fixed object such as a wall or column whether within a structure or not, shall have minimum width of ten (10) feet and minimum depth of twenty (20) feet.
- 4) Parking dimensions identified in D.1.a) and b) above shall not apply to parallel curb parking spaces, which shall measure no less than nine (9) feet in width and twenty-two (22) feet in length. The foregoing standards may be modified by the Planning Board Engineer.
- 5) Parking stalls, driveways and aisles shall be clearly marked and delineated. The Planning Board may require that certain areas be maintained for fire fighting or other emergency purposes, and these areas shall be appropriately designated.
- 6) Where pedestrians must cross service road, access road, or driveways to reach parking areas, crosswalks should be clearly designated by pavement markings and signs.
- 7) Guardrails or the equivalent, concrete wheel stops permanently anchored to the ground, concrete or Belgian Block curbing or staked, black rubber type wheel stops, shall be provided in appropriate locations.
- 8) Parking spaces may be reduced to sixteen (16) feet in length where vehicles overhang landscaped or expanded pedestrian walkways by a minimum of two (2) feet, subject to Planning Board review and approval. With the exception of preexisting painted parking spaces, all new parking spaces shall be delineated using hairpin striping. Each hairpin stripe separating adjacent parking spaces shall include two (2) parallel, four-inch white traffic-painted stripes, placed two (2) feet apart straddling the imaginary line that defines each parking space. All parking areas shall be provided with permanent and durable curbing to assist in orderly parking and to separate pedestrian walkways from vehicular traffic.

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- 9) Ingress and egress to parking areas. Access to parking areas from public streets shall be limited to one (1) per street frontage up to a maximum of two (2) per site, with the following exceptions:
- a) Two (2) entrance drives on one public street shall be permitted for lots or premises with frontage in excess of three hundred (300) feet, up to a maximum of three (3) per site.
 - b) Gasoline service stations shall be permitted two (2) entrance drives on one (1) public street, up to a maximum of three (3) per site, provided that the center lines of the two (2) entrance drives on one (1) street frontage are not less than sixty (60) feet apart.
- 10) Internal collector. An internal collector drive shall be provided for all parking areas in excess of two hundred fifty (250) spaces. No parking space shall have direct ingress and egress to an internal collector drive. The intersection of any internal collector drive and drive aisle shall be at 90°, unless, because of unusual topography or lot geometry, a right angle would impede the efficient circulation of vehicles, but in no case shall the intersection be less than 60°.
- 11) Entrance drives. Off-street parking areas shall be designed to eliminate the maneuvering of vehicles within entrance drives. The length of entrance drive free of maneuvering shall conform to the following schedule (measured from the right-of-way line):

Section 1.02 Total Number of Parking Spaces	Length of Maneuver Free Driveway (feet)
Less than 39	20
40 to 99	40
100 to 250	60
Greater than 250	60, plus 20 feet for each additional 500 parking spaces or part thereof.

- 12) Entrance drive intersections. The intersection of any entrance drive and a public street shall be located as to permit the safe flow of vehicles to and from the lot or premises in a manner safe and shall conform to the following minimum distances:

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Section 1.03 Intersection	Minimum Distance (feet)
Entrance drive to entrance drives, less than 150 feet frontage (measured from center lines)	60
Entrance drive to entrance drive, greater than 150 feet frontage (measured from center lines)	100
Entrance drive to intersecting right-of-way, less than 150 feet frontage (measured from center line to rights-of-way)	35
Entrance drive to intersecting rights-of-way, greater than 150 frontage (measured from center line to rights-of-way)	75

13) Pavement.

- a) All parking areas (except single-family detached and two-family residential) are to be paved with either an asphalt or concrete surface. Materials shall meet the standards of New Jersey Department of Transportation Standard Specifications for Road and Bridge Design.
- b) Soils information is to be provided to determine if there are any unusual subgrade conditions that would warrant another than standard design.
- c) Parking areas to be used exclusively for automobile traffic, except for infrequent small-truck deliveries, shall be constructed of one-and-one-half-inch (1½ ") bituminous concrete surface course, Mix I-5, three-inch bituminous stabilized base course, Mix I-2, and four (4) inches of dense graded aggregate.
- d) Parking areas subject to heavy loadings from trucks or other heavy vehicles shall be constructed of a one-and-one-half-inch (1½ ") bituminous surface course, Mix I-5, five-and-zero-tenths inch bituminous stabilized base course, Mix I-2, and six inches of dense graded aggregate.
- e) Loading areas for trucks shall be constructed of either the truck pavement standard mentioned above or of a six inch thick pad of Class B, Portland cement concrete reinforced with No. 5 bars at twelve (12) inches on center

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each way.

- f) Alternate pavement designs may be approved by the Planning Board Engineer.
- 14) Landscaping, loading areas. All loading areas shall be landscaped and screened sufficiently to obscure the view of the loading platform or other loading facility from any public street, residential use or zone and the front yards of adjacent commercial or industrial use. Such screening may consist of fencing or walls and shall be in conformance with the landscaping requirements of Section 300-192.
- 15) Landscaping, parking areas. Parking areas shall be landscaped in accordance with Section 300-192.
- 16) Lighting, parking areas. All parking and loading facilities shall be lighted in accordance with the lighting provisions of Section 300-191.
- 17) Loading area requirements. Every commercial and industrial use, or combination thereof, containing at least 5,000 gross square feet of floor area shall provide and permanently maintain adequate space for the standing, loading and unloading of material or merchandise. The loading area shall be so designated on the site plan and shall not be used for any other purpose. The minimum dimensions of the loading area shall not be less than twelve (12) feet wide by thirty-five (35) feet deep with a height clearance of 14 feet. One such loading area shall be required for each 20,000 gross square feet of floor area or part thereof. No off-street loading and maneuvering areas will be located in any front yard or require any part of a street. No loading area shall be located in any required buffer or screen.
- 18) Trash enclosures. All parking areas shall make adequate provision for the location of trash receptacles and their enclosures and the disposal of trash generated by on-site uses in a manner that does not impede the free flow of vehicular traffic on or off site. Adequate provision shall be made for the turning movements of trash pickup vehicles. See Section 300-194 for additional trash enclosure requirements.
- 19) Bicycle parking requirements. In addition to the required facilities for passenger automobiles, facilities for the secure and convenient parking of bicycles shall be provided. The number of such bicycle spaces shall not be less than ten percent (10%) of the first fifty (50) required automobile parking spaces as specified in Section 300-186B (Parking Schedule), plus two percent (2%) of any amount thereafter. Bicycle parking facilities shall be of such a type and quantity so as to encourage and facilitate the use of a bicycle as a means of

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transportation by the employees, customers and residents of the land or building.

a) Bicycle parking design principles.

- (1) Location. Outdoor bicycle parking facilities shall be located in convenient locations close to building entrances or pedestrian walkways leading to building entrances.
- (2) Parking facilities. Parking facilities shall provide for padlock, chain or cable attachment and shall allow for both wheels and the frame of a bicycle to be secured with a standard six-foot cable or chain. Devices such as lockers or those that support the bicycle by its frame or handlebars shall be used rather than slotted concrete slab or vertical bar-type racks or other devices that support the bicycle by a wheel and could cause damage to the wheel rims.

E. *Structured Parking and Carports.*

- 1) Structured parking shall, in some instances, be faced with other uses such as retail or be designed to hide the utilitarian look of parking garages.
- 2) Utilize the architectural vocabulary of adjacent facades to minimize the inherent look of the parking structure and integrate the structure as part of the overall façade.
- 3) Parking entrances shall be indicated through increases massing, increased detail, material change and/or signage and shall be clearly visible from the secondary streets.
- 4) Structured parking layouts shall take into consideration pedestrian circulation and connections with adjacent building uses.
- 5) Structured parking facades shall be articulated similar to, and colors shall coordinate with, the proposed principal building and/or adjacent buildings.
- 6) Utilitarian appearances of structured parking shall not be permitted. Structures shall have design treatments such as colonnades, arcades, awnings, landscaping, street furniture, and other public amenities to create the appearance of an occupied building. Blank walls shall not be permitted.
- 7) Parked cars shall be visually screened from adjacent buildings and the street and such screening shall be in keeping with the rest of the building's architectural style and materials.

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- 8) Locating structured parking at the interior of a block, surrounded by buildings, is the preferred method.
- 9) Vehicular access to structured parking shall be accessed from alleys, placed underground, placed in structures above the ground, or located behind or to the side of a building. Always provide clear signage to direct the driver to the parking entrance.
- 10) Structured parking shall not exceed two (2) levels in height.
- 11) Carports may be required for some nonresidential, mixed use, townhouse or multi-family development situations. Provision shall be made for storage. Their design shall compliment the principal structure and in some instances shall be utilized as a physical buffer or screen to other residential unit types.

300-163. Off-Street Parking of Vehicles in Residential Districts.

Off-street parking shall be provided for and continuously maintained in accordance with the terms and conditions of any land use approval. In all cases, whether governed by such approval or not, no vehicle shall be parked on any lawn area or other area not designated for parking. In a planned residential development, no vehicles shall be parked in any area not designated, on the approved plans, for such parking.

300-164. Parking and Storage of Recreational Vehicles.

Recreational vehicles, including boats, boat trailers, snowmobiles and snowmobile trailers, as well as campers, tent campers, motor homes, trailers and travel trailers, may be parked in any zone, subject, however, to the following restrictions and regulations:

- A. The area in which such recreational vehicles are parked shall be paved in accordance with the requirements of Section 300-185 or Section 300-188, whichever is applicable.
- B. Any recreation vehicle thirty-two (32) feet or more in overall length, including all hitching devices and other projections extending beyond the confines of the vehicle or trailer on which it may be located, shall be parked or stored only within an enclosed garage, at all times.
- C. All other recreational vehicles shall be parked or stored in the side or rear yard areas only and shall meet the requirements applicable to accessory buildings for

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the zone in which they are located, with respect to setback requirements.

- D. The area, exclusive of garage area, that may be used for storage of such recreational vehicles, in connection with single-family detached housing, shall not exceed seven percent (7%) of the total lot area or four hundred (400) square feet, whichever is less.
- E. Such recreational vehicles shall be screened from view either by fencing, not to exceed six (6) feet in height, or with a vegetative screen.

300-165. Establishments with Drive-Through Windows.

- A. A drive-through facility shall be architecturally integrated into the principal building.
- B. A drive-through facility shall not be located on the street side of the building or in front of the front building line.
- C. A drive-through facility shall be permitted only at locations where such facility is not a dominant visual element within the zone.
- D. A drive-through facility shall be limited to two (2) service lanes.
- E. A drive-through facility, accompanying driveway and associated signage shall be set back a minimum distance of fifty (50) feet from any land zoned for residential development.
- F. A drive-through facility and associated signage shall be provided with landscaping to visually enhance views of the facility, signage and driveway as seen from the surrounding area.
- G. A drive-through facility may be permitted, provided that such facility does not adversely impede or conflict with pedestrian and/or vehicular circulation in the area.
- H. The Planning Board shall be satisfied that the on-site and off-tract traffic circulation is capable of accommodating the proposed traffic volume associated with such facility, particularly during peak hours. The stacking driveway for the drive-through window shall provide room for at least five (5) automobiles and shall be separated from any off-street parking areas and their access aisles, loading areas or trash enclosures.

300-166. Driveways (Residential).

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- A. Driveways in residential developments shall be constructed of a two-inch FABC Mix 1-5 surface course on a six-inch quarry blend stone base or four-inch thick NJDOT class B concrete course with No. 9 reinforcement wire or equivalent on a stabilized subbase or six-inch thick NJDOT class B concrete on a stabilized subbase. All driveway aprons and adjacent sidewalk areas shall be concrete.
- B. Driveways shall be of sufficient length and width to accommodate the parking requirements of the New Jersey Residential Site Improvement Standards.
- C. Only one driveway and curb cut shall be permitted per single-family dwelling with said driveway being set back at least three feet from any side or rear property line.
- D. Shared driveways between two lots are to be used where practical on collector and arterial roads. Cross easements shall be provided.
- E. Parking shall not be permitted between the building line and the street right-of-way, except within an improved driveway parallel to a side or rear property line.
- F. On corner lots, driveways shall be installed on the lowest order street and be no closer than forty (40) feet to the intersection of the right-of-way lines.
- G. The use of pervious paving materials is encouraged.

300-167. Lighting.

A. General requirements.

- 1) All exterior lights shall be designed, located, installed and directed to prevent light pollution and objectionable light, glare and light trespass across property lines.
- 2) All exterior lights, including street lights and parking area lighting, shall be full cut-off type fixtures and are encouraged to be eighty-five (85) degree full cut-off type fixtures. Street lights shall be high-pressure sodium, low-pressure sodium, or metal halide, unless otherwise determined by the City that another type is more efficient. Street lights along residential street shall be limited to 70-watt high-pressure sodium (HPS) lights. Street lights along nonresidential streets or at intersections shall be limited to 100 watt hps, except that lights at major intersections along state highways shall be limited to 200 watt hps. If the City permits a light type other than high-pressure sodium, then the equivalent output shall be the limit for the other light type.
- 3) All lighting shall be recessed sufficiently so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent or surrounding

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properties.

- 4) Shielding and/or cutoff optics shall be required in all installations.
- 5) All lighting shall be shielded to prevent glare to pedestrians and bicyclists.
- 6) Luminaires shall be provided with hoods to prevent uplighting.
- 7) No lighting shall shine directly or reflect into windows or onto streets and driveways in such a manner as to interfere with driver vision.
- 8) Pedestrian scale bollard-type lighting may be placed along walks and at building entrances.
- 9) Illumination levels and uniformity shall be in accordance with current recommended practices of the Illuminating Engineering Society. Recommended standards of the Illuminating Engineering Society shall not be exceeded.
- 10) All outdoor lighting systems shall be designed and operated so that the area ten (10) feet beyond the property line of the premises receives no less than .25 (one quarter) of a foot-candle of light from the premises lighting system.
- 11) Outdoor light fixtures for purposes of private, commercial, or industrial usage shall not be attached or mounted to public property (i.e., buildings, utility poles, telephone poles, street lights, road and/or street signs). Furthermore, these fixtures shall not tap or extend power from sources servicing public lighting and/or power devices.
- 12) Outdoor recreational and sports facility lighting shall be shielded from public view, as observed from outside the playing field. Such lighting shall have directional and glare control devices, when necessary, to comply with Section B. Lamps and/or Light Sources shall not be visible from residential properties.
- 13) Underground wiring required.
 - a) All electric, telephone, television, cable, optical and other similar utilities, both main and service lines servicing new developments, shall be provided by underground wiring within easements or dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.
 - b) Lots that abut existing easements or public rights-of-way, where overhead electric or telephone distribution supply lines and service connections have

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heretofore been installed, may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground.

14) Outdoor lighting.

- a) Light distributions generated by light fixtures shall be confined to the property on which they are installed.
- b) Outdoor light fixtures properly installed and maintained shall be directed so that there will not be any direct glare source visible from any adjacent residential property.
- c) Light fixtures installed within any setback area, including front, rear or side yard setbacks, shall contain shielded devices to prevent light spill and glare upward and onto adjacent properties.

15) Standards for illumination.

- a) The minimum level of lighting along any portion of walkway not part of a parking lot shall be not less than 0.5 foot-candles. The maximum level of lighting along any portion of walkway not part of a parking lot shall be not greater than one footcandle.
- b) The maximum mounting height of exterior lighting shall conform to the following schedule:

Building Height (feet)	Maximum Fixture Mounting Height (feet)
Up to 24	16
25 or greater	25

B. Light trespass (nuisance light).

All light fixtures, except street lighting maintained by a governmental authority, shall be designed, installed and maintained to prevent light trespass, as specified below.

- 1) Façade lighting on schools and other public buildings or incident illumination occurring above the height of five (5) feet above the property line of the subject property shall not exceed 0.1 foot-candles in a vertical plane on residentially zoned property.

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- 2) Outdoor light fixtures properly installed and thereafter maintained shall be directed so that there will not be any direct glare source visible from any property.
- 3) Light fixtures near adjacent property may require special shielding devices to prevent light trespass.

C. Streetlighting.

- 1) Streetlighting shall be installed at no cost to the municipality by a developer in locations approved by the Planning Board Engineer, as the case may be. For residential subdivisions, streetlighting shall be installed, prior to the issuance of any certificate of occupancy, along all roadways necessary to ensure at least one route of illuminated access for any occupied structure.
- 2) Operating expenses for residential subdivision lighting shall be assumed by the City when fifty percent (50%) of the section is occupied.
- 3) Luminaire mounting height shall not exceed twenty five (25) feet above grade.
- 4) Pole-mounted street luminaires shall be installed on one side of the street at three-hundred-foot intervals unless the presence of vertical and/or horizontal curves or factors relating to specific types of development necessitates a closer interval. In residential subdivisions, the poles shall be placed, to the greatest extent possible, in line with shared property boundaries. Deviations from the spacing interval shall be approved by the Planning Board or City Engineer, as the case may be.
- 5) On residential streets, 70 watt high pressure sodium (HPS) luminaires shall be provided with at least one 100 watt high pressure sodium (HPS) luminaire being provided at each street intersection. On minor collector and major collector streets, 100 watt high pressure sodium (HPS) luminaires shall be provided along the street with 150 watt high pressure sodium (HPS) luminaires being provided at intersections.

D. Parking Area Lighting.

- 1) Sufficient illumination shall be provided for all off-street parking, loading and pedestrian areas so as to enable the safe movement of persons, vehicles, and provide for security.
- 2) The minimum level of lighting in any portion of a parking lot shall be not less than 0.25 foot-candles. The average horizontal illumination level of lighting within the parking lot shall be not less than ½ footcandle nor greater than two

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foot-candles. The maximum level of lighting in any portion of the parking lot shall be not greater than three foot-candles, except directly under light fixtures where a maximum of five foot-candles is permitted.

- 3) The minimum level of lighting at any ingress or egress portion of a parking lot shall be not less than one footcandle.
- 4) Poles installed within parking areas shall be aluminum with a brushed finish and shall be identical in color to poles located along the road that abuts the parking area.

E. Buildings and other vertical structures.

- 1) Lighting fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building surface. Lighting fixtures shall not be directed toward adjacent streets or roads.
- 2) Lighting fixtures mounted on the building and designed to “wash” the building surface with light are preferred.
- 3) To the extent practicable, lighting fixtures shall be directed below and horizontal rather than above the horizontal.

F. Lighting of walkways/bikeways and parks.

- 1) The walkway, pathway, or ground area shall be illuminated to a level of no more than 0.5 foot-candles.
- 2) The vertical illumination levels at a height of five (5) feet above grade shall be no more than 0.5 foot-candles.
- 3) Lighting fixtures shall be designed to direct light downward, and light sources shall have an initial output of no more than 1000 lumens.

G. Lighting of gasoline station/convenience store aprons and canopies.

- 1) Areas on the apron away from the gasoline pump islands used for parking or vehicle storage shall be illuminated in accordance with the requirements for parking areas set forth elsewhere in this Section. If no gasoline pumps are provided, the entire apron shall be treated as a parking area.
- 2) Areas around the pump islands and under canopies shall be illuminated so that the minimum horizontal illuminance at grade level is no more than 5.5 foot-candles. The ratio of average to minimum illuminance shall be no greater than

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4:1. This yields an average illumination level of no more than 22.0 foot-candles.

- 3) Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than 85 degrees beyond the vertical plane.
- 4) Lights shall not be mounted on the top or sides of the canopy, and the sides of the canopy shall not be illuminated.

H. Outdoor lighting energy conservation.

- 1) All outdoor lighting not essential for safety and security purposes or to illustrate changes in grade or material shall be activated by automatic control devices and turned off during nonoperating hours.
 - a) Exterior retail and merchandise display lighting, i.e., automobile dealerships, nurseries/garden markets, shall be turned off between the hours of 10 p.m. and 6 a.m. Reduced levels of lighting in interior show or display windows may remain on for security purposes provided, however, that these levels shall not exceed twenty-five percent (25%) of the normal artificial lighting levels in the interior display or show windows.
 - b) Exterior lighting for recreational areas, athletic fields and courts shall not remain on after 10 p.m., except for exterior lighting located within and serving accredited educational institutions, which shall not remain on after 11 p.m.
 - c) Exterior security lighting shall be classified as one of the following:
 - (1) Lighting which is essential to deter vandalism and/or break-ins. This lighting shall be limited to exterior door locations. Fixtures used for normal operations at these locations must remain on. The fixtures shall be outdoor enclosed lighting fixtures. If windows areas present possible break-in locations, reduced levels of interior lighting which is situated around the window may remain on as a night light source to illuminate a window. Night light levels shall not exceed twenty-five percent (25%) of the normal interior artificial lighting levels around the windows.
 - (2) Normally off lighting that is activated by a sensor or detector. Typically, discharge lamp sources such as sodium vapor, mercury vapor, and metal halide are not instant start. Therefore, considerations should be given to using other lamp sources such as incandescent,

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tungsten halogen, and florescent which can be used for immediate activation. Normally off lighting activated by sensors or detectors shall be directed toward the vertical surfaces of buildings or objects of concern and shall not remain on for greater than five (5) minutes after activation.

- (3) Lighting that remains on for surveillance cameras. This lighting shall be confined to vertical building surfaces along the perimeter of a site, e.g., walls, trees, bushes. Illuminance levels for this lighting shall be coordinated with, and not exceed, the minimum illuminance threshold of the cameras being used. This data shall be provided with the submission of the plans, in accordance with Subsection I. Below. Surveillance cameras used in conjunction with outdoor lighting shall require the minimum illuminance thresholds reasonably available.

- 2) All lighting shall be designed to prevent misdirected or excessive artificial light and to maximize energy efficiency.

I. Submission of plans.

- 1) Description of outdoor lamp/luminaire combinations including component specifications such as lamps, reflectors, optics, angle of cutoff, supports, poles and include manufacturer's catalogue cuts.
- 2) Locations and descriptions of every outdoor enclosed light fixture and hours of operation, their aiming angles and mounting heights.
- 3) The initial horizontal and vertical illuminance shall be illustrated in foot-candles (before depreciation). Illustrate relamping and cleaning cycles to arrive at maintained values of illumination.
 - a) Maximum.
 - b) Minimum.
 - c) Average, during operating and non-operating hours.
 - d) Average to minimum uniformity ratio.
- 4) Photometric data, such as that furnished by the manufacturer, showing the angle of light emission and the foot-candles on the ground.

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- 5) Additional information as may be required by the City in order to determine compliance with this Ordinance.

J. Prohibited lighting characteristics.

- 1) The use of outdoor strobe lighting is prohibited.
- 2) Outdoor lights that flash, pulse, rotate, move or simulate motion are not permitted.
- 3) Outdoor lighting that could interfere with the safe movement of motor vehicles is not permitted.
- 4) Searchlights or flashing or animated signs are prohibited.
- 5) Bad lighting fixtures, i.e. "wallpack" type, an "acorn" luminaire that generates a lot of glare and spot-light, lights that have more than 3% or 4% of the total lamp lumens rising upward above the horizon, head luminaire fixtures, floodlights, and spotlights.
- 6) Lighting that significantly alters nighttime view sheds or vistas from existing residential or public properties are prohibited.
- 7) Newly installed fixtures, which are not full-cutoff fixtures.
- 8) Lighting which presents a clear hazard to motorists, cyclists, or pedestrians.
- 9) The use of laser source light or any other similar high intensity light for outdoor advertising or entertainment is prohibited.

K. Lighting in the HC Highway Commercial Zone.

Street luminaires and poles installed within the HC Highway Commercial zone shall be of an ornamental variety and be the same as substantially the same as, or compatible with existing ornamental street luminaires and poles within one block on either side of the parcel being improved.

L. Temporary Lighting.

Temporary lighting that conforms to the requirements of this Ordinance shall be allowed. Nonconforming temporary exterior lighting may be permitted by the Zoning Officer only after considering the public and/or private benefits which will result from the temporary lighting, any annoyance or safety problems that may result from the use of the temporary lighting, and the duration of the temporary

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nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Zoning Officer.

M. Towers.

All radio, communication, and navigation towers that that require lights shall have dual lighting capabilities. For daytime, the white strobe light may be used, and for nighttime, only red lights shall be used.

N. Exemptions and Exceptions.

- 1) Federally funded and state funded roadway construction projects, are exempted from the requirements of this Ordinance only to the extent it is necessary to comply with federal and state requirements.
- 2) Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels is exempt from the provisions of this Ordinance.
- 3) Full cutoff street lighting, which is part of a federal, state, or municipal installation.
- 4) Holiday lighting.
- 5) Lighting of sports facilities or stadiums prior to 11:00 p.m. Illumination after 11:00 p.m. is also permitted if it is necessary in order to conclude a recreational, sporting or other scheduled activity, which is in progress prior to that time.
- 6) Specialized lighting necessary for safety, such as navigated lighting, or temporary lighting associated with emergency operations, road hazard warnings, etc.
- 7) Traffic control signals and devices.

300-168. Landscaping and Buffering.

A. Landscape plan.

A landscape plan prepared by a certified landscape architect, planner, architect or engineer shall be submitted with each site plan and major subdivision application. The plan shall identify existing and proposed trees, shrubs and ground covers; existing landscaping to be removed; natural features such as rock outcroppings; and other landscaping elements. The plan shall show where they are or will be located and planting and/or construction details. Where existing plantings are to

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be retained, the application shall include the plan's proposed methods of protecting them during construction. The landscape plan shall also address landscape maintenance requirements. Every applicant for subdivision or site plan approval shall comply with the minimum landscape standards as outlined in this Section. All plants listed in Appendix I "Nonindigenous Plant Species" shall not be used (unless otherwise approved by the Planning Board) by applicants, developers and others that seek to develop land in the City and all plants listed in Appendix II "Native Plants of New Jersey" shall be used (unless otherwise approved by the Planning Board).

B. Site protection and general planting requirements.

- 1) Landscaping shall be provided as part of site plan and subdivision design. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site and creating a pleasing site character.
- 2) Landscaping may include plant materials such as trees, shrubs, ground covers, perennials and annuals and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, lighting for aesthetics, and street furniture.
- 3) Landscaping shall be planned in such a way that the site requires as little use of potable water as possible to ensure the survival of the plants. Water conservation is a critical purpose of this section.
- 4) Topsoil preservation. Topsoil moved during the course of construction shall be redistributed on all regarded surfaces so as to provide at least four (4) inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting.
- 5) Removal of debris. All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials or other debris shall be removed from the site. No tree stumps or portions of tree trunks or limbs shall be buried anywhere in the development. All dead or dying trees, standing or fallen, shall be removed from the site. If trees and limbs are reduced to chips, they may be used as mulch in landscaped areas, subject to approval by the Planning Board Engineer.
- 6) Foundation plantings shall be required along all building elevations.
- 7) Protection of existing plantings. Maximum effort should be made to save fine specimens, including those trees with a diameter at breast height of five (5) inches or more. No material or temporary soil deposits shall be placed within four (4) feet of shrubs or ten (10) feet of trees designated on the landscape

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plan to be retained. Protective barriers or tree wells shall be installed around each plant and/or group of plants that are to remain on the site. Barriers shall not be supported by the plants they are protecting, but shall be self-supporting. They shall be a minimum of four (4) feet high and constructed of a durable material that will last until construct is completed. Snow fences and silt fences are examples of acceptable barriers.

- 8) Slope plantings. Landscaping of all cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than one (1) foot vertically to three feet horizontally shall be planted with ground cover appropriate for the purpose and for soil conditions, water availability and environment.
 - 9) Additional landscaping. In residential developments, besides the screening and street trees required, additional plantings or landscaping elements may be required throughout the subdivision where necessary for climate control, privacy or other reasons in accordance with the landscape plan approved by the Planning Board. In nonresidential developments, all areas of the site not occupied by buildings and required improvements shall be landscaped by the planting of grass or other ground cover, shrubs and trees as part of the landscape plan approved by the Planning Board.
 - 10) Planting specification. Deciduous trees shall be at least two and one-half (2 ½) inches caliper at planting and shall be balled and burlapped. Size of evergreens should be six (6) feet tall and shrubs two (2) feet tall at planting but may be allowed to vary depending on setting and type of shrub. Only nursery-grown plant materials shall be acceptable, and trees, shrubs and ground covers shall be planted in conformance with American Association of Nurserymen standards. Dead and dying plants shall be replaced by the developer during the following planting season.
 - 11) Plant species. The plant species selected should be hardy for conditions where proposed and appropriate in terms of function and size and be of a type requiring the least amount of watering for survival.
 - 12) Maintenance. Landscaped areas shall be maintained and kept free of all debris, rubbish, weeds and tall grass.
 - 13) No buildings, structures, storage of materials or parking shall be permitted within any buffer area.
- C. Shade trees.

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- 1) Location. Applicants shall provide shade trees on both sides of all streets. The trees shall be planted at a minimum of one (1) tree per each twenty five (25) feet of frontage unless otherwise approved by the Planning Board. In locations where healthy and mature shade trees currently exist, the requirements for new trees may be waived or modified. Tree location, landscape design and spacing shall be included as part of the landscape plan approved by the Board.
- 2) Tree type. Tree type may vary depending on overall effect desired, but as a general rule, trees on a street shall be of more than one variety to avoid problems associated with monoculture. No species other than those recommended by the Shade Tree Committee may be planted as street trees, but said species shall be tolerant of road salts.
- 3) Planting specifications. All shade trees shall have a caliper of at least three and one-half (3½) inches and be nursery grown, of substantially uniform size and shape, and have straight trunks. Trees shall be properly planted and staked if conditions warrant and provision made by the applicant for regular watering and maintenance until they are established. Dead and dying trees shall be replaced by the applicant during the next planting season.
- 4) Trees shall be planted in groupings of similar variety. Trees of similar form, height and character shall be used along a roadway to promote uniformity and allow for smooth visual transition between species.

D. Buffering.

- 1) Function and materials. Buffering shall provide a year-round visual and auditory screen from a development tract to adjacent properties and vice-versa in order to minimize adverse impacts. It may consist of existing natural vegetation or be created using evergreens, landscaped berms, rocks or boulders, or combinations thereof, to achieve the same objectives.
- 2) When required. Every development shall provide sufficient buffering when topographical or other barriers do not provide reasonable screening and when the Planning Board determines that there is a need to shield neighboring properties from any adverse external effects of a development or to shield the development from negative impacts of adjacent uses such as streets or railroads. In high-density developments, when building design and location do not provide privacy, the Planning Board may require landscaping, fences or walls to screen dwelling units for privacy. Buffers shall be measured from side and rear property lines, excluding driveways.
- 3) Amount required.

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- a) Where residential and nonresidential uses or zones abut, a buffer strip of at least twenty five (25) feet shall be required. With the written approval of the adjoining property owner and recording of an appropriate landscape easement, satisfaction of the aforementioned buffer requirement may be achieved by the installation of plant materials on each adjoining property contiguous to the property line being buffered.
- b) Garbage collection and utility areas are to be screened around their perimeters by buffer strips a minimum of five feet wide and comprised of evergreen trees and shrubs.
- 4) Design. Arrangements of plantings in buffers shall provide maximum protection to adjacent properties and avoid damage to existing plant material. Permitted arrangements include planting in parallel, serpentine or broken rows. If planted berms are used, the minimum side slope shall be 2:1.
- 5) Plant specifications. Plant materials shall be sufficiently large and planted in such a fashion that a year-round screen at least eight (8) feet in height shall be produced within three growing seasons. All plantings shall be installed according to American Association of Nurserymen standards.

E. Parking area landscaping standards.

- 1) Parking areas shall be suitably landscaped to minimize noise, glare and other nuisance characteristics as well as to improve the environment of the site and surrounding area. Parking areas providing for more than sixty (60) motor vehicle spaces shall be divided into modular parking bays having approximately the same number of stalls and of not greater than sixty (60) spaces each. A single row or line of spaces within a bay shall be not more than ten (10) spaces in length.
- 2) Parking lots exposed to view shall have a minimum planted buffer of four (4) feet in width on all perimeter areas abutting lot lines or street rights-of-way. This buffer shall include a continuous visual screen which is five feet in height at the time of planting and is fifty percent (50%) evergreen plant material or deciduous material which is demonstratively effective for screening purposes. The height of any required screen, hedge or wall shall decrease where driveways approach sidewalks or walkways in order to provide adequate visibility of pedestrians from motor vehicles, and shall not interfere with clear sight triangle requirements.
- 3) Interior landscaping. In all parking lots of ten (10) or more spaces, at least five percent (5%) of the interior parking area shall be landscaped and at least two (2) trees for each ten (10) spaces shall be installed within landscaped islands.

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Parking lots of fewer than ten (10) spaces may not require interior landscaping if the Planning Board determines that there is adequate perimeter landscaping. Planting required within the parking lot is exclusive of other planting requirements, such as for shade trees planted along the street.

- 4) Curbed islands with a minimum radius of three (3) feet shall be located at the end of each parking row and at an interval of every ten (10) spaces. These islands should contain one (1) shade tree, minimum three (3) inches in caliper and fourteen (14) feet to sixteen (16) feet in height, and shrubs not exceeding twenty-four (24) inches in height.
- 5) Where parking lots include parking stalls in a double-stacked arrangement, two (2) rows of stalls that abut each other shall include a landscaped buffer between them along the entire length of the rows and having a minimum width of four (4) feet. Such a buffer shall include one (1) shade tree, minimum three (3) inches in caliper and fourteen (14) feet to sixteen (16) feet height, for every twenty (20) feet of length.
- 6) Parking lot layout shall take into consideration pedestrian circulation. Pedestrian crosswalks shall be provided where necessary and appropriate, shall be distinguished by textured paving and shall be integrated into the wider network of pedestrian walkways. Pavement textures shall be required on pedestrian access ways.
- 7) Location. Parking area landscaping should be located in protected areas such as along walkways, in center islands, at the ends of bays or between parking stalls and must be protected by a curb or similar abutment. All landscaping in parking areas and on the street frontage shall be placed so that it will not obstruct sight distance.
- 8) Plant type shall be a mixture of hardy flowering and/or decorative evergreen and deciduous trees. The evergreens should be used along the perimeter of the lot for screening and the deciduous trees for shade within the lot. The area between trees shall be mulched, planted with shrubs or ground cover or covered with paving material. Any area that will be under the overhang of vehicles shall be mulched or covered with paving material.

F. Storm water detention area landscaping.

The following landscape reforestation standards shall be used:

- 1) This landscape treatment is appropriate for detention basins and areas that are not highly visible or are adjacent to areas of woodlands or wetlands.

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- 2) The area shall be graded creatively to blend into the surrounding landscape and imitate a natural depression with an irregular edge. This shall include gentle berming. Linear, geometrical basins are unacceptable.
- 3) The quantity of trees to be planted on the interior of the basins shall be equal to the number of trees that would be necessary to cover the entire area, based upon a twenty-foot by twenty-foot grid to the high water line or outflow elevation. Forty percent of the trees shall be of at least two and five tenths inch caliper in size. The remaining sixty percent (60%) shall be six (6) to eight (8) foot high whips.
- 4) The trees shall be planted in groves and spaced five feet to fifteen (15) feet on center.
- 5) The ground plane shall be seeded with a naturalization, wildflower and/or meadow grass mix.

G. Pedestrian spaces.

- 1) Pedestrian and bicycle access shall be provided from public roadways, parking lots and adjacent land uses where appropriate.
- 2) Pedestrian bridges over streams, ravines or drainage swales are encouraged and shall be required when necessary to make connections in pedestrian systems.

300-169. Open Space and Recreation.

- A. Dedicated open space, to the greatest extent practicable, should be contiguous.
- B. Developments in the Highway Commercial (HC) and Commercial Industrial (CI) Zones should provide outdoor amenities for employees, examples of which include benches, tables and landscaped green areas.
- C. Residential subdivisions of eight or more lots shall provide at least ten percent (10%) dedicated open space, of which fifty percent (50%) must be usable land to provide for active and/or passive recreation as found to be appropriate by the Planning Board based on existing and/or anticipated resident need and demand.
- D. Recreation facilities. As a minimum requirement, no less than fifty percent (50%) of all recreation improvements shall be installed prior to the issuance of a certificate of occupancy for more than seventy-five percent (75%) of the total number of approved dwelling units.

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Dwelling Units	Tot Lot	Multi-purpose Field	Tennis Court	Basketball Court
8-25	1			
26-50	1	1		
50+	1	1	1	1

E. Payment in lieu of facilities. When allowed by the approving authority, a cash contribution may be made in lieu of providing recreational equipment, otherwise the fee per dwelling unit as required by Ordinance as may be amended from time to time is to be posted. This contribution shall be made to an open space trust fund maintained by the City specifically for the periodic purchase, lease, acquisition and/or maintenance of active recreation lands and improvements for the use of City residents. Said contribution shall be paid as follows: ½ at the time of final approval and the balance per unit at the time of each building permit, in addition to the regular building permit fees. The land required to be used for active recreation shall thereafter be used for passive recreation unless the City elects to construct active recreation facilities thereon at City expense.

300-170. Solid Waste Management and Recycling.

A. Nonresidential solid waste management and recycling.

- 1) All nonresidential development shall provide for the collection, storage and disposition of solid waste and recyclables.
- 2) Outdoor solid waste enclosures shall meet the following minimum construction and design standards:
 - a) All outdoor enclosures shall be no more than six (6) feet in height, be of masonry construction and have an exterior appearance that is compatible with that of the principal structure on the lot on which the enclosure is situated.
 - b) The enclosure shall be oriented so that the opening does not face the front of the property.
 - c) A side entry feature to the enclosure shall be provided.
 - d) Gates to the enclosure shall be constructed of solid welded steel panels.
 - e) The enclosure shall be screened from view of streets or adjacent properties and be large enough to accommodate both solid waste and recyclables.

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- f) A year-round buffer shall be provided through the provision of evergreen trees and shrubs.
 - g) Enclosures are to be situated on a concrete pad consisting of either Class A or Class 12 concrete having a minimum thickness of six (6) inches. This pad should extend outward two feet from the enclosure to allow for easier rolling on and off of containers.
- B. Any multifamily housing development that requires subdivision or site plan approval shall include an indoor or outdoor recycling area for the collection and storage of residentially generated recyclable materials. The size and dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number and which are consistent with anticipated usage as well as current methods of collection in the area in which the project is located. The dimensions of the recycling area and the bins or containers shall be determined in consultation with the municipal recycling coordinator and shall be consistent with the district recycling plan adopted pursuant to Section 3 of P.L. 1987, c. 102 (N.J.S.A. 13:1E-99.13), and any applicable requirements of the City Master Plan adopted pursuant to Section 26 of P.L. 1987, c. 102.
- C. Location. The recycling area shall be conveniently located for the residential disposition of source-separated recyclable materials.
- D. Safety and accessibility. The recycling area shall be well lit and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling area and the bins or containers placed therein against theft of recyclable materials, bins or containers.
- E. Protection from the environment. The recycling area or the bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. Any bins or containers which are used for the collection of recyclable paper or cardboard and which are located in an outdoor recycling area shall be equipped with a lid, or otherwise covered, so as to keep the paper or cardboard dry.
- F. Signs. Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed inside each.

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- G. Buffering. A year-round buffer consisting of evergreen trees and shrubs shall be provided around outdoor recycling areas.

300-171. Preservation of Natural or Man-made Assets.

Wherever possible, subdivision and/or site plan applicants shall preserve trees, groves, waterways, scenic points, historic spots and other community assets and landmarks. The Bordentown City Environmental Resource Inventory maintained by the City as modified from time to time represents a known inventory of such sites and examples of the type of assets to be preserved whenever possible. The Inventory is not intended to be an inclusive list of all such assets.

300-172. Wetlands, Stream Encroachment, Environmental Constraints and Considerations.

- A. Environmental elements relating to the prevention of soil erosion, preservation of trees, protection of watercourses, noise, air quality, topography, soil and animal life shall be reviewed, and the design of the plan shall minimize any adverse impact on these elements. Please also see the requirements of the Bordentown City Riparian Buffer Ordinance included at section 300-
- B. Environmental impact. No application for development shall be approved unless it has been affirmatively determined by the Planning Board, after an environmental appraisal, that the proposed project:
- 1) Will not result in a significant adverse impact on the environment.
 - 2) Has been conceived and designed in such a manner that it will not significantly impair natural processes.
 - 3) Will not place a disproportionate or excessive demand upon the total resources available to the project site and to the impact area.
- C. All applications for development and uses of land in wetlands shall be subject to and permitted only in compliance with the provisions of the New Jersey Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and the regulations adopted thereunder (N.J.A.C. 7:7A-1 et seq.). Any provisions in this article referring to wetlands regulations shall be construed to mean the provisions of the New Jersey Freshwater Wetlands Protection Act and the regulations adopted pursuant thereto.
- D. All applications for development shall show the limits of wetlands, wetland buffer area, stream encroachment limits and other environmental constraints. In the case

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of subdivisions, this shall be included on the plan of lots, recorded in the deeds, and a point-of-sale disclosure provided to all prospective buyers of individual lots.

E. See also Requirements of Riparian Buffer Ordinance at Section 300-307.

300-173. Groundwater Protection and Drainage.

- A. Major subdivisions and major site plans proposed for development in aquifer recharge areas shall be designed to maintain the quality of groundwater resources and to maintain or decrease the ratio of runoff to infiltration.
- B. Natural drainage patterns shall be maintained wherever possible, and surface water run-off shall be directed in such a manner as to travel over stabilized, vegetated areas as opposed to potentially contaminated surfaces such as parking lots. The intent of the latter provision is to reduce the level of pollutants in storm water, and to allow for vegetative and soils filtration of storm water contaminants.
- C. Please see aquifer re-charge map at which is part of the environmental resource inventory.

300-174. Scenic Resources.

- A. Development should be sited behind visual barriers, such as trees, ridge lines, and other topographic features.
- B. On hillsides, development may be located at any point in the foreground to midground of the hill, and the height and location of development shall protect unobstructed views of, and from, the ridges.
- C. Development shall be located and designed to preserve views of cultural/historic landmarks and of unique geographic and topographic features.

300-175. Threatened and Endangered Plants and Animals.

- A. Applicants for major subdivision or major site plan approval shall document the occurrence of threatened and endangered species on the property to be developed and shall identify critical habitat areas needed to provide for the survival of any local populations of these species. No development shall be permitted, initiated, or conducted unless it is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of local populations of threatened or endangered plants and animals. No construction, grading or vegetation removal shall take place in critical habitat areas during breeding or mating of threatened and endangered species, and protection for the critical

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habitat area appropriate to the species shall be provided.

- B. Threatened and endangered plants and animals shall be defined as those which:
- 1) Appear on the national list developed by the United States Department of the Interior, or
 - 2) Appear on the State list developed by the New Jersey Department of Environmental Protection, or
 - 3) Are designated in N.J.S.A. 23:2A-4 (The Endangered and Nongame Species Conservation Act, State list of endangered species).

300-176. Steep Slopes.

A. General provisions.

- 1) A Steep Slope Conservation Overlay shall be deemed to exist in any area where slopes exceed fifteen percent (15%).
- 2) No area within the Steep Slope Conservation Overlay shall hereafter be used without full compliance with the terms of this Article and other applicable regulations. The Steep Slope Conservation Overlay shall be deemed to be an overlay on any zoning district (s) now or hereafter enacted to regulate the use of land in the City.
- 3) The Steep Slope Conservation Overlay shall have no effect on the permitted uses in the underlying zoning district, except where said uses are intended to be located within the boundaries of the Steep Slope Conservation Overlay, as defined herein, and said uses are in conflict with the permitted uses set forth in this Article.
- 4) In those areas of the City where the Steep Slope Conservation Overlay applies, the requirements of the Steep Slope Conservation Overlay, to the extent they are more restrictive, shall supersede the requirements of the underlying zoning district.
- 5) Any area of the Steep Slope Conservation Overlay that falls within the subject lot or lots shall be interpolated and shown on the site plan required through shading of such area or areas.
- 6) Should the Steep Slope Conservation Overlay boundaries be revised to exclude previously included lands, as a result of legislative or administrative

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actions or judicial decision, the zoning requirements applicable to the area in question shall revert to the requirements of the underlying zoning district(s) without consideration of this section.

- 7) For any parcel or any part thereof on which the Steep Slope Conservation Overlay is applicable: should the underlying zoning classification be changed as a result of legislative administrative actions or judicial decision, such change classification shall have no effect on the boundaries of the Steep Slope Conservation Overlay, unless an amendment to said boundaries was included as part of the proceedings from which the subsequent change originated.
- 8) It is not intended by this section to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this section imposes greater restrictions, the provisions of this section shall prevail.
- 9) The granting of a zoning permit or approval of a subdivision or land development plan within or near the Steep Slope Conservation Overlay shall not constitute a representation, guarantee or warranty of any kind by the City, or by an official or employee thereof, of the practicability or safety of the proposed use and shall create no liability upon the City, its officials or employees. This section does not imply that areas outside the Steep Slope Conservation Overlay boundaries or land uses permitted within said Steep Slope Conservation Overlay will always be totally free from the adverse effects of erosion.

B. Designation and interpretation of district boundaries.

- 1) The Steep Slope Conservation Overlay consists of two (2) areas which are delineated and defined as follows:
 - a) Prohibitive slope. Prohibitive slopes are those of twenty-five percent (25%) or greater slope (i.e., sloping 25 feet or more vertical over a distance of 100 feet) contour intervals of two (2) feet each such that, in aggregate, they delineate a slope of at least twenty-five percent (25%).
 - b) Precautionary slope. Precautionary slopes are those fifteen percent (15%) to twenty-five percent (25%) slope (i.e., sloping 15 to 25 feet vertical over a distance of 100 feet horizontal). Slopes shall be deemed precautionary when there are four adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope between fifteen percent (15%) and twenty-five percent (25%).
- 2) Steep slopes shall be determined by either aerial photogrammetric methods or by field survey. The contour interval shall be set forth at no more than two (2)

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feet per interval on slopes less than twenty-five percent (25%) and may be set forth at five (5) feet per interval on slopes over twenty-five percent (25%). On properties containing no slopes greater than ten percent (10%), U.S.C.S. 7.5 minute quadrangles may be used as the source of such information, subject to the approval of the Zoning Officer at the recommendation of the Planning Board Engineer.

- 3) Where an interpretation is needed as to the exact location of the boundaries of the overlay in relation to a given parcel, the initial determination shall be made by the Planning Board Engineer. Any party seeking such a determination may submit a topographic survey of the property and any other pertinent documentation in consideration. The Planning Board Engineer shall make a written report of the results of his initial determination, a copy of which shall be provided to the governing body.

C. Uses permitted by right.

- 1) In any part of the Steep Slope Conservation Overlay, grading shall be minimized, and no grading shall be undertaken within any area of the Steep Slope Conservation Overlay except where approved in conjunction with a use permitted under the terms of this section.
- 2) The following are the only uses permitted as of right. In areas of prohibitive slope, such uses also shall be in compliance with the base zoning district and shall not involve the erection of buildings, construction of streets, installation of sewage disposal systems or permanent removal of top soil unless replaced by approved engineered structures.
 - a) Parks and outdoor recreation uses.
 - b) Yard areas of a building within the Steep Slope Conservation Overlay.
 - c) The minimum possible grading for a driveway accessing a single-family dwelling or other building when it can be demonstrated that no other routing which avoids prohibitive slopes is feasible or economically reasonable.
 - d) The minimum possible installation of public or private transmission lines such as power, phone, gas, water, sewer or storm sewer lines when it can be demonstrated that no other routing which avoids prohibitive slopes is practicable or economically reasonable.
 - e) Within any lot, the maximum extent of areas classified prohibitive slopes that may be permanently disturbed for installation of site improvements shall be limited to twenty percent (20%) of the prohibitive slope area or ten

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percent (10%) of the lot area, whichever is the lesser, subject to the approval of the Zoning Officer on the recommendation of the Planning Board Engineer. On any lot, the total amount of impervious surface that may be installed within areas of prohibitive slope shall not exceed twenty percent (20%) of the total impervious areas permitted according to the provisions of the underlying zoning district.

- 3) The following are the only uses permissible by right in areas of precautionary slope, provided they are also in compliance with base zoning district and all other provisions of this section:
 - a) All uses permitted in areas of prohibitive slopes.
 - b) Tree farming forestry and other agricultural uses when conducted in conformity with conservation practices, including minimum tillage methods.
 - c) Access roads for the passage of emergency vehicles in the event of fire or accident.
 - d) Accessory uses (except swimming pools) necessary for the operation and maintenance of the above permitted uses.
 - e) Within any lot, the maximum extent of areas classified as precautionary slopes that may be permanently disturbed for the installation of site improvements shall be limited to forty percent (40%) of the precautionary slope areas, or twenty percent (20%) of the lot area, whichever is the lesser, subject to the approval of the Zoning Officer on the recommendation of the Planning Board Engineer. On any lot, the total amount of impervious surface that may be installed within areas of precautionary slope shall not exceed forty percent (40%) of the total impervious area permitted according to the provision of the underlying zoning district.

D. Conditional uses.

- 1) Any of the following are permitted within the Steep Slope Conservation Overlay, subject to the conditions set forth herein:
 - a) Any structure permitted by right or conditional use according to the terms of the underlying base zoning district.
 - b) Any road necessary to provide primary access to a use permitted by this section, when no practical alternative exists in an area of lesser slope.

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- c) In areas of prohibitive slopes these activities shall not be approved by the granting of a conditional use unless the applicant demonstrates that there is no alternative which could avoid encroachment into the areas of prohibitive slope.
- 2) The conditional uses indicated shall be subject to the conditions set forth as follows:
 - a) Disturbance to particularly sensitive features of the site shall be minimized; special emphasis in planning for the site should be given to the protection of:
 - (1) The areas of the steepest slopes, especially those approaching or exceeding twenty-five percent (25%).
 - (2) Soils with seasonal high water table.
 - (3) Underlying geology which comprises, or contributes to, major groundwater resources.
 - b) Disturbance shall be minimized where the length or area of steep slopes both on the site and on adjacent lands within two hundred (200) feet of the site is extensive.
 - c) The proposed development, any impervious ground cover and the resultant disturbance to the land and existing vegetative cover will not cause runoff and/or related environmental problems off the site.
 - d) Removal of or disturbance for existing vegetation on the site shall be minimized. The proposed impacts on existing vegetation shall be evaluated in terms of the potentially detrimental effect on slope stability, transportation and recharge of storm water aesthetic, and traditional characteristics of the landscape, and existing drainage patterns. The Board may require mitigation measures as it deems appropriate.
 - e) The design, construction procedures and sediment and erosion control measures are such that there is no risk of damage or impairment to adjacent slopes, neighboring properties or down slope watercourses as a result of the proposed activities.
 - f) Important visual qualities of the site shall, to the maximum extent feasible, be retained; in addition to vegetation, these may include hilltops, rock outcroppings and the natural terrain and contours of the site.

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- g) Innovative, imaginative building techniques that are well suited to slope conditions shall be encouraged consistent with other applicable codes and regulations.
- h) The equilibrium of the slope, as characterized by the existing inter-relationships among soil, water and vegetation, shall be disturbed as little as possible.
- i) Finished slopes of all cuts and fills shall not exceed thirty three percent (33%) unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately to the satisfaction of the City.
- j) Exposed cut slopes within or below prohibitive slopes shall be minimized so that engineered retaining walls or other structures are utilized to the greatest extent practicable to maintain the stability of the disturbed slopes and reduce the risk of harm because of erosion and potential slope failure resulting in mud slides.

300-177. Tree Preservation and Removal.

- A. Applicability. With the exception of the exemptions set forth below, no tree shall be cut or otherwise removed from any land in the City of Bordentown without a tree removal permit. All applications to the Planning Board or Zoning Board for approval of a major subdivision, minor subdivision or site plan requiring tree removal shall include an application for a tree removal permit. Any residential, commercial, business or industrial lot owner wishing to remove trees upon said lot must comply with this Ordinance. The application shall be submitted to the Zoning Officer for review and approval. No tree that was planted or preserved as part of any landscape plan or in accordance with any street tree requirements approved in conjunction with a subdivision or site plan shall be removed, except for such trees directed to be removed pursuant to Section 300-177D.
- B. Exemptions. The following shall be exempt from this Section:
 - 1) Trees on residential lots with a ten (10) inch DBH or less.
 - 2) Any tree which is part of a cemetery.
 - 3) Trees directed to be removed by municipal, county, state or federal authority pursuant to law.
 - 4) Removal of trees which are dead, dying or diseased, or trees which have suffered damage, or any tree whose angle of growth makes them a hazard to

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structures, roads, or human life.

- 5) Removal of trees which appear to cause structural damage to buildings or foundations.
 - 6) Any tree growing on or over a public right-of-way or public land.
 - 7) Pruning or removal of trees within the right-of-way by utility companies for maintenance of utility wires or pipelines and the pruning of trees within sight easements.
 - 8) Those projects which have received major subdivision or site plan approval prior to the effective date of this Ordinance and amended major subdivision and site plans.
- C. Tree removal requirements for major and minor subdivisions and site plans. Each application to the Planning Board or Zoning Board for approval of a major or minor subdivision or a site plan that requires the removal of trees shall include an application for a tree removal permit. The application and development proposal shall conform to the following provisions:
- 1) The application form shall include the following information:
 - a) Name and address (street, lot and block) of the owner of the premises and status of legal entity (individual, partnership, corporation of this or any other state, etc.).
 - b) Description of the premises where removal is to take place, including lot and block numbers, street address as assigned.
 - c) A list of all trees to be removed with a DBH equal to or greater than six (6) inches identified by size and species, including total number of each species to be removed.
 - d) Purpose for tree removal (new construction, street or roadway, driveway, utility easement, recreation areas, parking lot, etc.).
 - e) Proof that there are no delinquent property taxes or assessments due on the property for which the application is submitted.
 - f) Such other information as may be deemed necessary in order to effectively process and decide such application.

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- 2) The following information shall be provided on a landscape plan prepared by a registered landscape architect or registered professional engineer and submitted with the application for tree removal. The landscape plan must be submitted prior to tree removal permit approval.
- a) Location of existing tree canopy within the property boundaries.
 - b) Location of individual trees with a DBH equal to or greater than six (6) inches identified by size and species within the area of development/limit of disturbance.
 - c) Location of individual trees with a DBH equal to or greater than six (6) inches identified by size and species beyond the area of development/limit of disturbance.
 - d) Location of individual existing trees and their drip lines noted for preservation within the area of development/limit of disturbance identified by size and species. Where clusters of trees exist on the site or are contiguous with adjacent sites, fragmentation of the cluster shall be avoided where possible.
 - e) Location of all required replacement trees.
 - f) Clear labeling of the area(s) intended for tree/vegetation removal.
 - g) Tree protection material details and limit of disturbance line.
 - h) Location of existing and proposed buildings/structures.
 - i) All bodies of water and wetlands, including water retention and detention areas.
 - j) Location of all existing driveways and parking areas.
 - k) Only those trees necessary to permit the construction of buildings, structures, streets, driveways, infrastructure and other authorized improvements shall be removed. Existing vegetation shall be preserved to the greatest extent feasible.
 - l) No more than sixty percent (60%) of the existing tree canopy within the property boundaries shall be removed. The location of the remaining forty percent (40%) of the tree canopy to be preserved shall be noted on the landscape plan. Steep slope limits of disturbance shall supersede this

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Section when appropriate.

- m) No more than ten percent (10%) of existing trees with a DBH equal to or greater than ten (10) inches within the area of development/limit of disturbance shall be removed unless the application shall replant trees removed in accordance with Section 300-201E.
 - n) Landscape standards may be waived by the Board when trees and/or shrub masses are preserved and/or relocated on-site that duplicate or essentially duplicate the landscape requirements contained in this Section.
 - o) The appropriate reviewing authority shall have the option of requiring a conservation easement to protect any or all trees or tree canopy areas to remain on site.
- 3) Tree protection measures and the limit of disturbance line shown on the landscape plan shall be provided in the field with snow fencing or other durable material and verified by the Planning Board Engineer or other designated official prior to soil disturbance.
 - 4) Protective barriers shall not be supported by the plants they are protecting, but shall be self-supporting. Barriers shall be a minimum of four (4) feet high and shall last until construction is complete.
 - 5) Chain link fence may be required for tree protection if warranted by site conditions and relative rarity of the plant.
 - 6) Snow fencing used for tree protection shall be firmly secured along the drip line, but shall be no less than six (6) feet from the trunk.
 - 7) The grade of the land located within the drip line shall not be raised or lowered more than six (6) inches unless compensated by welling or retaining wall methods; and in no event shall welling or retaining wall methods be less than six (6) feet from the trunk of a tree.
 - 8) No soil stockpiling, storage of building materials, construction equipment or vehicles shall be permitted within the drip line or within six (6) feet of any remaining trees, whichever is greater.
 - 9) Any clearing within the drip line, or within six (6) feet of the trunk of a remaining tree, whichever is greater, shall be done by hand-operated equipment.
 - 10) Where a tree that has been noted for preservation is severely damaged and unable to survive, tree replacement shall occur as provided in Section 301-

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D. Tree Replacement and Reforestation.

The replacement of trees shall occur as prescribed in the following table.

Tree Replacement Schedule	
Section 1.04 Caliper of Existing Tree Removed	Number of Replacement Trees (3" caliper)
Less than 6 inches	1
Between 6 & 12 inches	3
Between 12 & 18 inches	4
Between 18 & 24 inches	5
Between 24 & 30 inches	7
Between 30 & 36 inches	10
36 inches or greater	The equivalent of 3" caliper trees or greater needed to equal the DBH of the removed tree.

- 1) Replacement tree(s) shall be of nursery grade quality, balled and burlapped and located on site. Where replacement trees are required but not suitable for the particular site prescribed due to the size of the site, the City of Bordentown shall deposit the trees into a community tree bank. Trees deposited into the community tree bank shall be utilized for planting on public lands.
- 2) The type of replacement tree(s) shall be the same as the species removed from the site or other as approved by the governing body.
- 3) The planting of all replacement trees shall be done by or supervised by a person with horticultural training in tree care and planting methods.
- 4) Newly planted replacement trees shall be monitored for a period of one year to ensure the health of the trees. If the replacement trees die within a two (2) year period, the developer/applicant shall replace the dead tree.

E. Tree removal and protection on residential, commercial, industrial and business zoned lots (excluding major and minor subdivisions and site plans).

- 1) On any residential lot that is less than two times the required lot size with a tree removal rate of five (5) or more trees with a ten (10) inch DBH or greater in a two (2) year period; or, any residential lot that is twice the required lot size or greater with a tree removal rate of more than six (6) trees with a ten (10)

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inch DBH or greater in a two (2) year period shall submit an application for a tree removal permit to the Zoning Officer. The application and development proposal shall conform to the provisions contained herein.

- 2) The provisions of this section shall also apply to all commercial, industrial and business zoned lots.
- 3) The application form shall include the following information:
 - a) Name and address (street and lot and block) of the owner of the premises and status of legal entity (individual, partnership, corporation of this or any other state, etc.).
 - b) Description of the premises where removal is to take place, including lot and block numbers, and street address as assigned.
 - c) A list of all trees to be removed with a DBH equal to or greater than ten (10) inches identified by size and species, including total number of each species to be removed.
 - d) Purpose for tree removal (construction, building addition, street or roadway, driveway, utility easement, recreation area, patio, parking lot, etc.).
 - e) Such other information as may be deemed necessary in order to effectively process such application.
- 4) Sketch data.
 - a) Base information – a sketch shall be provided showing the location of the tree(s) to be removed with a DBH of ten (10) inches or greater.
 - b) Design requirement – trees to be removed shall be those trees necessary to permit the construction of buildings or building additions, structures, driveways, septic fields, decks and lawn areas. The trees removed shall not constitute more than one half (1/2) acre or shall be no more than fifty percent (50%) of the lot size, whichever is less. Existing vegetation shall be preserved to the greatest extent feasible.
- 5) Site protection. Site protection measures shall be provided to the satisfaction of the Planning Board Engineer.
- 6) Tree removal criteria. In addition to the design requirements stated above, the Planning Board may grant a tree removal permit based upon one or more of

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the following circumstances:

- a) Where the location of an existing tree provides no other alternative but to place a structure outside the permitted building setbacks.
 - b) Where the location of an existing tree negatively impacts on an existing septic field.
 - c) Where no other alternative exists for the placement of a building, building addition, structure, septic field, driveway, deck, patio or lawn area for the recreational use by the inhabitants of the building or dwelling, or any other authorized improvements, but in the vicinity of an existing tree.
 - d) Where the location or growth of a tree inhibits the enjoyment of any outdoor pool, patio or deck.
 - e) Where the location, angle or growth of an existing tree makes it a hazard to structures or human life.
- 7) Review by Planning Board. If, in the opinion of the Zoning Officer, the request for tree removal does not satisfy the above criteria, then the application may be forwarded to the Planning Board for action.
- 8) Tree replacement. Tree replacement shall be accordance with the provisions in Section 300-201E of this Ordinance.
- F. Review standards. In accordance with the design requirements provided in this Ordinance, unless otherwise indicated herein, a tree removal permit may only be granted for the following reasons and under the following terms and conditions:
- 1) Where the area proposed for tree removal is to be occupied by: a building or other structure; a street or roadway; a driveway; a parking area; a patio; a swimming pool; a recreation area; a power, drainage, sewerage or any other utility line, easement, or right-of-way, or where the area of tree removal is twenty (20) feet or less from either side of or around the perimeter of any of the foregoing, whichever is applicable.
 - 2) In areas proposed for tree removal which are not to be occupied by any of the uses or facilities set forth in this Section:
 - a) That the continued presence of such tree or trees is likely to cause danger to persons or property upon the property for which removal is sought, or upon adjoining or nearby property.

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- b) That the area where such tree or trees are located has a cut, depression or fill of land, or the topography of the land is of such a character as to be injurious or dangerous to such tree or trees, or to a tree or trees located nearby.
 - c) That the removal of trees is for the purpose of conducting forestry activities, which activities include, but are not limited to, the harvesting of trees in accordance with a forest management plan and the thinning out of a heavily wooded area, with some trees to be removed, and other trees to remain.
- 3) Upon an express finding by the appropriate decisional authority that the proposed tree removal will not result in or cause, increase or aggravate any or all of the following conditions: impaired growth or development of remaining trees or shrubs on the property of the applicant or upon adjacent property, soil erosion, sedimentation and dust, drainage or sewerage problems, dangerous or hazardous conditions, and depression in the land value of the subject property and properties in the neighboring area.
- 4) The appropriate decisional authority shall have the power to affix reasonable conditions to the granting of the permit for the removal of trees.
- G. Protection of trees. Whenever an application for tree removal is granted under the terms and conditions of this Ordinance, the following protective measures shall be observed:
- 1) No material or temporary soil deposits shall be placed within the drip line of any existing tree to be preserved.
 - 2) Except while engaged in tree removal, no equipment shall be operated within six (6) feet of any tree protected by this Ordinance nor shall such equipment be operated at any time in such a manner as to break, tear, bruise, decorticate or otherwise injure any living or dormant tree. Except while engaged in tree removal, all requirements of Section 300-201E shall be observed.
- H. Permit approval.
- 1) Time limits for approval.
 - a) Where the permit application is submitted as a part of an application for major subdivision, minor subdivision or site plan approval, the time for approval shall be governed by the timing requirements of applicable to major subdivision, minor subdivision or site plans.

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- b) Where the application is made in connection with a residential, commercial, business or industrial lot that is not part of a major or minor subdivision or site plan, the Planning Board shall act on the application within thirty (30) days of its receipt or within such additional time as is consented to by the applicant. Failure to act within thirty (30) days, or any extension thereof, shall be deemed to be approval of the application and thereafter, a tree removal permit shall be issued.
- 2) Approval by default with regard to major subdivision, minor subdivision and site plan applications, shall not be deemed to be a waiver of a tree removal permit.
- I. Duration of permits. Permits granted for the removal of trees under the terms and conditions of this Ordinance shall run with the land and shall remain in force and effect for the following periods of time, and not thereafter. Once the permit has expired, a new application must be submitted for review and a new permit issued.
 - 1) If granted for a lot or parcel of land for which no building permit is required, one (1) year from the date of issuance.
 - 2) If granted for a lot or parcel of land for which a building permit is required, but for which no site plan approval is required by the Planning Board, until expiration of the building permit granted with such tree removal permit.
 - 3) If granted for a lot or parcel of land for which site plan approval from the Planning Board/Zoning Board is required as a condition precedent to obtaining a building permit until expiration of the site plan approval, or expiration of the building permit issued after such site plan approval.
 - 4) If granted for a lot or parcel of land for which minor subdivision is sought, one (1) year from the date of granting such minor subdivision.
 - 5) If granted for a lot or parcel or land for which preliminary approval of a major subdivision is sought until expiration of such approval.
- J. Inspection.
 - 1) Prior to taking final action upon any application for tree removal, an inspection of the site shall be made by the Zoning Officer, in those cases where final determination is to be made by that body as to the granting or denial of an application.
 - 2) Prior to any tree removal, all trees must be marked and areas to be cleared identified for inspection by a municipal representative.

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- 3) The Zoning Officer shall periodically inspect the site throughout the duration of construction in order to ensure compliance with this Ordinance. Such inspection shall be made of the site referred to in the application, and of contiguous and adjoining lands, as well as of lands in the vicinity of the application, for the purpose of determining drainage conditions and physical conditions existing thereon.

K. Notice of commencement of tree removal.

- 1) The holder of a tree removal permit shall notify the Zoning Officer in writing at least four (4) business days in advance of when the tree removal activity will commence.
- 2) The notice shall also include information as to the manner of disposal of the removed trees.
- 3) In the case of the removal of dead or diseased trees, the dead or diseased trees shall not be turned into mulch and applied to the site, but shall be disposed of in a manner so as to not disease other trees on the site.

300-178. Soil Erosion and Sediment Control.

A. Administration.

- 1) A soil erosion and sediment control plan shall be approved by the Planning Board prior to preliminary major site plan approval, minor subdivision approval or preliminary major subdivision approval, unless expressly waived by the Board. An approved Burlington County Soil Conservation District plan is deemed to meet or exceed the requirements included herein. The Burlington County Soil Conservation District shall be the sole enforcement agency charged with the enforcement of the requirements and conditions of approved plans in accordance with State law. The measures of the approved soil erosion and sediment control plan shall accompany the sketch plat for a minor subdivision and shall be incorporated into the final plat or site plan and final construction drawings for a major subdivision or major site plan. The Board shall review and make a decision on all soil erosion and sediment control plans within a period of thirty (30) days of submission of a complete application unless, by mutual agreement in writing between the Board and the applicant, this period is extended for an additional thirty (30) days. Failure of the Board to make a decision within such period or such extension thereof shall constitute approval. The applicant shall be provided with written notice of such decision by the Board Engineer. A copy of such decision, including the name of the applicant, the site location by street address and block and lot number and the proposed land use, shall be sent to the Burlington County Soil Conservation

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District. The City shall also make available such other information as may be required by the district. Please also see the requirements of the Bordentown City Storm water Management Ordinance included at section 300-

- 2) The soil erosion and sediment control plan or any major amendment shall be approved by the Board in the manner and form according to the regulations hereafter set forth. The Board, in approving a soil erosion and sedimentation control plan, may impose lawful conditions or requirements designated or specified on or in connection therewith and may require that such conditions or requirements, and the satisfaction thereof, be made a part of all improvement and maintenance agreements to be executed with the City and the securities to be posted in connection therewith. These conditions and requirements shall be provided and maintained as a condition to the establishment, maintenance and continuance of any use or occupancy of any land or structure thereon.
- 3) Amendments to a soil erosion and sediment control plan required as the result of conditions arising in the field during construction may be approved by the Planning Board Engineer upon written request to him, and such approval as may be given by said Engineer shall be communicated in writing by the Engineer to the Board notifying the Board of the nature and reason for the change.
- 4) The Board may refer soil erosion and sediment control plans to the Burlington County Soil Conservation District or such other local, county, state or federal agency (including the Soil Conservation Service of the Department of Agriculture) as may be particularly qualified to review said plan, and no approval of the Board shall be given until after receipt and recommendation thereof.
- 5) Except as provided for below, in the event that land is proposed to be cleared, graded, transported, filled or otherwise disturbed and where subdivision approval or site plan approval is not required, a grading permit shall be required. Said permit shall be issued by the Planning Board Engineer upon the approval of a soil erosion and sediment control plan. A separate application shall be required for each grading permit. Plans, specifications and time schedules shall be submitted with each application for a grading permit, together with the application fee. The plans shall be prepared and duly signed and sealed by a professional engineer or architect registered and licensed in the State of New Jersey.

B. Application procedure.

- 1) No land area within the City shall be cleared, graded, transported, filled or otherwise disturbed by any person or legal entity for purposes, including but

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not limited to the construction of buildings or roads, the filling of land, the removal of natural resources, the mining of materials and the development of recreational facilities, unless:

- a) The proper City has received and approved a plan to provide for soil erosion and sediment control for such land consistent with this Section, and issued a valid land disturbance permit for such land area;
 - b) There has been a valid grading permit issued by the Planning Board Engineer; or
 - c) The disturbance activity is exempted.
- 2) Without limiting the effect of the preceding subsection, no preliminary site plan or preliminary subdivision application shall be granted approval by a Board unless the application includes a soil erosion and sediment control plan in accordance with the standards provided for herein. No approval for occupancy of any building will be granted unless all necessary soil erosion control measures have been completed in accordance with this Section. The applicant shall bear the final responsibility for the installation and construction of all required soil erosion and sediment control measures according to the provisions of this Article.

C. Plan requirements.

- 1) The applicant must submit a soil erosion and sediment control plan for the entire site, which shall be accompanied by payment of an application fee together with a technical review fee. The plan shall contain:
 - a) Measures for soil erosion and sediment control, which: must meet or exceed the specifications and standards for soil erosion and sediment control in New Jersey promulgated by the State Soil Conservation Committee in the Department of Agriculture established pursuant to N.J.S.A. 4:24-1 et seq.
 - b) A schedule indicating the anticipated starting and completion dates and the sequence of installation of planned erosion and sediment control measures as related to the progress of the project, and the time of exposure of each area prior to the completion of such measures.
 - c) The location and description of existing natural and manmade features on and surrounding the site and including:

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- (1) The soil characteristics on the site and a copy of the soil conservation district soil survey, where available.
- (2) The topography of that portion of the site to be graded, cleared or developed as well as any area that may be affected by the foregoing, shall be shown at contour levels of two (2) feet for areas with slopes less than twenty percent (20%) and five (5) feet for areas with slopes of twenty percent (20%) or greater. Areas in each slope classification shall be depicted on the plan with shading, color, or other graphics.
- (3) Flood hazard areas, if any, and wetlands and wetland transition areas, if any, as approved by New Jersey Department of Environmental Protection..

d) All proposed revisions of data required shall be submitted for approval.

2) All proposed revisions of data required shall be submitted for approval.

D. Design standards. In the preparation and implementation of a soil erosion and sediment control plan, the following principles of design shall be adhered to:

- 1) Control measures shall apply to all aspects of the proposed site plan involving land disturbance, including road and utility installations, as well as to the protection of individual lots.
- 2) Measures shall be instituted to prevent or control soil erosion and sedimentation, and such measures shall be in operation during all stages of development.
- 3) The smallest practicable area of land shall be exposed at any one time during development, and stripping of vegetation, grading or other soil disturbance shall be done in a manner which will minimize soil erosion and the duration of the disturbance.
- 4) Work shall be performed in stages where necessary.
- 5) The construction or installation of improvements such as diversions, sediment basins and similar structures required to prevent soil erosion and sedimentation shall be required prior to the start of construction or on-site grading or disturbance.
- 6) Permanent improvements, such as roads, catch basins, curbs and the like, shall be installed or constructed and completed as soon as possible.

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- 7) Temporary diversions and outlets shall be constructed or installed to accommodate the increased runoff caused by the changed soil and surface conditions during development.
- 8) Sediment basins, debris basins, desilting basins or silt traps shall be installed to remove sediment from runoff waters.
- 9) Sediment shall be retained on the site to the maximum extent feasible.
- 10) Storm water runoff shall be minimized and retained on the site wherever practicable by the construction of the following:
 - a) Retention basins, designed in accordance with the requirements of this Ordinance.
 - b) Dry wells for roadway and site construction, designed in accordance with requirements established by the Planning Board Engineer and approved by the Planning Board.
 - c) Roof drain drywalls for single-family dwellings and accessory structures, designed to retain a minimum of two hundred fifty (250) cubic feet of storage volume for every one thousand (1,000) square feet of roofed area. For roof areas not evenly divisible by one thousand (1,000) square feet, the required storage volume shall be apportioned accordingly. Details and location of the dry well facility shall be shown on the grading plan. Roof areas less than five hundred (500) square feet in plan area will be exempt from this requirement.
- 11) Drainage provisions shall accommodate increased runoff, resulting from modified soil and surface conditions, during and after development or disturbance.
- 12) Whenever feasible, natural vegetation shall be retained and protected.
- 13) Permanent final plant cover or lawn or ground cover shall be installed on any site prior to the issuance of a certificate of occupancy. In the event that such permanent final plant cover cannot be installed because of conditions of weather, the installation thereof shall be enforced by appropriate provisions in a bond or other security and improvement agreements. If permanent protection and cover has not been and cannot be installed, temporary measures in accordance with the Standards for Soil Erosion and Sediment Control In New Jersey as promulgated by the State Soil Conservation Committee must be installed until such time as permanent measures can be installed.

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14) Either temporary seeding, mulching, plant cover or other suitable stabilization measures shall be used to protect exposed critical erosion areas during construction or other land disturbance.

E. Maintenance. All necessary soil erosion and sediment control measures installed under this Article shall be adequately maintained by the applicant and all subsequent owners of the property on which such measures have been installed, until the possibility of soil erosion and sediment pollution no longer exists.

F. Exemptions. The following activities are specifically exempt from this Article:

- 1) Construction of a single-family dwelling and any related structure where a building permit is required and where the proposed roofed area is less than five hundred (500) square feet or, if a structure has no roof, where less than five hundred (500) square feet of land will be disturbed.
- 2) Soil disturbance associated with existing residences where a building permit is not required and where less than ten thousand (10,000) square feet of land will be disturbed, provided, however, that for land in the R-1, R-2, and R-3 Zones, if the amount of soil disturbance is five thousand (5,000) square feet or more in areas with slopes equal to eight percent (8%) or greater, compliance with this Article shall be required.
- 3) Site plans where the land will not be disturbed.
- 4) Agricultural use of lands when operated in accordance with a farm conservation plan approved by the Burlington County Soil Conservation District or when it is determined by said Soil Conservation District that such use will not cause excessive erosion and sedimentation.

300-179. Noise.

- A. The provisions of this Ordinance shall be enforced by the Zoning Officer who shall be designated as the noise control officer. A person shall be qualified to be a noise control officer if the person meets the criteria set forth in the definition above and completes, at a frequency specified by the Department in N.J.A.C. 7:29-2.11, a noise certification and recertification course which are offered by the Department of Environmental Sciences of Cook College, Rutgers, The State University of New Jersey or any other noise certification or recertification course which is offered by an accredited university and approved by the Department.
- B. Sound measurements made by a noise control officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth below and with the

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definition of “real property line” as contained in this Ordinance.

- C. Noise Control Officer shall have the power to:
- 1) Coordinate the noise control activities of all departments in the City of Bordentown and cooperate with all other public bodies and agencies to the extent practicable.
 - 2) Review the actions of the City of Bordentown and advise on the effect, if any, of such actions on noise control.
 - 3) Review public and private projects, subject to mandatory review or approval by other departments or boards, for compliance with this Section.
 - 4) Investigate and pursue possible violations of this Ordinance for sound levels which equal or exceed the sound levels set forth in Tables I and II, when measured at a receiving property located within the designated jurisdiction of the City Noise Control Officer.
 - 5) Cooperate with noise control officers of adjacent municipalities in enforcing one another’s municipal noise ordinance.
- D. No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed above in such manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I and II when measured at or within the real property line of any of the receiving properties listed in Tables I and II, except as specified below.
- E. When measuring total sound or residual sound within a multi-use property, or within a residential unit when the property line between it and the source property is a common wall, all exterior doors and windows shall be closed and the measurements shall be taken in the center of the room most affected by the noise. Residual sound shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound or residual sound, all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.
- F. Indoor measurements shall only be taken if the sound source: is on or within the same property as the receiving property, as in the case of a multi-use property (e.g., sound generated within a commercial unit of a multi-use property building and received within a residential unit of the same building) or multi-dwelling unit building. In addition, indoor measurements shall be taken if the property line between the receiving property and the source property is a common wall, such as

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in a multi-dwelling unit building. The allowable sound level standards for indoors are as shown on Tables I and II.

- G. Impulsive sound shall not equal or exceed 80 decibels at all times.
- H. Except as provided below, the provisions of this Section shall not apply to the exceptions listed in N.J.A.C. 7:29-1.4.
- I. Construction and demolition activities are exempt from the sound level limits set forth in Tables I and II, except as provided for in (B) below.
- J. Notwithstanding the provisions of Tables I and II, the following standards shall apply to the activities or sources of sound set forth below:
 - 1) Noncommercial or non-industrial power tools and landscaping and yard maintenance equipment shall not be operated between the hours of 8 p.m. and 8 a.m., unless such activities can meet the applicable limits set forth in Tables I and II. All motorized equipment used in these activities shall be operated with a muffler. At all other times, the limits set forth in Tables I and II do not apply to noncommercial or non-industrial power tools and landscaping and yard maintenance equipment.
 - 2) Commercial or industrial power tools and landscaping and yard maintenance equipment, excluding emergency work, shall not be operated on a residential property or within two hundred fifty (250) feet of a residential property line when operated on commercial or industrial property, between the hours of 6 p.m. and 7 a.m. on weekdays, or between the hours of 6 p.m. and 9 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Table I and II. In addition, commercial or industrial power tools and landscaping and yard maintenance equipment, excluding emergency work, utilized on commercial or industrial property shall meet the limits set forth in Tables I and II between the hours of 10 p.m. and 7 a.m. All motorized equipment used in these activities shall be operated with a muffler. At all other times, the limits set forth in Tables I and II do not apply to commercial or industrial power tools and landscaping and yard maintenance equipment.
 - 3) Construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6 p.m. and 7 a.m. on weekdays, or between the hours of 6 p.m. and 9 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Tables I and II. All motorized equipment used in construction and demolition activity shall be operated with a muffler. At all other times, the limits set forth in Tables I and II do not apply to construction and demolition activities.

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- 4) Motorized snowblowers, snow throwers, and lawn equipment with attached snow plows shall be operated at all times with a muffler. At all times, the limits set forth in Tables I and II do not apply.
- 5) All exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for impulsive sound after it has been activated. At all times, the limits set forth at Tables I and II do not apply.
- 6) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at a residential property line between the hours of 10 p.m. and 8 a.m.
- 7) Personal vehicular music amplification equipment shall not be operated in such a manner as to be plainly audible at a distance of fifty (50) feet in any direction from the operator between the hours of 8 a.m. and 10 p.m.
- 8) Self-contained, portable, handheld music or sound amplification or reproduction equipment shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of fifty (50) feet in any direction from the operator between the hours of 8 a.m. and 10 p.m. Between the hours of 10 p.m. and 8 a.m. sound from such equipment shall not be plainly audible by any person other than the operator.
- 9) Sound levels exceeding the limits set forth in Table I shall be prohibited between residential units within the same multi-dwelling unit building. Measurements shall be taken indoors.

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Table I
Maximum Permissible A-Weighted
Sound Levels

1. No persons shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed above in such a manner as to create a sound level that *equals or exceeds* the sound levels listed below.

(A) Outdoors

Receiving Property Category	Residential property, or residential portion of a multi-use property		Commercial facility *, public service facility, nonresidential portion of a multi-use property, or community service facility
Time	7 a.m. – 10 p.m.	10 p.m. – 7 a.m.	24 hours
Maximum A-Weighted sound level standard, dB	65	50	65

(B) Indoors

Receiving Property Category	Residential property, or residential portion of a multi-use property		Commercial facility *, public service facility, nonresidential portion of a multi-use property, or community service facility
Time	7 a.m. – 10 p.m.	10 p.m. – 7 a.m.	24 hours
Maximum A-Weighted sound level standard, dB	55	40	55

* In those instances when a commercial facility shares a common wall/ceiling/floor with another commercial facility that is producing the sound.

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Table II
Maximum Permissible Octave Band Sound Pressure Levels in Decibels

1. No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed above in such a manner as to create a sound pressure level that *equals or exceeds* the sound levels listed below in one or more octave bands.
2. When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus 2 dB in the bands containing the principal source frequencies, discontinue the measurement

Receiving Property	Residential property, or residential portion of a multi-use property		Residential property, or residential portion of a multi-use property		Commercial facility, public service facility, nonresidential portion of a multi-use property, or community service facility	Commercial facility *, or nonresidential portion of a multi-use property
	i) OUTDOORS		INDOORS		OUTDOORS	INDOORS
Octave Band Center	Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB	Octave Band Sound Pressure Level, dB
Time	7 a.m. – 10 p.m.	10 p.m. – 7 a.m.	7 a.m. – 10 p.m.	10 p.m. – 7 a.m.	24 hours	24 hours
31.5	96	86	86	76	96	86
63	82	71	72	61	82	72
125	74	61	64	51	74	64
250	67	53	57	43	67	57
500	63	48	53	38	63	53
1,000	60	45	50	35	60	50
2,000	57	42	47	32	57	47
4,000	55	40	45	30	55	45
8,000	53	38	43	28	53	43

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300-180. Public Uses and Service Area; Utility Placement.

- A. Utility easements. In any major subdivision or where unusual circumstances warrant, as determined by the Planning Board, easements may be required for utility installations. Such easements shall be at least thirty (30) feet wide and located after consultation with the utility companies and City agencies concerned.
- B. Drainage and conservation easement.
- 1) Where a subdivision is traversed by a watercourse, drainageway, channel or stream as shown on the United States Geological Survey (USGS) Quadrangle Maps or includes an open water body, a stream corridor conservation easement shall be provided on each side of the stream or around the open water body which extends ninety five (95) feet from the top of the bank or, where there is no defined stream bank, from the water's edge. The stream corridor conservation easement shall consist of three zones: Zone 1, to occupy a margin of land with a minimum width of fifteen (15) feet, beginning at the edge of an identified watercourse, drainageway, channel, stream or open water body measured horizontally on a line perpendicular to the edge of water at normal flow; Zone 2, to begin at the outer edge of zone land and occupy at minimum width of sixty (60) feet in addition to Zone 1; and Zone 3, to begin at the outer edge of Zone 2 and occupy a minimum width of twenty (20) feet, in addition to Zones 1 and 2. Such easements shall be deeded to the City prior to final subdivision approval and shall carry the following limitations:
 - a) No trees or shrubs shall be removed or destroyed on lands in Zone 1 except for selective removal of extremely high economic value trees or trees presenting unusual hazards, which removals shall be subject to the consent of the City.
 - b) No trees or shrubs shall be removed or destroyed on lands in Zone 2, except in accordance with approved forest management practices, and only upon approval of the governing body or its designee.
 - c) No topsoil, sand, gravel or minerals shall be excavated or removed in Zones 1 and 2, except as may be required to build a pond, and then only if the City approves the design and structure of the pond, it being the intent to preserve the natural function of the floodplain.
 - d) No buildings or structures of any description shall be erected.
 - e) No fill of any kind shall be permitted, except as may be required to build a road, and then only after the City approves the design of such road as part

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of the subdivision.

- f) No fertilizers, pesticides, herbicides and/or other chemicals shall be used or applied in Zones 1 and 2 and no fertilizers, pesticides, herbicides and/or other chemicals shall be used in Zone 3 in excess of prescribed industry standards.
 - g) No parking lots shall be constructed.
 - h) No subsurface sewage disposal area shall be constructed.
 - i) No livestock shall be permitted in Zones 1 and 2, except for designated stream crossings; grazing is permitted in Zone 3 when conditions are such that earthen water control structures will not be damaged.
 - j) No haying is permitted in Zones 1 and 2.
 - k) No vehicular traffic is permitted in any area not designed to accommodate adequately the type and volume.
- 2) Where it is desirable to preserve other areas within a subdivision because of soil conditions, rock outcroppings, tree masses, wildlife habitat, vistas or other significant horticultural, environmental or natural features, there shall be provided a drainage and/or conservation easement of sufficient area and width to protect and preserve the aforementioned features. Such easements shall be deeded to the City prior to final subdivision approval and carry the following limitations:
- a) No trees or shrubs shall be removed or destroyed on lands in the easement, except in accordance with approved forest management practices, and only upon approval of the governing body or its designee.
 - b) No topsoil, sand, gravel or minerals shall be excavated or removed, except as may be required to build a pond, and then only if the City approves the design and structure of the pond, it being the intent to preserve the natural function of the floodplain.
 - c) No buildings or structures of any description shall be erected.
 - d) No fill of any kind shall be permitted, except as may be required to build a road, and then only after the City approves the design of such road as part of the subdivision.

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C. Underground utilities.

- 1) In all subdivisions, all utility distribution lines or mains and all services shall be installed underground. In all such subdivisions, the applicant shall arrange with the serving utility for the underground installation of the utilities distribution supply lines in accordance with the provisions of the applicable standard terms and conditions incorporated as a part of its tariff, as the same are then on file with the State of New Jersey Board of Public Utility Commissioners. However, lots which, in such subdivisions, abut existing streets where overhead electric or telephone distribution supply lines have heretofore been installed on any portion of the street involved may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities overhead lines shall be installed underground.
- 2) In any particular situation where the applicant can clearly demonstrate that because of unusual topographic conditions or other unusual conditions having to do with the land, the installation of such utilities underground is impracticable or otherwise not feasible due to such conditions, then the Planning Board, in its discretion, may waive the requirement for underground installation.
- 3) All underground utility work which will be under the pavement of the street shall be laid sufficiently in advance to allow for complete settlement of the trenches, and in no event shall construction work be permitted over such excavation which, in the opinion of the Planning Board Engineer, has not properly settled.

- D. Streetlights. Streetlights shall be installed at street intersections or otherwise dangerous areas upon the recommendation of the Planning Board Engineer and final review of the Chief of Police.

300-181. Solar Energy Systems.

- A. Solar energy systems are a permitted use in all zoning districts.
- B. Roof mounted systems shall not be more than three (3) feet higher than the finished roof to which it is mounted.
- C. Ground mounted systems and systems attached to accessory buildings shall be not less than ten (10) feet from any side or rear property line. Solar energy systems are prohibited in front yards, and shall not be located past the front wall of the principal building.

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- D. There is no limit to the number of modules and arrays installed on each property that comprise a solar energy system, except for the exclusions contained herein in E and G below.
- E. Solar energy farms are prohibited. These are systems whose main purpose is to generate energy for sale back into the energy grid system, rather than being consumed on site.
- F. Ground mounted solar energy systems shall not be categorized as accessory buildings.
- G. If solar energy systems are attached to accessory buildings the number of accessory buildings allowed shall be regulated in accordance with the provisions set forth in this Ordinance.
- H. The height of ground mounted solar energy systems and systems included on accessory buildings shall not exceed twelve (12) feet in height.
- I. Zoning and construction permits are required.
- J. No more than twenty percent (20%) of a lot may be covered with a solar energy system.

300-182. Storm water Control. [Insert existing Storm water Control Ordinance]

300-183. Riparian Buffer. [Insert existing Riparian Buffer Ordinance]

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ARTICLE XXVI

EXCEPTIONS AND SUPPLEMENTAL REGULATIONS

300-184. Principal Buildings.

- A. No lot used for single-family detached dwelling purposes may contain more than one (1) principal structure.
- B. No dwelling shall be constructed or moved in front of or in the rear of a building on the same lot.
- C. All principal buildings shall be built upon a lot with frontage upon a public street or private road improved in accordance with City requirements or for which such improvements have been insured by the posting of a performance guaranty. However, if the City Commissioners have no plans to improve an unpaved street, the Board may approve development along the street subject to improvements required by the Planning Board Engineer to protect the safety of future inhabitants.

300-185. Identification of Buildings.

All principal buildings in all districts shall be clearly identified as to building number, house number, street number or name by means of a small, unobstructed sign, clearly visible and readable from the main abutting street. Such sign shall be attached either to the outer most door or some portion of the outer most structure or affixed to a lamppost. Any sign or legend other than a building number, house number or street number shall comply with all requirements for signs, as herein set forth. The house number, street number, building number or name shall be assigned by the Construction Official upon the approval of the building plans.

300-186. Appearance of Buildings in Residential Districts.

Within any residential district, no building shall be constructed or altered in any manner so that its exterior design and appearance is not compatible and harmonious with the general atmosphere and character of the neighborhood. Typical commercial and storefront designs are prohibited.

300-187. Accessory Buildings.

- A. Any accessory building attached to a principal building shall be considered part of the principal building, and the total structure shall adhere to the yard requirement for the principal building regardless of the technique of connecting the principal

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and accessory buildings.

- B. No construction permit shall be issued for the construction of an accessory building prior to the issuance of a construction permit for the construction of the main building upon the same premises. If construction of the main building does not precede or coincide with the construction of the accessory building, the Construction Official shall revoke the construction permit for the accessory building until construction of the main building has proceeded substantially toward completion.
- C. The minimum distance between an accessory building and any other building(s) on the same lot shall be as prescribed for the prevailing zoning district.
- D. The height of accessory buildings shall be as prescribed for the prevailing zoning district.
- E. An accessory building may be erected in side and rear yard areas only and shall be set back from side and rear lot lines as prescribed for the prevailing zoning district, except that, if erected on a corner lot, the accessory building shall be set back from the side street to comply with the setback line applying to the principal building for that side street. Unless otherwise noted under requirements for the prevailing zoning district, accessory buildings shall meet the setback lines for the principal building.
- F. Accessory buildings on corner lots shall not be erected closer to the street line than the front yard required on the adjacent lot.
- G. An accessory building shall not be located on a lot unless a principal building is also located on that same lot.
- H. The design of any accessory building shall be compatible with the design of the principal structure to which it is ancillary.

300-188. Sight Obstruction.

In all residential districts, no fence, shrub or other item which is an obstruction to visibility, exclusive of trimmed trees or existing buildings, shall be erected, planted or maintained upon a corner lot within ten (10) feet of the right-of-way of any street intersection. Any existing obstruction, exclusive of trimmed trees or existing buildings of this character, which, within the foregoing limits, curtails the view of drivers of vehicles approaching the intersection, shall be removed by and at the expense of the owners of such corner lots within six (6) months of the date of the passage of this Article.

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300-189. Additional Requirements for Residential Zones.

Notwithstanding anything to the contrary herein contained, the following shall constitute additional requirements in the R-1, R-2, and R-3 Zones:

- A. All corner lots shall have an area of at least ten percent (10%) greater than the minimum lot size required for the particular zone and ten percent (10%) greater frontage.
- B. Wherever a residential subdivision or any part thereof borders on an industrial or commercial zone, the subdivision shall be designed so that no homes shall face the industrial or commercial zones, and each lot bordering on such zone shall be fifty (50) feet deeper or fifty (50) feet wider than required in the particular zone in order to provide a buffer strip, which shall be left in its natural state or suitably landscaped as required by the Planning Board.
- C. Outdoor parking of trucks or other commercial vehicles is prohibited in all residential zones; provided, however, that where no garage facilities exist, one (1) such vehicle having a gross weight of not more than two and one half (2½) tons and not larger than a three-fourths ton pickup may be so parked. Trailers intended or used for dwelling space, offices, storage or any other residential, commercial or industrial purpose are also prohibited, except that nothing herein contained is intended to prohibit the use of trailers for transportation or as construction offices and for the storage of materials and supplies on a job site during the period of construction.

300-190. Uses Which Create Dangerous or Objectionable Conditions.

No use shall be permitted in any district which creates danger to life, limb or property or which emits any objectionable noise, smell, smoke, dust, gas, glare or effluent.

300-191. Fences.

- A. No fence, except a living fence, shall be erected in the City prior to the issuance of a fence permit by the Zoning Officer. The fence permit may be forwarded to the Planning Board Engineer for review and comment if deemed necessary by the Zoning Officer. The application for a fence permit shall be presented on an approved form prepared by the Zoning Officer and shall include the following:
 - 1) The name of the property owner and the address of the property where the fence is to be erected.
 - 2) The name and address of the person or company installing the fence.

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- 3) A description with a pictorial elevation and a construction plan of the fence or wall.
 - 4) A plot plan of the premises in question at a scale of not less than one (1) inch equals thirty (30) feet showing the location of the proposed fence, the location of all structures, including structures on adjacent properties within ten (10) feet of the proposed fence, and the distance the proposed fence will be from those structures.
- B. No fence erected on or about a residential lot or parcel of land shall exceed six (6) feet in height. Pre-constructed fences must be installed as close to the ground as possible. The total height of the fence will not include any sight undulations of the ground, provided that eighty percent (80%) of the fence does not exceed the maximum height of six (6) feet.
 - C. All fences erected in front yard of any lot in a residential zone must be less than fifty percent (50%) solid or less than four (4) feet in height.
 - D. No fence in any residential zone shall be constructed with barbed wire.
 - E. All fences shall be constructed with a face, or finished side, away from the property and the structural site toward the interior.
 - F. Fences which are painted shall be painted in only one (1) color, harmonious with the surrounding area. Multicolored fences are prohibited.
 - G. Living fences or screening shall be planted no closer than three (3) feet to the property line and shall be maintained in a neatly trimmed condition.
 - H. Fences shall be erected in a manner so as to permit the flow of natural drainage and shall not cause surface water to be blocked or dammed to create ponding.
 - I. Fences higher than six (6) feet, such as those required around a tennis court, may be permitted in a residential zone by the Zoning Board. However, such a fence will be considered a structure requiring a building permit and shall meet minimum side and rear yard requirements for any accessory building.
 - J. Fences to be erected along or near a property line entirely within the boundaries of one property may be so installed without the written consent of the adjacent property owner. Applications for a permit to erect a fence on the property line such that portions of the fence will reside on both sides of the property line must be accompanied by the written approval of the adjacent property owner. Fences shall not be erected on, along or near the property line if, in the opinion of the Zoning Officer, erection of the fence would preclude or significantly interfere with the

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adjacent property owner's ability to maintain his structure or would create a safety hazard.

300-192. Community Residences.

- A. Such uses shall be subject to site plan review and approval, including the conversion of a dwelling for such use.
- B. The use shall comply with the area and bulk requirements of the zone in which it is located. The residential character of the lot and buildings shall not be changed and there shall be no exterior evidence of the community residence. No signs shall be permitted except information and direction signs as permitted for single-family detached dwellings.
- C. The following design requirements shall be incorporated within the submitted site plan:
 - 1) Community residences shall have immediate access to public transportation services or, in the alternative, provide occupants with a van or equivalent transportation service; and
 - 2) Community residences shall resemble single-family detached dwellings in appearance.
- D. All community residences shall have three quarters (3/4) parking spaces for each resident thereof. The Planning Board shall give due consideration to provisions for visitation and the number of resident staff in order to ensure that there are ample parking facilities. Therefore, the Planning Board may, at its discretion, require more parking spaces than three quarters (3/4) spaces per resident, or may, if the evidence so warrants, waive strict adherence to this standard. Moreover, a sufficient off-street area shall be provided for the pick-up and discharge of residents by vans or other vehicles servicing the facility.
- E. The Planning Board may deny approval to any proposed community residence which would be located within one thousand five hundred (1,500) feet of an existing such residence; provided further, however, that the Planning Board may deny the issuance of any additional such permits if the number of persons, other than resident staff, resident at existing such community residences within the City exceeds fifty (50) persons, or 0.5% of the population of the City, whichever is greater.
- F. Community residences shall be licensed by the State of New Jersey.

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300-193. Signs.

A. Permit requirements.

- 1) A zoning permit must be obtained prior to the erection, installation, alteration or relocation of any sign, except those signs permitted below.
- 2) A building permit must be obtained prior to the erection, installation, alteration or relocation of any sign except as follows:
 - a) Non-illuminated functional/directional signs.
 - b) A change in the copy of an approved sign.
- 3) A certificate of conformance must be obtained after erection, installation, alteration or relocation of any sign to confirm that the property and the sign conform to and with the requirements below.

B. Regulations applicable to all signs in all zoning districts.

- 1) Computation of sign area. In administering this section, the area of any sign shall be computed as the total square foot content of the background upon which the lettering, illustration or display is presented, including in such background any decorative motif or moldings. If the lettering, illustration or display is not affixed to the background but is affixed directly to the wall of a building or other structure, the area of the sign shall be computed as the product of the largest horizontal distance and the largest vertical distance of the lettering, illustration or display. The supporting members of any sign, which are used exclusively for such purpose, shall not be included in the computation of the sign area. Signs having more than one display face may have the maximum area permitted on each face, provided that the faces are directly parallel to each other.
- 2) No sign shall be erected anywhere within the City except in accordance with the requirements and regulations of this Section.
- 3) Any sign in existence at the time of the adoption of this Section is entitled to remain so long as it is not moved, altered or replaced, in which event it shall conform to all the requirements of this Section.
- 4) All signs shall relate to a use or activity located on the same lot. Signs related to activities off premises are prohibited.

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- 5) No sign shall be placed in a position that will cause danger to traffic on a street or entering a street by obscuring the view of traffic on either street. In no case shall any sign, other than an official governmental sign or traffic control sign, be erected within the right-of-way of any street unless specifically authorized by ordinance or regulations of the City.
 - 6) No private or commercial sign may be designed in such a way as to be potentially misunderstood as an official governmental sign.
 - 7) The repainting, re-lettering or repair of an existing sign shall not constitute a new sign, provided said repainting, re-lettering or repairing does not necessitate the removal of the sign from its supporting structures.
 - 8) Flashing, blinking, twinkling, animated, moving or projected signs of any type or signs which present an illusion of movement are prohibited. This prohibition shall not apply to static time and temperature displays.
 - 9) Illuminated signs, where permitted, may be internally or externally illuminated so long as such illumination does not shine directly onto adjoining property or onto any street or highway.
 - 10) Signs attached to any part of a building shall not extend above the roofline.
 - 11) No sign may be erected within a clear sight triangle.
 - 12) No permanent sign may be erected using freestanding poles as its primary support.
 - 13) Wheeled signs shall not be permitted.
 - 14) Temporary Portable Sandwich Board and 2-sided freestanding signs shall only be permitted in the TC Town Center Mixed Use zone.
- C. Signs permitted in all districts without zoning permits.
- 1) Temporary signs located and advertising subdivisions of land and projects requiring site plan approval which have received final approval by the City, provided that no such sign shall exceed twenty-four (24) square feet in area, exceed two (2) in number, nor be located closer than twenty (20) feet to any street line. Such sign permits shall be valid for a period of six (6) months, and then such signs shall be removed, unless the permit is renewed. Such signs shall be removed, in the case of land subdivisions, when either seventy five percent (75%) of the lots created have been built upon or after seventy five percent (75%) of the lots have been sold by the developer, which ever should

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occur first, and in the case of projects receiving site plan approval, upon the issuance of a certificate of occupancy.

- 2) Traffic control signage necessary for the safe and efficient flow of vehicular and/or pedestrian traffic.
 - 3) Functional signs not exceeding three (3) square feet in area nor three (3) feet in height.
 - 4) Signs incident to the legal process such as legal notices, condemnation or quarantine signs.
 - 5) Temporary signs of artisans and contractors shall be permitted provided said signage does not exceed an area of twelve (12) square feet, does not exceed a height above grade of four (4) feet and is removed within twenty-four (24) hours of completion of work.
 - 6) Temporary signs announcing any educational, charitable, civic, religious, political or similar event for a consecutive period not to exceed thirty one (31) days before the event and seven (7) days after the event. The size of all temporary signs shall not exceed twenty (20) square feet in area and six (6) feet in height. The number of temporary signs shall be limited to one (1) sign per property and shall contain no commercial message or logo. Temporary signs shall be made of wood, plastic, or paper-based material and shall not be illuminated. The person or organization erecting the sign shall be responsible for taking the sign down within the allowed time limit.
 - 7) One (1) temporary sign advertising hiring of employees which shall only be a plastic or wooden type sign, which shall not exceed eight (8) square feet in area and shall not be installed within any local, county or state right-of-way. A temporary hiring sign shall be limited to a maximum time period of thirty (30) calendar days and for no more than four (4) time periods during any one calendar year.
 - 8) Temporary real estate signs shall be permitted provided said signage does not exceed an area of twelve (12) square feet, does not exceed a height above grade of four (4) feet and is removed within twenty-four (24) hours of settlement or the execution of a lease.
- D. Flagpoles. Flagpoles may be installed on a lot in any zone following the issuance of a zoning permit, provided they meet the following requirements:
- 1) No more than one flagpole may be installed on any lot.

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- 2) The front and side yard setbacks applicable to flagpoles shall be $\frac{1}{2}$ of the applicable minimum building front and side yard setback; provided, however, that no flagpole may be installed or erected in any required buffer area.
- 3) The maximum height of flagpoles is the maximum height for buildings permitted in the zoning district in which the flagpole is erected.

E. Sign regulations applicable to specific uses and zoning districts.

- 1) Signs in residential zones. The following signs shall be permitted in the R-1, R-2, R-3 and AR/HC Zoning Districts and shall comply with the following regulations:
 - a) One nameplate sign containing the name and/or address of the resident, which shall not exceed one square foot in area.
 - b) Any residential subdivision shall be permitted to install one monument sign as an entry marker in accordance with the following:
 - (1) Signs shall be illuminated by external low level, ground-mounted spot lights.
 - (2) Sign may be no larger than thirty two (32) square feet.
 - (3) If the sign is to be installed by the developer, it must be shown on the final subdivision plat and located on a private lot or parcel or within the common areas owned and controlled by the homeowners' association applicable to the development.
 - (4) The homeowners' association shall be solely liable for all maintenance, repair, utility cost and insurance for such sign. The sign and all adjacent landscaping shall be kept in a well maintained state.
 - (5) The provisions applicable to such sign in the homeowners' association governing documents must be reviewed and approved by the City Solicitor.
 - (6) The homeowners' association documents must give the city the right and power but not the obligation to maintain the sign if the homeowners' association fails to maintain the same and to assess the owner of the lot on which the sign exists for the costs to complete such maintenance and repair.

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- (7) If the sign is installed upon the application of the homeowners' association, the applicant shall execute an agreement containing provisions as a condition of such approval. The form of agreement shall be approved by the City Solicitor.
- (8) The sign must be located outside of all applicable clear sight triangles.
- 2) Signs in TC, CI, WC, OC zones and historic districts. The following regulations shall govern the size and placement of signs:
- a) Each commercial property may have one attached sign, to be either mounted flush against or attached in a perpendicular manner to a wall.
 - b) Attached signs that are placed flush against a wall may not exceed fifteen percent (15%) of that wall's surface area.
 - c) Signs mounted perpendicular to a wall may not extend more than three (3) feet from that wall and may not have an area greater than six (6) square feet.
 - d) The bottom of a sign mounted perpendicular to a wall shall be at least seven (7) feet above the sidewalk.
 - e) If a commercial use has a secondary entrance, one additional attached sign is permitted at that entrance, provided it is mounted flush against the wall and does not exceed four (4) square feet in area.
 - f) Windows signs are permitted, providing said signs do not exceed ten percent (10%) of the window area.
 - g) Awning or canopy signs. Each commercial storefront may have one awning or canopy sign subject to the following conditions:
 - (1) Only one such sign is permitted per storefront, on the first floor only.
 - (2) Sign letters and characters shall be painted or sewn on. Maximum letter height shall be nine (9) inches.
 - (3) Maximum lettering area shall not exceed $\frac{1}{2}$ square feet for each linear foot of building frontage or sixteen (16) square feet, whichever is less. Inclusion of the premises' street address on the awning or canopy shall not be counted towards the maximum permitted sign area or

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number of signs.

- (4) Awning or canopy signs attached to the same building must be the same shape, color and height, regardless of individual business ownership or tenancy in the building.
 - (5) Awning or canopy signs may not extend outward from a building's façade more than four (4) feet and may not encroach into a public right-of-way unless said sign is at least seven (7) feet above any sidewalk.
- 3) Signs in HC Highway Commercial zone. The following regulations shall govern the size and placement of signs:
- a) Any business establishment may display one monument sign and one attached sign mounted flush to its façade. The maximum area of any monument sign shall be the lesser of $\frac{1}{2}$ square foot per each lineal foot of front building elevation or fifty four (54) square feet, and may not have a vertical dimension in excess of six (6) feet above grade; the maximum area of any attached sign shall not exceed fifteen percent (15%) of the area of the façade to which it is affixed.
 - b) In the case of a shopping center or multiple occupant/tenant (MOT) commercial development, the development shall be permitted one monument sign per driveway, but not to exceed two and not exceeding seventy two (72) square feet in area and a height above grade of ten (10) feet. Each tenant shall be permitted to display one attached sign not to exceed fifteen percent (15%) of the façade area attributable to each individual tenant use.
 - c) No monument sign shall be erected closer than ten (10) feet to any property line.
 - d) The height of any attached sign shall not exceed ten percent (10%) of the height of the wall to which it is attached, except that such sign can be at least two (2) feet in height. The maximum width of any attached sign shall not exceed fifty percent (50%) of the width of the wall to which it is attached or twelve (12) feet in width, whichever is less.
 - e) No attached sign shall extend farther than six (6) inches from the face of the wall upon which it is attached. Where a sign extends more than three (3) inches from the face of the wall, the bottom of such sign shall be at least eight (8) feet above ground level. Any attached sign overhanging a public or private walkway shall not extend more than three (3) inches from the

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face of the wall to which it is attached.

- 4) Signs in automotive service stations and public garages. The following signs, in addition to the foregoing signs, shall be permitted in connection with an automotive service station or public garage, subject to the following regulations.
 - a) A ground-mounted combination identification and price sign not exceeding a vertical dimension of eight (8) feet nor an area of sixty four (64) square feet. Said sign shall be placed at least ten (10) feet from any property line.
 - b) Where a canopy is provided over pump islands, the company logo may be placed on any two (2) sides of the fascia. Each logo may not cover more than ten percent (10%) of the fascia side to which it is affixed.
 - c) Signs or lettering displayed over individual entrance doors or bays consisting of the words washing, lubrication, repairs or such other legend related to the functions performed in such location, provided that there shall be no more than one such sign over each entrance and the area of any such sign does not exceed six (6) square feet.
 - d) The customary lettering or other insignia such as company logo which are an integral part of any gasoline pump, together with any signs located thereon dealing with the product dispensed therefrom, a price indicator and any other sign which may be required by law.
 - e) Other signs describing, locating and identifying other services or products dispensed, such as air, water and oil, provided that such signs shall not exceed one square foot in area.
 - f) Non-illuminated credit card signs indicating those credit cards which are honored at such establishment, provided that no individual signs shall exceed two (2) square feet in area.
- 5). Temporary Portable Sandwich Board and 2-sided freestanding signs shall be permitted in the TC Town Center Mixed Use zone. For the purpose of enforcing this section, temporary portable sandwich board and 2-sided freestanding signs shall be subject to the following:
 - a) Temporary Portable Sandwich Board and 2-sided freestanding signs shall be permitted curbside on the sidewalk or in entrance alcoves. Temporary Portable Sandwich and 2-sided freestanding signs cannot exceed 24" x 36" in total size and must be placed in locations to provide a minimum of four (4) feet clearance for pedestrian accessibility and such signs shall be

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located at least five (5) feet from a pedestrian ramp and two (2) feet from the back of a curb line. Temporary Portable Sandwich and 2-sided freestanding signs shall be constructed of wood and may contain chalkboard or other writable material. Once erected, the sandwich board sign base must have no more than an 18" separation. Temporary Portable Sandwich Board and 2-sided freestanding signs and their locations must be registered with, and approved by the Zoning Officer. In order to provide adequate pedestrian accessibility, some properties may not be approved for a sandwich board or a 2-sided freestanding sign.

- b) Signs conforming to the following may be put up immediately after approval from the Zoning Officer. Approvals must be obtained from the Zoning Officer prior to the placement of the freestanding sandwich board sign or 2-sided freestanding sign. Any freestanding sandwich board or 2-sided freestanding sign not meeting the standards below, or the following conditions, shall be cited by the City:
- (1) Only one (1) such sign shall be permitted per business frontage, and must be located adjacent to the exterior of the business establishment.
 - (2) It shall be artistically designed with a theme related to the individual business or zone in which it is located and must be painted or otherwise finished.
 - (3) The sign shall be located so as not to impair pedestrian or vehicular traffic, or block or obstruct any legally required fire exit, curbside car vehicle door opening area, or any other exit.
 - (4) The sign shall not obstruct any driveway or obstruct the sight lines of motorists entering and exiting a driveway.
 - (5) The sign shall not include any lighting or sound-generation equipment.
 - (6) The sign shall be taken inside at night after the closing of the business and during periods of inclement weather, such as rain, snow, and high winds. The sign shall include a ten-pound weighted stabilizing base to prevent accidental collapse or falling.
 - (7) A sign must be registered and approved by the Zoning Officer as to size, appearance and location with a scaled drawing indicating sign size and dimensions of all points of access.
 - (8) When a sign is erected, no other freestanding exterior sign may be erected.

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- (9) In order to be approved for a permitted temporary sign, all other signage must be in full compliance with the other provisions of this sign section of the Ordinance.
- (10) The sandwich board or 2-sided freestanding sign shall be portable to allow easy relocation, and shall not be attached or strapped to any pole, tree, fire hydrant or any other stationary fixture.
- (11) The sandwich board or 2-sided freestanding sign shall be removed during non-business hours.
- (12) There shall be no electrical service to such signs.
- (13) If the Zoning Officer determines that the sandwich board or 2-sided freestanding sign located in the public right-of-way is a nuisance, the owner of the sign shall be notified. If the nuisance is not corrected within twenty-four (24) hours of notification, the sign shall be confiscated by the Zoning Officer. The owner of the sign shall be responsible for all liability related to its use.

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ARTICLE XXVII

MINOR SUBDIVISIONS

300-194. Application Requirements.

- A. An applicant desiring to proceed with a minor subdivision shall file with the Clerk at least two (2) weeks prior to the date of a regular meeting of the Board the following documents:
- 1) Six (6) completed copies of the City minor subdivision application form.
 - 2) Four (4) copies of any protective covenants, deed restrictions or easements, either presently affecting the property or proposed in the subdivision, such as a conservation easement or reservation or dedication of lands, drainage or utility right-of-way or a sight triangle.
 - 3) Four (4) copies of any deed(s) for any lands offered to the City.
 - 4) Twelve (12) copies of the plat of the proposed minor subdivision. A reproducible copy shall be submitted upon approval.
 - 5) Twelve (12) copies of a key map.
 - 6) A certification from the City Tax Collector that no taxes or assessments for local improvements are due or delinquent on the property for which the subdivision application is made.
- B. The applicant shall have the right, before submitting a formal application hereunder, to request and obtain an informal conference before the Planning Board as provided in Section 300-260.

300-195. Payment of Application Fee.

The applicant shall submit to the Clerk, at the time of submission of an application for a minor subdivision, payment of the fee provided in Section 300-261.

300-196. Plat Requirements.

- A. A minor subdivision plat shall be clearly and legibly drawn at an accurate scale of not less than one (1) inch equals one hundred (100) feet and shall be based on an actual survey certified by a land surveyor licensed in the State of New Jersey. The plat shall conform to the size and other requirements of N.J.S.A. 46:23-9.9 et seq.

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(Map Filing Law), as amended and supplemented. The plat shall show the following information:

- 1) All lots being subdivided together with the boundary and acreage of the entire original tract and the number of new lots being created. The area of each lot shall be shown correct to within one (1) square foot.
- 2) All existing and proposed property lines within and immediately adjoining the tract and all lot lines to be eliminated. All lot lines shall be shown correct to one-hundredth (0.01) of a foot in length and one (1) second in angular measurement. Minimum front, side and rear building setback lines on each proposed lot and the remaining lot shall be shown.
- 3) All existing buildings and structures and their use(s), wooded areas, rock outcrops and isolated trees with a diameter of six (6) inches or more measured four and one-half (4½) feet above ground level. All streams, lakes, drainage rights-of-way and streets within the limits of the tract(s) being subdivided, including the location, width and direction of flow of all streams, brooks, drainage structures and drainage rights-of-way, shall be shown. Any existing features to be removed or relocated shall be indicated. Flood hazard area lines and wetlands and swamps within the tract shall be shown. A general drainage system shall be shown.
- 4) The shortest distance from any existing building(s) to any proposed and existing lot line.
- 5) The existing and proposed rights-of-way of all easements and all streets within and adjoining the premises, with dimensions, together with existing driveways, street names and the purpose for any easement. Sight triangles shall be shown.
- 6) The name of the owner and all adjoining property owners as disclosed by most recent City tax records.
- 7) The Tax Map sheet, block and lot number for all tract and all adjacent lots; written and graphic scales; North arrow; and space for the subdivision application number; the name of the city; the name of the subdivision; and the date of preparation and most recent revision.
- 8) Zoning district(s), and, if the property lies in more than one (1) zoning district, the plat shall indicate all the zoning district lines.

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- 9) The name, address, phone number and signature of the owner, subdivider and person preparing the plat.

 - 10) When on-lot water and/or on-lot sewage disposal is proposed, the plat shall be accompanied by the results of percolation test(s). The percolation test(s) shall be made in accordance with the requirements of the Realty Improvement Sewerage and Facilities Act (1954), N.J.S.A. 58:11-23 et seq., and in accordance with the regulations of the City Board of Health or Health Officer. The test(s) shall be performed at the applicant's expense and upon forty eight (48) hours notice to the City Engineer and Board of Health or Health Officer. Each lot proposed shall show the location of the proposed individual water supply and sewage disposal system. Upon submission of all percolation data to the Planning Board, the Board may authorize the City Engineer to conduct comprehensive tests to verify the percolation tests performed by the applicant's engineer. The applicant shall pay the actual costs of such verification tests by the City Engineer as set forth in Section 300-261.

 - 11) Location and description of all monuments.

 - 12) Such other information or data as may be required by the Planning Board in order to determine that the details of the subdivision are in accord with the standards of applicable ordinances.
- B. The Planning Board may waive any of the details required by this section if it determines that the subdivision conforms to the standards of good planning, will have no deleterious effect on neighboring properties and provides adequate data to assure protection of the health, safety and welfare of the residents of the City.
- C. The plat shall be certified as to the accuracy of the engineering details by an engineer licensed in New Jersey, bearing his signature, seal, license and address.

300-197. Key Map.

- A. A key map shall contain the North arrow and show the entire subdivision and its relation to surrounding areas, at a scale of not less than two thousand (2,000) feet to the inch. The key map shall be presented on sheet(s) not greater than thirty by forty two (30 x 42) inches or less than eight and one-half by thirteen (8½ x 13) inches. The key map shall show not less than the following information:
- 1) The location and relationship of the proposed subdivision in reference to the nearest major arterial streets closest to the proposed subdivision. This information shall be obtained from the Tax Maps.

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- 2) The location of all streams within five hundred (500) feet of the tract or proposed subdivision.
- B. The key map shall be certified as to the accuracy of the details by an engineer or surveyor licensed in New Jersey, bearing his signature, seal, license and address.
- C. The key map may be set forth on the plat.

300-198. Submission of Application to City; Reports.

Upon receipt of an application for a minor subdivision, together with the required supporting documents and payment of the prescribed fee, the Clerk shall forthwith submit it to the Secretary, who shall submit one (1) copy of the application and supporting documentation each to the Planning Board Subdivision Committee, the City Engineer and to the Attorney for the Planning Board for a report thereon to the Planning Board. These reports shall be submitted to the Planning Board at least two (2) days prior to the meeting of the Planning Board at which the application will be considered. These reports shall comment on the completeness of the application in conformity with this Chapter, whether or not the application meets the standards of a minor subdivision and whether or not the application is in compliance with all requirements of applicable laws and ordinances. The Engineer shall also advise as to the likelihood of off-tract improvements being required and, if such shall be the case, shall advise the City Commission which shall then act pursuant to Section 300-253. The Secretary shall also set down the application on the agenda of the Planning Board meeting next following fourteen (14) days from the date of submission of the complete application and shall advise the applicant of such date. In the event that the Secretary determines that a literal compliance with the time requirements of this section will cause the application to be considered by the Planning Board not within forty five (45) days of the submission of the application, the Secretary shall so advise the Planning Board at its next meeting and the Planning Board shall schedule a special meeting for consideration of the application within the forty five day period.

300-199. Submission of Application to County Planning Board.

Not later than seven (7) days after submission of the application for a minor subdivision to the Clerk, the applicant, where required pursuant to N.J.S.A. 40:27-6.3, shall submit a copy of the application and all supporting documentation to the Burlington County Planning Board for review and approval. The applicant shall then promptly certify to the Secretary that such submission has been properly made.

300-200. Action by Planning Board; Approval of Application.

- A. At the meeting of the Planning Board at which the application is to be considered, the Planning Board shall first determine that the application conforms to the

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definition of a “minor subdivision” as set forth in Article II. If it is determined that the application does not so conform, the Planning Board shall deny the application; however, such denial shall not be deemed to preclude a subsequent application for a major subdivision involving the same tract.

- B. If it is determined that the application does conform to the definition of a “minor subdivision” but is incomplete in the submission of required documentation, the Planning Board shall immediately notify the applicant of the incompleteness, which shall not be deemed to preclude a subsequent complete resubmission, upon payment of the prescribed fee.
- C. If it is determined that the application does conform to the definition of a “minor subdivision” and is complete, the Planning Board shall waive notice and public hearing for the application.
- D. Minor subdivision approval shall be granted or denied within forty-five (45) days of the date of submission of a complete application to the Secretary of the Planning Board or within such further time as may be consented to in writing by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute minor subdivision approval, and a certificate of the Secretary of the Planning Board as to the failure of the Planning Board to act shall be issued on request of the applicant; and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and may be so accepted by the Burlington County Clerk for purposes of filing subdivision plats.
- E. Whenever review or approval of the application by the Burlington County Planning Board is required by N.J.S.A. 40:27-6.3, the Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.
- F. Whenever the Planning Board shall grant approval subject to conditions, a notation shall be made on the plat or deed indicating that: “The approval of this subdivision is subject to conditions set forth in the minutes of the Planning Board.”
- G. Approval of a minor subdivision shall expire one hundred ninety (190) days from the date of City approval unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law, N.J.S.A. 46:23-9.9 et seq., or a deed clearly describing the approved minor subdivision is filed by the applicant with the County Clerk, the City Engineer, the City Construction Official and the City Board of Tax Assessors. Any such plat or deed accepted for such filing shall have been signed by the Chairman and the Secretary of the Planning Board.

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- H. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted shall not be changed for a period of two (2) years after the date of minor subdivision approval, provided that the approved minor subdivision shall have been duly recorded as provided in this section.
- I. Prior to the commencement of any construction, final detailed engineering plans shall be submitted to and approved by the City Engineer. The applicant shall deposit with the City Clerk such fee for engineering review as provided in Section 300-223.
- J. No building permit shall be issued for excavation or construction in any area approved for subdivision until such plat or deed has been filed.

300-201. Inspections; Prior Deposit Required.

Before granting approval of an application for a minor subdivision, the Planning Board shall require the applicant to deposit with the City inspection fees to compensate the City Engineer for performing an inspection of the sidewalk, curb street and storm drainage improvements and other appropriate improvements. After approval and after the applicant has initiated construction thereof, the City Engineer shall make the inspections and submit written reports with respect to the results of such inspections to both the Secretary of the Planning Board, the City Construction Official and the applicant. Additionally, the City Engineer shall advise the Secretary and the applicant of his inspection fees. Thereafter the inspection fees shall be paid from the deposit. If the applicant should decide to permanently discontinue work on the subdivision in question before its completion, he may make written application to the Planning Board for the refund of the unencumbered portion of the deposit. Submission of this application shall constitute a waiver of all rights which may have accrued to him with respect to the subdivision covered by the application.

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**ARTICLE XXVIII
MAJOR SUBDIVISIONS**

300-202. Application Requirements.

- A. An applicant desiring to proceed with a major subdivision shall file with the Clerk, at least two (2) weeks prior to the date of a regular meeting of the board, the following documents:
- 1) Six (6) completed copies of the City major subdivision application form.
 - 2) Four (4) copies of any protective covenants, deed restrictions or easements, either presently affecting the property or proposed, in the subdivision, such as a conservation, easement or reservation or dedication of lands, drainage or utility right-of-way or a sight triangle.
 - 3) Four (4) copies of any deed(s) for any lands offered to the City.
 - 4) Twelve (12) copies of the preliminary plat of the proposed major subdivision. A reproducible copy shall be submitted upon preliminary approval.
 - 5) Twelve (12) copies of a key map.
 - 6) A certification from the City Tax Collector that no taxes or assessments for local improvements are due or delinquent on the property for which the subdivision application is made.
 - 7) A certification from the State Department of Environmental Protection, pursuant to N.J.S.A. 58:11-23 et seq., if applicable.
 - 8) Four (4) copies of the environmental impact report, if required by Section 300-258.
- B. The applicant shall have the right, before submitting a formal application hereunder, to request and obtain an informal conference before the Planning Board.

300-203. Payment of Application Fee.

The applicant shall submit to the Clerk, at the time of submission of an application for a major subdivision, payment of the fee provided in Section 300-261.

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300-204. Preliminary Plat Requirements.

- A. The plat shall be in tentative form for discussion purposes for preliminary approval. The plat shall be clearly and legibly drawn at an accurate scale of not less than one (1) inch equals one hundred (100) feet and shall be based on an actual survey certified by a land surveyor licensed in the State of New Jersey. The plat shall be preserved on sheets not greater than thirty by forty two (30 x 42) inches or less than eight and one-half by thirteen (8½ x 13) inches. The plat shall show the following information:
- 1) A title containing the name of the subdivision; the name of the city; Tax Map sheet, block and lot number; date of preparation and most recent revision; meridian North arrow; written and graphic scales; the names, addresses, phone numbers and signatures of the owner, subdivider and person(s) who prepared the plat(s), including the seal of the latter; the names of all property owners within two hundred (200) feet of the extreme limits of the subdivision; and a space for the subdivision application number.
 - 2) The acreage of the original tract being subdivided measured to the nearest tenth of an acre and the number of new lots created, each lot measured with dimensions noted and each lot labeled to the nearest square foot.
 - 3) A map showing existing elevations and contour lines over the entire area of the proposed subdivision, together with watercourses and an indication of the final disposal of the surface waters. All elevations shall be related to a benchmark noted on the plan.
 - 4) The locations and dimensions of existing and proposed railroad rights-of-way, bridges and natural features such as soil types, wooded areas, lakes, rock outcroppings and views within the subdivision and the location of individual trees outside the wooded areas having a diameter of six (6) inches or more as measured four and one-half (4½) feet above ground level. The proposed location of shade trees to be provided by the subdivider shall also be shown. Soil types shown shall be based on United States Soil Conservation Service categories.
 - 5) All existing and proposed watercourses, including lakes, ponds and marsh areas, accompanied by the following information or data:
 - a) When a running stream is proposed for alteration, improvement or relocation or when a structure or fill is proposed over, under, in or along such a running stream, evidence of approval, required alterations, lack of jurisdiction or denial of the improvement by the New Jersey Division of

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Water Policy and Supply and/or United States Army Corps of Engineers.

- b) Cross sections and profiles of watercourses at an appropriate scale showing the extent of floodway fringe area, top of bank, normal water level and bottom elevations at the following locations:
 - (1) All watercourses within or adjacent to the subdivision and at any point where a watercourse crosses a boundary of the subdivision.
 - (2) At fifty foot intervals for a distance of three hundred (300) feet upstream and downstream of any proposed culvert or bridge within the subdivision.
 - (3) At fifty foot intervals up to three hundred (300) feet upstream and downstream of any proposed culvert or bridge and any point of juncture of two (2) or more watercourses within and/or within one thousand (1,000) feet of the subdivision.
 - (4) At a maximum of three hundred foot intervals, but no less than two (2) locations, along each watercourse which runs through or adjacent to the subdivision.
 - (5) When ditches, streams, brooks or watercourses are to be altered, improved or relocated, the method of stabilizing slopes and measures to control erosion and siltation during construction as well as typical ditch sections and profiles shall be shown on the plan or accompany it.
- c) The total acreage in the drainage basin of any watercourse running through or adjacent to a subdivision in the area upstream of the subdivision.
- d) The total acreage in the drainage basin to the nearest downstream drainage structure and the acreage in that portion of the subdivision which drains to the structure.
- e) The location and extent of all existing or proposed drainage and conservation easements and flood hazard area lines.
- f) The location, extent and water level elevation of all existing or proposed lakes or ponds within or adjacent to the subdivision.
- g) Plans and computations for any storm drainage systems, including the following:

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- (1) All existing or proposed storm sewer lines within or adjacent to the subdivision, showing size, profile and slope of the lines; direction of flow; and the location of each catch basin, inlet, manhole, culvert and head wall.
- (2) The location and extent of any proposed dry wells, groundwater recharge basins, retention basins, detention basins, flood control devices, sedimentation basins and other water conservation devices.
- (3) The names, locations and dimensions (cart way and right-of-way widths) of all existing streets within a distance of two hundred (200) feet of the boundaries of the subdivision and showing existing driveways and any connections from proposed streets, sidewalks and bike routes in the subdivision to any adjoining street (s), sidewalk(s) or bike route(s) and what off-site extensions, if any, will be made to nearby arterial and collector streets as those streets are shown on the adopted Master Plan. Plans, profiles, tentative grades and details of all proposed streets and of the existing streets abutting the subdivision based on the vertical datum specified by the City Engineer, together with full information as to the disposal of surface drainage and including plans of curbing, sidewalks, storm drains and drainage structures, shall be shown. At intersections, the sight triangles, radii of curb lines and street sign locations shall be clearly indicated.
- (4) The names, locations, right-of-way widths and purpose(s) of existing and proposed easements and other rights-of-way in the subdivision and the location and description of all monuments.
- (5) All proposed lot lines, including existing lot lines to remain and those to be eliminated, and all setback lines required by the applicable zoning district, with the dimensions thereof. Any lot(s) to be reserved or dedicated to public use shall be identified. Each block shall be numbered and the lots within each block shall be numbered consecutively in a clockwise manner, beginning with number one (1), after consultation with the City Engineer.
- (6) Locations of all existing structures and their use(s) in the tract and within two hundred (200) feet thereof, showing existing and proposed front, rear and side yard setback distances, structures of potential historic significances and an indication of all existing structures and uses to be retained and those to be removed. Tentative plans of proposed improvements and utility layouts (sanitary sewers, storm sewers, erosion control, storm water control, excavation, water mains, gas, telephone, electricity, etc.) showing location, size, slope, pumping

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stations and other details as well as feasible connections to any existing or proposed utility systems. If private utilities are proposed, they shall fully comply with all city, county and state regulations. If service will be provided by an existing utility company, a letter from that company shall be submitted stating that service will be available before occupancy of any proposed structures.

- (7) Zoning district(s) and, if the property lies in more than one (1) zoning district, the plat shall indicate the zoning district lines.
 - (8) When on-lot water and/or on-lot sewage disposal is proposed, the plat shall be accompanied by the results of percolation test(s). Upon submission of all percolation data, to the Planning Board, the Board may authorize the City Engineer to conduct comprehensive tests to verify the percolation tests performed by the applicant's engineer. The applicant shall pay the actual costs of such verification tests by the City Engineer.
 - (9) Such other information or data as may be required by the Planning Board in order to determine that the details of the subdivision are in accord with the standards of the applicable ordinances.
- B. The Planning Board may waive any of the details required by this section if it determines that the subdivision conforms to the standards of good planning, will have no deleterious effect on neighboring properties and provides adequate data to assure protection of the health, safety and welfare of the residents of the City.
- C. The preliminary plat shall be certified as to the accuracy of the engineering details by an engineer licensed in New Jersey, bearing his signature, seal, license and address.

300-205. Key Map.

The key map shall comply with the requirements of a minor subdivision key map, as set forth in Section 300-219 of this Article, as the same shall apply to a major subdivision.

300-206. Submission of Application to City; Reports.

Upon receipt of an application for a major subdivision, together with the required supporting documents and payment of the prescribed fee, the Clerk shall forthwith submit to the Secretary who shall submit one (1) copy of the application and supporting documentation each to the City Engineer and to the Attorney for the Planning Board for a report thereon to the Planning Board. These reports shall be

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submitted to the Planning Board at least two (2) days prior to the meeting of the Planning Board at which the application will be considered. These reports shall comment on the completeness of the application in conformity with this Chapter and whether the application is in compliance with all requirements of applicable laws and ordinances. The Engineer shall also advise as to the likelihood of off-tract improvements being required and, if such shall be the case, shall advise the City Commission which shall then act pursuant to Section 253. The Secretary shall also set down the application on the agenda of the Planning Board meeting next following fourteen (14) days from the date of submission of the complete application and shall advise the applicant of such date. In the event that the Secretary determines that a literal compliance with the time requirements of this section, in the case of a major subdivision of ten (10) or fewer lots, will cause the application to be considered by the Planning Board not within forty five (45) days of the submission of the application, the Secretary shall so advise the Planning Board at its next meeting, and the Planning Board shall schedule a special meeting for consideration of the application within the forty five (45) day period.

300-207. Submission of Application to County Planning Board.

The applicant, where required, pursuant to N.J.S.A. 40:27-6.3, shall comply with the provisions of Section 244 of this Article, as the same shall apply to a major subdivision.

300-208. Public Notice of Hearing on Application.

The applicant shall give notice of the application at least ten (10) days prior to the date of the hearing on the application. Public notice shall be accomplished in accordance with the requirements of the Municipal Land Use law.

300-209. Initial Planning Board action.

- A. At the meeting of the Planning Board at which the application is to be first considered, the Planning Board shall first determine that the application is complete. If it is determined that the application is incomplete, the Planning Board shall immediately notify the applicant of the incompleteness, which shall not be deemed to preclude a subsequent complete resubmission upon payment of the prescribed fee.
- B. If it is determined that the application is complete:
 - 1) If the application is for a subdivision of ten (10) or fewer lots, the Planning Board shall grant or deny preliminary approval within forty five (45) days of the date of submission of the complete application or within such further time as

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may be consented to in writing by the applicant.

- 2) If the application is for a subdivision of more than ten (10) lots, the Planning Board shall grant or deny preliminary approval within ninety five (95) days of the date of submission of the complete application or within such further time as may be consented to in writing by the applicant.
- C. Failure of the Planning Board to act within the period prescribed shall constitute major subdivision preliminary approval.
- D. The applicant shall not proceed with installation of the required improvements until a performance guaranty is posted therefore, and no building permits shall be issued unless the required improvements have been completed and accepted or a performance guaranty posted therefore.

300-210. Effect of Preliminary Approval.

- D. Preliminary approval of a major subdivision shall, except as provided in Subsection 300-233, confer upon the applicant the following rights for a three-year period from the date of the preliminary approval:
- 1) The general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements; except that nothing herein shall be construed to prevent the City from modifying by ordinances such general terms and conditions of preliminary approval as relate to public health and safety.
 - 2) The applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary subdivision plat.
 - 3) The applicant may apply for and the Planning Board may grant extensions on such preliminary approval for additional periods of at least one (1) year but not to exceed a total extension of two (2) years, provided that if the design standards have been revised by ordinance, such revised standards may govern.
- E. In the case of an application involving an area of fifty (50) acres or more, the Planning Board may grant the rights longer than three (3) years, as shall be determined by the Planning Board to be reasonable taking into consideration the number of dwelling units and nonresidential floor area permissible under preliminary approval, economic conditions and the comprehensiveness of the development. The applicant may apply for thereafter and the Planning Board may

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thereafter grant an extension to preliminary approval for such additional period of time as shall be determined by the Planning Board to be reasonable taking into consideration the number of dwelling units and nonresidential floor area permissible under preliminary approval, the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval, economic conditions and the comprehensiveness of the development, provided that, if the design standards have been revised, such revised standards may govern.

- F. Prior to commencement of any construction, final detailed engineering plans shall be submitted to and approved by the City Engineer. The applicant shall deposit with the City Clerk such fee for engineering review as is required by this Ordinance.

300-211. Final Approval of Application.

- A. The Planning Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established in this Article, the conditions of preliminary approval and the standards prescribed by the Map Filing Law, N.J.S.A. 46:23-9.9 et seq.
- B. Final approval shall be granted or denied within forty five (45) days after submission of a complete application to the Secretary or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute final approval, and a certificate of the Secretary as to the failure of the Planning Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and shall be so accepted by the County Clerk for purposes of filing subdivision plats.
- C. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.3, the City Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.
- D. Whenever the Planning Board shall grant approval subject to conditions, a notation shall be made on the plat indicating that: "The approval of this subdivision is subject to conditions as set forth in the minutes of the Planning Board."
- E. The applicant shall submit to the Clerk, at the time of submission of the application for final approval of a major subdivision, payment of such fee as established in this Ordinance.

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300-212. Standards for Final Approval.

The final plat, titled as such, shall be submitted in the form of one (1) linen or Mylar, two (2) cloth and nine (9) black-on-white paper prints on sheets of uniform size of one (1) of four (4) standard sizes [namely, thirty by forty two (30 x 42) inches, twenty-four by thirty six (24 x 36) inches, fifteen by twenty-one (15 x 21) inches or eight an done-half by thirteen (8½ x 13) inches], provided that when more than one (1) sheet is required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one (1) sheet, and each separate sheet shall show references to the adjoining sheets, at a scale of not less than one (10 inch equals two hundred (200) feet, and in compliance with the provisions of N.J.S.A. 46:23-9.9 et seq. (Map Filing Law), as amended. The final plat shall show the same information required for preliminary approval, in addition to the following:

- A. Tract boundary lines, streets, sight triangles, easements and other rights-of-way, street names, land reserved or dedicated to public use, all lot lines and other site lines with accurate dimensions, bearing or deflection angles and radii, arcs and survey by a land surveyor licensed to practice in the State of New Jersey. All dimensions, both linear and angular, of the exterior boundaries of the subdivision shall be balanced and closed within a limit of error of one (1) to ten thousand (10,000) and of all lot lines to within one (1) to twenty thousand (20,000). All dimensions, angles and bearings given on the map must be referred to at least one (1) permanent monument, which shall be indicated on the map.
- B. Block and lot numbers in accordance with established standards and in conformity with the City Tax Map as approved by the City Engineer.
- C. Cross sections, profiles and established grades of all streets as approved by the City Engineer.
- D. Plans and profiles of all storm and sanitary sewers and water mains as approved by the City Engineer.
- E. Monuments shall be the size and shape required by N.J.S.A. 46:23-9.11, as amended, and shall be placed in accordance with said statute and indicated on the final plat, with at least one (1) corner of the subdivision tied to a U.S.G.C. benchmark(s) with data on the plat as to how the bearings were determined. All lot corners shall be marked with a metal alloy pin of permanent character.
- F. Any changes between the information set forth in the preliminary plat and that which has actually been affected.

300-213. Effect of Final Approval of Major Subdivision.

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- A. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer, whether conditionally or otherwise, shall not be changed for a period of two (2) years after the date of final approval, provided that the rights conferred by this section shall expire if the plat has not been duly recorded within the time provided. If the applicant has followed the standards prescribed for final approval and has duly recorded the plat, the Planning Board may extend such period of protection for extensions of one (1) year, but not to exceed three (3) extensions. Notwithstanding any other provisions of this Article, the granting of final approval terminates the time period of preliminary approval for the section granted final approval.

- B. In the case of a subdivision for one hundred fifty (150) acres or more, the Planning Board may grant the rights referred to in Subsection A of this section for such period of time, longer than two (2) years, as shall be determined by the Planning Board to be reasonable taking into consideration the number of dwelling units and nonresidential floor area permissible under final approval, economic conditions and the comprehensiveness of the development. The developer may apply for thereafter, and the Planning Board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the Planning Board to be reasonable taking into consideration the number of dwelling units and nonresidential floor area permissible under final approval, the number of dwelling units and nonresidential floor area remaining to be developed, economic conditions and the comprehensiveness of the development.

300-214. Recording of Final Approval.

Final approval of a major subdivision shall expire ninety five (95) days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the County Clerk. The Planning Board may for good cause shown extend the period for recording for an additional period not to exceed one hundred ninety (190) days from the date of signing of the plat.

300-215. Selling of Land Prior to Approval; Suit by City.

- A. If, before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, as owner or agent, any land which forms a part of a subdivision for which the City approval is required by this Chapter, such person shall be liable, in addition to any statutory penalty, for suit by the City:
 - 1) For injunctive relief; and

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- 2) To set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued.
- B. In any such action, the transferee, purchaser or grantee shall be entitled to the statutory lien, upon the portion of the land, from which the subdivision was made, that remains in the possession of the developer or his assigns or successors, to secure the return of any deposits made or purchase price paid and also a reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within two (2) years after the date of the recording of the instrument of transfer, sale or conveyance of said land or within six (6) years, if unrecorded.

300-216. Inspections; Prior Deposit Required.

Before granting preliminary approval of an application for a major subdivision, the Planning Board shall require the applicant to deposit with the City the inspection fees to compensate the City Engineer in performing an inspection of the sidewalk, curb, street and storm drainage improvements and other appropriate improvements. After approval and after the applicant has initiated construction thereof, the City Engineer shall make the inspections and submit written reports with respect to the results of such inspections to both the Secretary of the Planning Board and the applicant. Additionally, the City Engineer shall advise the Secretary and the applicant of his inspection fees. Thereafter the inspection fees shall be paid from the deposit. If the applicant should decide to permanently discontinue work on the subdivision in question before its completion, he may make written application to the Planning Board for the refund of the unencumbered portion of the deposit. Submission of this application shall constitute a waiver of all rights which may have accrued to him with respect to the subdivision covered by that application.

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ARTICLE XXIX

SITE PLAN APPROVAL

300-217. Application Requirements.

- A. An applicant desiring to proceed with a site plan approval shall file with the Clerk, at least two (2) weeks prior to the date of a regular meeting of the Board, the following documents:
- 1) Six (6) completed copies of the City site plan application form.
 - 2) Four (4) copies of any protective covenants, deed restrictions or easements presently affecting the property.
 - 3) Twelve (12) copies of the preliminary plat of the proposed site plan. A reproducible copy shall be submitted upon preliminary approval.
 - 4) Twelve (12) copies of a key map.
 - 5) A certification from the City Tax Collector that no taxes or assessments for local improvements are due or delinquent on the property for which the site plan application is made.
 - 6) A certification from the State Department of Environmental Protection, pursuant to N.J.S.A. 58:11-23 et seq., if applicable.
 - 7) Four (4) copies of the environmental impact report, if required.
- B. The applicant shall have the right, before submitting a formal application hereunder, to request and obtain an informal conference before the Planning Board as provided for in this Article.
- C. The Planning Board may waive any of the requirements of this section in the event of an application for site plan approval by a nonprofit or religious corporation or association.
- D. Site plan exemptions. Site plan approval shall not be required for any of the following:
- 1) Detached single-family dwellings, including accessory uses permitted as a right under applicable zoning districts, but this shall not limit the requirements for submission and approval of subdivision plats otherwise required by City

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ordinances.

- 2) A proposed development not involving a change in use and not affecting existing circulation, drainage, building arrangements, landscaping, buffering, lighting and other considerations of site plan review.
- 3) Normal maintenance or replacements such as a new roof, painting, new siding (except within historic preservation districts) or similar activity.

300-218. Payment of Application Fee.

The applicant shall submit to the Clerk, at the time of submission of an application for site plan approval, payment of the fee provided in this Article.

300-219. Preliminary Plat Requirements.

- A. The plat shall be in tentative form for discussion purposes for preliminary approval. The plat shall be clearly and legibly drawn at an accurate scale of not less than one (1) inch equals one hundred (100) feet and shall be based on an actual survey certified by a land surveyor licensed in the State of New Jersey. The plat shall be presented on sheets not greater than thirty by forty two (30 x 42) inches or less than eight and one-half by thirteen (8½ x 13) inches. The plat shall show on one (1) or several drawings, as convenience and clarity may require, the following information:
 - 1) A title containing the name of the site plan; the name of the City; Tax Map sheet, block and lot number; date of preparation and most recent revision; meridian North arrow; written and graphic scales; the names, addresses, phone numbers and signatures of the owner, the applicant and the person(s) who prepared the plat(s), including the seal of the latter; the names of all property owners bounding on the extreme limits of the property; and a space for the site plan application number.
 - 2) The acreage of the tract for which site plan approval is sought.
 - 3) A map showing existing and proposed elevations and contour lines over the entire area of the tract proposed for site plan approval, together with watercourses and an indication of the final disposal of surface waters.
 - 4) Other significant natural features, including soil types, rock outcropping, wooded areas and the location of individual trees outside the wooded areas having a diameter of six (6) inches or more as measured four and one-half (4½) feet above ground level. The proposed location of shade trees to be provided shall also be shown. Soil types shown shall be based on the United

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States Soil Conservation Service category.

- 5) All existing and proposed watercourses, including lakes, ponds and marsh areas, accompanied by the following information or data:
 - a) When a running stream is proposed for alteration, improvement or relocation or when a structure or fill is proposed over, under, in or along such a running stream, evidence of approval, required alterations, lack of jurisdiction or denial of the improvement by the New Jersey Division of Water Policy and Supply and/or United States Army Corps of Engineers.
 - b) Cross sections and profiles of watercourses at an appropriate scale showing the extent of floodway fringe area, top of bank, normal water level and bottom elevations at the following locations:
 - (1) All watercourses within or adjacent to the tract and at any point where a watercourse crosses a boundary of the subdivision.
 - (2) At fifty foot intervals for a distance of three hundred (300) feet upstream and downstream of any proposed culvert or bridge within the tract.
 - (3) At fifty foot intervals up to three hundred (300) feet upstream and downstream of any proposed culvert or bridge and any point of juncture of two (2) or more watercourses within and/or within one thousand (1,000) feet of the tract.
 - (4) At a maximum of three hundred foot intervals, but no less than two (2) locations, along each watercourse which runs through or adjacent to the tract.
 - (5) When ditches, streams, brooks or watercourses are to be altered, improved or relocated, the method of stabilizing slopes and measures to control erosion and siltation during construction as well as typical ditch sections and profiles shall be shown on the plan or accompany it.
 - c) The total acreage in the drainage basin of any watercourse running through or adjacent to a tract in the area upstream of the subdivision.
 - d) The total acreage in the drainage basin to the nearest downstream drainage structure and the acreage in that portion of the tract which drains to the structure.

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- e) The location and extent of all existing or proposed drainage and conservation easements and flood hazard area lines.
- f) The location, extent and water level elevation of all existing or proposed lakes or ponds within or adjacent to the tract.
- g) Plans and computations for any storm drainage systems, including the following:
 - (1) All existing or proposed storm sewer lines within or adjacent to the tract, showing size, profile and slope of the lines; direction of flow; and the location of each catch basin, inlet, manhole, culvert and head wall.
 - (2) The location and extent of any proposed dry wells, groundwater recharge basins, retention basins, detention basins, flood control devices, sedimentation basins and other water conservation devices.
- 6) All proposed streets, including street profiles, showing width of roadway location and location of sidewalks and location and size of utility lines, storm drains, drainage structures, bicycle paths, curbs and interior walkways, according to the standards and specifications of all City ordinances and applicable regulations.
- 7) The names, locations, right-of-way widths and purpose(s) of existing and proposed easements and other rights-of-way and the location and description of all monuments.
- 8) The size, shape, location, dimensions and setbacks of buildings and the distance of buildings on the site from surrounding properties; an indication of all structures and uses as existing and to be removed and structures of potential historical significance; the location and height of fences, retaining walls and railings; the location, height, size and design of exterior lights and advertising features, including the area and direction of illumination of exterior lights and their power and time of illumination.
- 9) Sanitary sewer and water facilities and connections. If private utilities are proposed, they shall fully comply with all City, county and state regulations. If service will be provided by an existing utility company, a letter from that company shall be submitted stating that service will be available before occupancy of the approved structures.
- 10) The location of electric, telephone, gas and other utilities.

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- 11) Screening and landscaping plan, including location, height and types of plantings and screening, conforming with applicable City ordinances.
 - 12) Zoning district(s) and, if the property lies in more than one (1) zoning district, the plat shall indicate the zoning district lines.
 - 13) When on-lot water and/or on-lot sewage disposal is proposed, the plat shall be accompanied by the results of percolation test(s) made in accordance with the requirements as set forth in this Ordinance. Upon submission of all percolation data, to the Planning Board, the Board may authorize the City Engineer to conduct comprehensive tests to verify the percolation tests performed by the applicant's engineer. The applicant shall pay the actual costs of such verification tests by the City Engineer, as set forth in this Ordinance.
 - 14) The location, layout and dimensions of parking and loading areas to be paved; all parking spaces, driveways and access points to public streets; and a typical pavement section.
 - 15) Plans for on-site storage and disposition of solid waste.
 - 16) Such other information or data as may be required by the Planning Board in order to determine that the details of the site plan are in accord with the standards of applicable ordinances and that the building or use will not be detrimental to the public interest.
- B. The Planning Board may waive any of the details required by this section if it determines that the site plan conforms to the standards of good planning, will have no deleterious effect on neighboring properties and provides adequate data to assure protection of the health, safety and welfare of the residents of the City.
- C. The preliminary plat shall be certified as to the accuracy of engineering details by an engineer licensed in New Jersey, bearing his signature, seal, license and address, and, as to architectural design, if done by an architect, by such architect licensed in New Jersey, bearing his signature, seal, license and address.

300-220. Key Map.

The key map shall show the entire project and its relation to the surrounding areas, roads and watercourses.

300-221. Submission of Application to City; Reports.

Upon receipt of an application for a site plan approval, together with the required supporting documents and payment of the prescribed fee, the Clerk shall forthwith

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submit to the Secretary who shall submit one (1) copy of the application and supporting documentation each to the City Engineer and to the Attorney for the Planning Board for a report thereon to the Planning Board. These reports shall be submitted to the Planning Board at least two (2) days prior to the meeting of the Planning Board at which the application will be considered. These reports shall comment on the completeness of the application in conformity with this Chapter and whether the application is in compliance with all requirements of applicable laws and ordinances. The Engineer shall also advise as to the likelihood of off-tract improvements being required and, if such shall be the case, shall advise the City Commission which shall then act pursuant to this Ordinance. The Secretary shall also set down the application on the agenda of the Planning Board meeting next following fourteen (14) days from the date of submission of the complete application and shall advise the applicant of such date. In the event that the Secretary determines that a literal compliance with the time requirements of this section, in the case of a site plan of ten (10) or fewer acres, will cause the application to be considered by the Planning Board not within the forty five (45) days of the submission of the application, the Secretary shall so advise the Planning Board at its next meeting, and the Planning Board shall schedule a special meeting for consideration of the application within the forty five (45) day period.

300-222. Submission of Application to County Planning Board.

The applicant, where required pursuant to N.J.S.A. 40:27-6.6, shall comply with the provisions of this Ordinance, as the same shall apply to a site plan.

300-223. Initial Planning Board Action.

- A. At the meeting of the Planning Board at which the application is to be first considered, the Planning Board shall first determine that the application is complete. If it is determined that the application is incomplete, the Planning Board shall immediately notify the applicant of the incompleteness and reject the application, which shall not be deemed to preclude a subsequent complete resubmission.
- B. If it is determined that the application is complete:
 - 1) If the application is for approval of a site plan of ten (10) acres of land or less, the Planning Board shall grant or deny preliminary approval within forty five (45) days of the date of submission of the complete application or within such further time as may be consented to in writing by the applicant.
 - 2) If the application is for approval of a site plan of more than ten (10) acres of land, the Planning Board shall grant or deny preliminary approval within ninety five (95) days of the date of submission of the complete application or within

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such further time as may be consented to in writing by the applicant.

- C. Failure of the Planning Board to act within the period prescribed shall constitute site plan preliminary approval.
- D. Whenever the Planning Board shall grant approval subject to conditions, a notation shall be made on the plat indicating that: "The approval of this site plan is subject to conditions as set forth in the minutes of the Planning Board."
- E. The applicant shall not proceed with installation of the required improvements until a performance guaranty is posted therefore, and no building permits shall be issued unless the required improvements have been completed and accepted or a performance guaranty posted therefore.

300-224. Effect of Preliminary Approval.

Preliminary approval of a site plan shall have the same effect upon the applicant as enumerated in above provided that the engineering review fee shall be as set forth in this Ordinance.

300-225. Final Approval of Site Plan.

- A. The Planning Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established in this Ordinance and to the conditions of preliminary approval.
- B. Final approval shall be granted or denied within forty five (45) days after submission of a complete application to the Secretary or within such further time as may be consented to in writing by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute final approval, and a certificate of the Secretary as to the failure of the Planning Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required.
- C. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.6, the City Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.
- D. Whenever the Planning Board shall grant approval subject to conditions, a notation shall be made on the plat indicating that: "The approval of this site plan is

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subject to conditions as set forth in the minutes of the Planning Board.”

- E. The applicant shall submit to the Clerk, at the submission of the application for final approval of a site plan, payment of such fee as established in this Ordinance.

300-226. Standards for Final Plat of Approved Site Plan.

The final plat, titled as such, shall be submitted in the form of one (1) linen or Mylar, two (2) cloth and nine (9) black-on-white paper prints on sheets of uniform size of one (1) of four (4) standard sizes [namely, thirty by forty two (30 X 42) inches, twenty-four by thirty six (24 X 36) inches, fifteen by twenty-one (15 X 21) inches or eight and one-half by thirteen (8½ X 13) inches], provided that when more than one (1) sheet is required, an index sheet of the same dimensions shall be filed showing the entire site plan on one (1) sheet, and each separate sheet shall show references to the adjoining sheets, at a scale of not less than one (1) inch equals two hundred (200) feet. The final plat shall show the same information required for preliminary approval in addition to the following:

- A. Plans and profiles of all storm and sanitary sewers and water mains as approved by the City Engineer.
- B. Cross section, profiles and grades of all streets as approved by the City Engineer.
- C. Any changes between the information set forth in the preliminary plat and that which has actually been affected.

300-227. Effect of Final Approval of Site Plans.

- A. The zoning requirements applicable to the preliminary approval first granted, and all other rights conferred upon the applicant pursuant to this Article, whether conditionally or otherwise, shall not be changed for a period of two (2) years after the date of final approval. If the applicant has followed the standards prescribed for final approval, the Planning Board may extend such period of protection for extensions of one (1) year, but not to exceed three (3) extensions. Notwithstanding any other provisions of this Article, the granting of final approval terminates at the same time period as preliminary approval.
- B. In the case of a site plan for one hundred fifty (150) acres or more, the Planning Board may grant the rights referred to in Subsection A above for such period of time, longer than two (2) years, as shall be determined by the Planning Board to be reasonable taking into consideration the number of dwelling units and nonresidential floor area permissible under final approval, economic conditions and the comprehensiveness of the development. The applicant may apply for thereafter and the Planning Board may thereafter grant an extension of final

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approval for such additional period of time as shall be determined by the Planning Board to be reasonable taking into consideration the number of dwelling units and nonresidential floor area permissible under final approval, the number of dwelling units and nonresidential floor area remaining to be developed, economic conditions and the comprehensiveness of the development.

300-228. Inspections; Prior Deposit Required.

Before granting preliminary approval of an application for a site plan, the Planning Board shall require the applicant to deposit with the City the inspection fees to compensate the City Engineer in performing an inspection of the sidewalk, curb, street and storm drainage improvements and other appropriate improvements. After approval and after the applicant has initiated construction thereof, the City Engineer shall make the inspections and submit written reports with respect to the results of such inspections to both the Secretary of the Planning Board and the applicant. Additionally, the City Engineer shall advise the Secretary and the applicant of his inspection fees. Thereafter the inspection fees shall be paid from the deposit. If the applicant should decide to permanently discontinue work on the site plan in question before its completion, he may make written application to the Planning Board for the refund of the unencumbered portion of the deposit. Submission of this application shall constitute a waiver of all rights which may have accrued to him with respect to the site plan covered by that application.

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ARTICLE XXX

STANDARDS APPLICABLE TO ALL SUBDIVISIONS AND SITE PLANS

300-229. Conditional Approvals.

- A. In the event that development proposed by an application for subdivision or site plan requires an approval by a governmental agency other than the Planning Board, the Planning Board shall, in appropriate instances, condition its approval upon the subsequent approval of such governmental agency, provided that the City shall make a decision on any application for development within the time period provided in this Chapter or within an extension of such period as has been agreed to by the applicant, unless the Planning Board is prevented or relieved from so acting by the operation of law.
- B. In the event that a developer submits an application for subdivision or site plan proposing a development that is barred or prevented, directly or indirectly, by a legal action instituted by any state agency, political subdivision or other party to protect the public health and welfare, the Planning Board shall process such application in accordance with this Chapter and other application regulations, and, if such application complies with this Chapter and such regulations, the Planning Board shall approve such application conditioned on removal of such legal barrier to development.

300-230. Suspension of Period of Approval During Legal Action.

In the event that, during the period of approval heretofore or hereafter granted to an application for subdivision or site plan, the developer is barred or prevented, directly or indirectly, from proceeding with the development otherwise permitted under such approval by a legal action instituted by any state agency, political subdivision or other party to protect the public health and welfare or by a directive or order issued by any state agency, political subdivision or court of competent jurisdiction to protect the public health or welfare and the developer is otherwise ready, willing and able to proceed with said development, the running of the period of approval under this Chapter shall be suspended for the period of time said legal action is pending or such directive or order is in effect.

300-231. Contributions for Off-Tract Water, Sewer, Drainage and Street Improvements.

A developer, as a condition for approval of a subdivision or site plan, shall pay his pro rata share of the cost of providing only reasonable and necessary street improvements and water, sewerage and drainage facilities, and easements therefor, located outside the property limits of the subdivision or tract for which site plan

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approval is requested but necessitated or required by construction or improvements within such subdivision or tract. The City Commission shall determine the reasonableness of and necessity for such improvements and shall also determine such pro rata share as follows:

- A. The total cost thereof shall be estimated by the City Engineer.
- B. The City Commission shall next consider the circulation plan and utility service plan elements of the Master Plan and shall ascertain:
 - 1) The benefit accruing to the proposed subdivision or site plan by the improvements and/or facilities; and
 - 2) The benefit accruing to lands outside of the property limits of the subdivision or tract.
- C. The City Commission shall determine said pro rata share by establishing a ratio between the benefit accruing to the proposed subdivision or site plan and the total benefit accruing by reasons of the improvements and/or the facilities and applying it to the total cost.
- D. The final cost of the completed improvements and/or facilities shall be ascertained by the City Engineer who shall advise the City Commission and the developer of the final cost. The estimated pro rata share shall be modified by the actual final cost and appropriate adjustments made.
- E. The standards established to determine such pro rata share shall not be altered subsequent to preliminary approval to apply to such subdivision or site plan.
- F. Where a developer pays the amount determined as his pro rata share under protest, he shall institute legal action within one (1) year of such payment in order to preserve the right to a judicial determination as to the fairness and reasonableness of such amount.
- G. Such payment shall be made by a deposit of cash and the developer shall agree to make additional payment upon determination of the actual cost, if there be any. Such payment shall be made within thirty (30) days of the determination by the City Commission of the pro rata share.
- H. The developer and the City Commission may enter into an agreement providing for payment of the full cost of the required off-tract improvements by the developer with a provision for future reimbursement for an agreed time as the improvements shall be utilized by others.

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- I. The City Commission shall act within the applicable period for approval of the application by the Planning Board, and the determination of City Commission shall be binding upon the Planning Board.

300-232. Reservation or Public Areas.

- A. If the Master Plan or the Official Map provides for the reservation of designated streets, public drainage ways, flood control basins or public areas within the proposed development, before approving a subdivision or site plan, the Planning Board may further require that such streets, ways, basins or areas be shown on the plat in locations and sizes suitable to their intended uses. The Planning Board may reserve the location and extent of such streets, ways, basins or areas shown on the plat for a period of one (1) year after the approval of the final plat or within such further time as may be agreed to by the developer. Unless during such period or extension thereof the City shall have entered into a contract to purchase or institute condemnation proceedings according to law for the fee or a lesser interest in the land comprising such streets, ways, basins or areas, the developer shall not be bound by such reservations shown on the plat and may proceed to use such land for private use in accordance with applicable development regulations. The provisions of this Section shall not apply to streets and roads, flood control basins or public drainage ways necessitated by the subdivision or site plan and required for final approval.
- B. The developer shall be entitled to just compensation for actual loss found to be caused by such temporary reservation and deprivation of use. In such instance, unless a lesser amount has previously been mutually agreed upon, just compensation shall be deemed to be the fair market value of an option to purchase the land reserved for the period of reservation, provided that determination of such fair market value shall include, but not be limited to, consideration of the real property taxes apportioned to the land reserved and prorated for the period of reservation. The developer shall be compensated for the reasonable increased cost of legal, engineering or other professional services incurred in connection with obtaining subdivision or site plan approval, as the case may be, caused by the reservation.
- C. In the event that the developer claims an entitlement to such just compensation, he shall present a claim therefor to the Planning Board within thirty (30) days after the Planning Board shall have made such reservation. The Planning Board shall then advise the City Commission of the claim and recommend a just compensation figure. The City Commission shall meet with the developer in an attempt to agree upon said figure and the method of payment. In the event that there is no such agreement, the City Commission shall set forth its position in a resolution, and the developer shall then be entitled to institute legal action for a judicial determination as to the amount of just compensation and/or the method of

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payment. In the event of agreement on said figure and the method of payment, the City Commission shall adopt a resolution memorializing the agreement and implementing payment and shall submit a copy of such resolution to the developer and the Secretary.

300-233. Exceptions; Simultaneous Review.

- A. The Planning Board, when acting upon application for preliminary or minor subdivision approval, shall have the power to grant such exceptions from the requirements for subdivision approval as may be reasonable and within the general purpose and intent of these provisions for subdivision review, if the literal enforcement of one (1) or more provisions is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.
- B. The Planning Board shall have the power to review and approve or deny conditional uses or site plans simultaneously with review for subdivision approval without the developer being required to make further application to the Planning Board or the Planning Board being required to hold further hearings. The longest time period for action by the Planning Board, whether it be for subdivision, conditional use or site plan approval, shall apply. Whenever approval of a conditional use is requested by the developer pursuant to this Section notice of the hearing on the plat shall include reference to the request for such conditional use.
- C. Site plan exemptions. Site plan approval shall not be required for any of the following:
 - 1) Detached single family dwellings including accessory uses permitted as of right under applicable zoning districts, but shall not limit the requirements for submission and approval of subdivision plats otherwise required by City Ordinances.
 - 2) A proposed development not involving a change in use and not affecting existing circulation, drainage, building arrangements, landscaping, buffering, lighting and other considerations of site plan review.
 - 3) Normal maintenance or replacements such as a new roof, painting, new siding (except within historic preservation districts) or similar activity.

300-234. Certificates Showing Approval; Fee.

- A. The prospective purchaser, prospective mortgage or any other person interested in any land which forms part of a subdivision or which formed part of such a subdivision on or before August 1, 1973, may apply in writing to the Secretary for the issuance of a certificate certifying whether or not such subdivision has been

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approved by the Planning Board. Such application shall contain a diagram showing the location and dimension of the land to be covered by the certificate and the name of the owner thereof.

- B. The Secretary shall make and issue such certificate within fifteen (15) days after the receipt of such written application and the fees therefor. The Secretary shall keep a duplicate copy of each certificate, consecutively numbered, including a statement of the fee charged, in a binder as a permanent record of his office.
- C. Each such certificate shall be designated a "certificate as to approval of subdivision of land" and shall certify:
 - 1) Whether there exists in said City a duly established Planning Board and whether there is an ordinance controlling subdivision of land adopted under the authority of the Municipal Land Use Law.
 - 2) Whether the subdivision, as it relates to the land shown in said application, has been approved by the Planning Board and, if so, the date of such approval and any extensions and terms thereof.
- D. The Secretary shall be entitled to demand and receive for such certificate issued by him the fees established by N.J.S.A. 54:5-14 and 54:5-15. The fees so collected by the Secretary shall be paid by him to the City.

300-235. Guaranties Required; Completion of Improvements; Release.

- A. Before recording of final subdivision plats or as a condition of final site plan approval or as a condition to the issuance of a zoning permit, the Planning Board may require and the City Commission shall accept in accordance with the standards adopted by this Chapter for the purpose of assuring the installation and maintenance of on-tract improvements:
 - 1) The furnishing of a performance guaranty in favor of the City in an amount equaling one hundred twenty percent (120%) of the cost as estimated by the City Engineer of installation for improvements it may deem necessary or appropriate, including streets, grading, pavement, gutters, curbs, sidewalks, streetlighting, shade trees, surveyor's monuments (as shown on the final map and required by the Map Filing Law, N.J.S.A. 46:23-9.9 et seq.), water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices and public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping.

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- 2) Provision for a maintenance guaranty to be posted with the City Commission for a period of two (2) years after final acceptance of the improvement, in an amount equaling fifteen percent (15%) of the cost of the improvement. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guaranty to another governmental agency, no performance or maintenance guaranty, as the case may be, shall be required by the City for such utilities or improvements.
- B. The amount of any performance guaranty may be reduced by the City Commission, by resolution, when portions of the improvements have been certified by the City Engineer to have been completed. The time allowed for installation of the improvements for which the performance guaranty has been provided may be extended by said body by resolution.
- C. If the required improvements are not completed or corrected in accordance with the performance guaranty, the obligor and surety, if any, shall be liable thereon to the City for the reasonable cost of the improvements not completed or corrected, and the City may, either prior to or after the receipt of the proceeds thereof, complete such improvements.
- D. When all of the required improvements have been completed, the obligor shall notify the City Commission in writing, by certified mail, addressed in care of the City Clerk, of the completion of said improvements and shall send a copy thereof to the City Engineer. Thereupon the City Engineer shall inspect all of the improvements and shall file a detailed report, in writing, with the City Commission, indicating either approval, partial approval or rejection of the improvements with a statement of reasons for any rejection. If partial approval is indicated, the cost of the improvements rejected shall be set forth.
- E. The City Commission shall either approve, partially approve or reject the improvements on the basis of the report of the City Engineer and shall notify the obligor in writing, by certified mail, of the contents of said report and the action of said City Commission with relation thereto not later than sixty five (65) days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from all liability pursuant to its performance guaranty, except for that portion adequately sufficient to secure provision of the improvements not yet approved. Failure of the City Commission to send or provide such notification to the obligor within sixty five (65) days shall be deemed to constitute approval of the improvements, and the obligor and surety, if any, shall be released from all liability pursuant to such performance guaranty.

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- F. If any portion of the required improvements are rejected, the Planning Board may require the obligor to complete such improvements, and, upon completion, the same procedure of notification, as set forth in this Section, shall be followed.
- G. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the City Commission or the City Engineer.
- H. The obligor shall reimburse the City for all reasonable inspection fees paid to the City Engineer for the foregoing inspection of improvements.

300-236. Environmental Impact Report.

- A. An environmental impact report shall accompany all preliminary plats of major subdivisions of eleven (11) or more lots or greater than ten (10) acres, whichever may apply, and site plan applications for tracts of greater than ten (10) acres shall provide the information needed to evaluate the effects of a proposed development upon the environment and shall include data and be distributed, reviewed and passed upon as follows:
 - 1) A description of the subdivision or site plan which shall specify what is to be done and how it is to be done, during construction and operation, as well as a recital of alternative plans deemed practicable to achieve the objectives.
 - 2) When the City of Bordentown has completed a Natural Resources Index (NRI), as provided by N.J.S.A. 40:56A-2, the applicant may use data from the NRI relevant to the subdivision or site plan, including maps and text.
 - 3) An inventory of existing environmental conditions at the project site and in the immediate surrounding region, which shall describe air quality; water quality; water supply; hydrology; geology; soils and properties thereof, including capabilities and limitations; sewerage systems; topography; slope; vegetation; wildlife; habitat; aquatic organisms; noise characteristics and levels; demography; and land use, aesthetics and history. Air and water quality shall be described with reference to standards promulgated by the Department of Environmental Protection of the State of New Jersey, and soils shall be described with reference to criteria contained in the Burlington County Soil Conservation District Standards and Specifications.
 - 4) An assessment of the probable impact of the development upon all items set forth in Subsection A(3) above. All assessments made of the probable impact of the subdivision or site plan shall be closely coordinated and in harmony with the City of Bordentown NRI when it is completed. As a direct result of the investigations made under the environmental impact report, a listing shall be

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provided which shall be all inclusive stipulating the licenses, permits and approvals needed to be furnished by state, county or municipal law. The status of these permits and approvals shall also be included. During the preparation of the impact report, the applicant shall contact all concerned federal, state, county or other municipal agencies or officials adjacent thereto or affected by the proposed development. The report shall include as a result thereof the conclusions and comments of all concerned governmental officials and agencies. All apropos correspondence between the applicant and these officials and agencies shall be included in the report.

- 5) A listing and evaluation of adverse environmental impacts which cannot be avoided, with particular emphasis upon air or water pollution, increase in noise, damage to natural resources, displacement of people and businesses, displacement of existing farms, increase in sedimentation and siltation and relevant increases in municipal services. Off-site impact shall also be set forth and evaluated.
 - 6) A description of steps to be taken to minimize adverse environmental impacts during construction and operation, both at the site and in the surrounding region, such description to be accompanied by necessary maps, schedules and other explanatory data as may be needed to clarify and explain the action to be taken. The developer or its consultants in overall charge of the environmental impact report shall include therein all steps that the applicant or developer must undertake to successfully implement the report. Recommended steps must include a positive statement affirming the developer's intent to undertake this work by using terms "shall be," must, "etc.
 - 7) A statement concerning any irreversible and irretrievable commitment of resources which would be involved in the proposed subdivision or site plan which might avoid some or all of the adverse environmental effects, including a no-action alternative.
- B. The Secretary shall submit the environmental impact report to the City of Bordentown Environmental Commission for review and report thereon to the Planning Board. This report shall be submitted to the Planning Board at least two (2) days prior to the meeting of the Planning Board at which the application will be considered. Upon completion of all reviews and public hearing, the Planning Board shall either approve or disapprove the environmental impact report as a part of its underlying function with respect to subdivision or site plan review. IN reaching a decision, the Planning Board shall take into consideration the effect of applicant's proposed subdivision or site plan upon all aspects of the environment as outlined above as well as the sufficiency of the applicant's proposals for dealing with any immediate or projected adverse environmental effects.

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- C. Notwithstanding the foregoing, the Planning Board and Environmental Commission may, at the request of an applicant, waive the requirements for an environmental impact report if sufficient evidence is submitted to support a conclusion that the proposed development will have a slight or negligible environmental impact. Portions of such requirements may likewise be waived upon a finding that the complete report need not be prepared in order to evaluate adequately the environmental impact of a particular project.
- D. An environmental impact report as required herein shall also be submitted for all public or quasi-public projects unless such are exempt from the requirements of local law by supervening county, state or federal law and unless waived in accordance with Subsection C.

300-237. Filing of Subdivision Plats.

No subdivision plat shall be submitted for filing to the County Clerk until it has been approved by the Planning Board as indicated on the instrument by the signature of the Chairman and Secretary of the Planning Board or a certificate has been issued pursuant to other appropriate sections of this Article. The signatures of the Chairman and Secretary of the Planning Board shall not be affixed until the developer has posted the guaranties required. If the County Clerk records any plat without such approval, such recording shall be deemed null and void, and, upon request of the City, the plat shall be expunged from the official records, pursuant to statute.

300-238. Development Review Committee.

- A. Prior to being heard by the Board, all applications, whether for preliminary, final, general development plan, conditional use, minor site plan, site plan waiver request, subdivision or change of use approval, shall be presented to the Development Review Committee for review. This Committee shall also review, on an as-requested basis, development concepts and provide assistance on matters related to development as may be requested by City staff.
- B. Conduct of the Development Review Committee meeting.
 - 1) The Development Review Committee meeting is a working session between the Committee and the applicant. The meeting is used to provide the applicant with a comprehensive review of his or her application, to provide insight as to the deficiencies of the plan and to offer suggestions and recommendations for the improvement of said plan, to analyze the application to help in determining completeness and to comment on the acceptability of the proposed plan. It is not a public hearing and need not be advertised. It is not a formal review, and no minutes will be kept nor action taken. The meeting shall be chaired by the

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Board Chairman or a designee thereof.

- 2) Attendance by the applicant and/or his representatives is mandatory.
 - 3) The members of the Development Review Committee will review the development application for conformance with applicable development regulations and standards, determine the appropriateness of the proposed development to the site in question and review with the applicant reports submitted by the Planning Board's professionals related to the proposed development.
- C. Generally, no application shall be forwarded to the Planning Board until and unless outstanding issues, other than those for which a variance or design waiver is requested, are resolved.

300-239. Fees.

The applicant, when required by provisions of this Ordinance, shall pay to the Clerk fees in accordance with this Ordinance.

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ARTICLE XXXI

PLANNING BOARD

300-240. Establishment; membership.

There is hereby established, pursuant to N.J.S.A. 40:55D-1 et seq., in the City of Bordentown, a Planning Board of nine (9) members consisting of the following classes:

- A. Class I: the Mayor.
- B. Class II: one (1) of the officials of the City, other than a member of the City Commission, to be appointed by the Mayor.
- C. Class IV: seven (7) other citizens of the City to be appointed by the Mayor. The members of the Class IV shall hold no other municipal office. A member of the Environmental Commission (if one exists) who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be a Class IV Planning Board member.
- D. There is hereby provided, pursuant to the hereinabove-cited statutory authority, two (2) alternate Class IV members to the Planning Board, to be designated as "Alternate No.1" and "Alternate No.2," to be appointed by the Mayor.
- E. Class I and Class III members (as defined by N.J.S.A. 40:55D-23) shall not participate in the consideration of applications for development which involve relief pursuant to subsection d of Section 57 of P.L. 1075, c.291 (N.J.S.A. 40:55D-70d).

300-241. Terms.

- A. The term of the members composing Class I shall correspond with his official tenure.
- B. The term of the member composing Class II shall be for one (1) year or terminate at the completion of his term of office, whichever occurs first.
- C. The term of the Class IV member who is also a member of the of the Environmental Commission shall be for three (3) years or terminate at the completion of his term of office as a member of the Environmental Commission, whichever comes first.

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- D. The terms of the all Class IV members shall be four (4) years, provided that the first full-term vacancies filled shall be for three (3) years and two (2) years respectively, and provided that nothing herein shall affect the term of any present member of the Planning Board, each of whom shall continue in office until the completion to the term for which he or she was appointed. All terms shall run from January 1 of the year in which the appointment was made.
- E. The term of all alternate members shall run from January 1, to the year in which the appointment was made.

300-242. Vacancies.

If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term.

300-243. Removal from Board.

Any member other than a Class I member, after a public hearing if he or she requests one, may be removed by the City Commission for cause.

300-244. Officers.

The Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV and select a Secretary who may be either a member of the Planning Board or a City employee designated by it.

300-245. Planning Board Attorney.

There is hereby created the office of Planning Board Attorney. The Planning Board may annually appoint and fix the compensation of or agree upon the rate of compensation of the Planning Board Attorney, who shall be an attorney other than the City Attorney, City Prosecutor or Municipal Court Judge, in an amount not exceeding the amount appropriated by the City Commission for such purpose.

300-246. Experts and Staff.

The Planning Board may also employ or contract for the services of experts and other staff and services as it may deem necessary. The Board shall not, however, exceed, exclusive of the gifts or grants, the amount appropriated by the City Commission for its use.

300-247. Powers and duties.

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The Planning Board is authorized to adopt bylaws governing its procedural operation. It shall also have the following powers and duties:

- A. To make and adopt and from time to time amend a Master Plan to the physical development of the City, in accordance with the provisions of N.J.S.A. 40:55D-28.
- B. To administer the provision of the Land Development Ordinance, in accordance with the provisions of said Ordinance and the Municipal Land Use Law.
- C. To issue permits for Conditional Uses. The term "Conditional Use" means 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 Land Development Ordinance and upon the issuances of an authorization therefor by the Planning Board. The Planning Board shall either issue or deny issuance of a conditional use permit within ninety-five (95) days of submission of a complete application therefor by a developer to the Clerk or within such further time as may be consented to by the applicant. The review by the Planning Board of a conditional use shall include any required site plan review. The time period for action by the Planning Board on conditional uses apply to such site plan review. Failure of the Planning Board to act within the period prescribed shall constitute approval of the application, and a certificate of the Clerk, as to the failure of the Planning Board to act, shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required.
- D. To participate in the preparation and review of programs or plans required by state or federal law or regulation.
- E. To assemble data on a continuing basis as part of a continuous planning process.
- F. To annually prepare a program of city capital improvement projects projected over a term of six (6) years, and amendments thereto, and recommend the same to the City Commission.
- G. To consider and make report to the City Commission within thirty-five (35) days after referral as to any proposed development regulation submitted to it pursuant to the provisions of N.J.S.A. 40:55d-28A and also to pass upon other matters specifically referred to the Planning Board by the City Commission, pursuant to the provisions of N.J.S.A. 40:55d-25b.
- H. To exercise its power regarding the official map pursuant to N.J.S.A. 40:55D-32.
- I. To grant variances and certain building permits in conjunction with subdivision, site plan and conditional use approval pursuant to N.J.S.A.40-55D-60 et seq.

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- J. To exercise, to the same extent and subject to the same restrictions, all the powers of a Zoning Board, as specified herein and the Municipal Land Use Law, except that Class I and Class III members shall not participate in the consideration of applications for development which involve relief pursuant to N.J.S.A. 40-55d-70d. These powers include, but are not limited to:
- (1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an official based or made in the enforcement of the Land Development Ordinance.
 - (2) To hear and decide requests for interpretation of the Zoning Map or the Land Development Ordinance or for decisions upon other special questions upon which the Board is authorized to pass, or the Official Map Ordinance, if adopted.
 - (3) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or by reason of other extraordinary and exceptional situation or conditions of such piece of property the strict application of any regulation in the Land Development Ordinance, would result in peculiar and exceptional practical
 - (4) To grant, upon application, a variance to allow a structure or use in a district restricted against such structure or use in particular cases and for special reasons, but only by affirmative vote of at least two-thirds (2/3) of the full authorized membership of the Board. No variance or other relief may be granted upon the provisions of this Article unless such variance or other relief can be granted without substantial detriment to the public good and if will not substantially impair the intent and purpose of the zone plan and the Land Development Ordinance. Any application under any subsection of this subsection may be referred to any appropriate person or agency for its report, provided that such reference shall not extend the period of time within which the Planning Board shall act.
 - (5) To direct issuances, upon application, of a permit pursuant to N.J.S.A. 40:55D-34 for a building or structure in the bed of a mapped street or public drainage way, flood control basin or public area reserved on the Official Map.
 - (6) To direct issuance, upon application, of a permit pursuant to N.J.S.A. 40:55D-36 for a building or structure not related to a street.
- K. To perform such other advisory duties as are assigned to it by Ordinance or resolution of the City Commission or other agencies or officers.

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300-248. Development Review Committee.

The Planning Board shall establish a Development Review Committee to consist of three (3) Board members, who shall not be Class I or Class III members, and the Board Engineer and Planner. All applications for development shall be presented to the Development Review Committee. The Development Review Committee shall hold informal reviews with applicants to determine the completeness of applications and make recommendations to the Planning Board regarding applications for development. The review of each application by the Development Review Committee shall be conducted Pursuant to the provisions contained in this Ordinance. The Development Review Committee shall determine whether an application is complete within thirty (30) days of the filing of the application. If the Development Review Committee fails to determine whether the application is complete within such thirty (30) day review period, completeness shall be determined by the Planning Board at its next meeting after the expiration of the thirty (30) day review period. At no time shall the forty-five (45) day time period within which to review an application for completeness be permitted to expire by the Planning Board.

300-249. Time Limitations.

The Planning Board shall exercise its powers for granting or denying of approval for minor and major subdivisions and for site plans in accordance with the time limitations set forth in this Ordinance. Failure of the Planning Board to act within the period prescribed shall constitute approval of the application, and a certificate of the Board Secretary as to the failure of the Planning Board to act shall be issued on request of the applicant.

300-250. Citizens' Advisory Committee.

The Mayor may appoint one or more persons as a Citizens' Advisory Committee to assist or collaborate with the Planning Board in its duties, but such person or persons shall have no power to vote or take other action required of the Board. Such person or persons shall serve at the pleasure of the Mayor.

300-251. Information for Environmental Commission.

Whenever the Environmental Commission (if it exists) has prepared and submitted to the Planning Board an index of the natural resources of the City, the Planning Board shall make available to the Environmental Commission an informational copy of every application for development to the Planning Board. Failure of the Planning Board to make such informational copy available to the Environmental Commission shall not invalidate any hearing or proceeding.

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300-252. Additional rules and regulations.

The Planning Board shall adopt such rules regulations as may be necessary to carry into effect the provisions and purposes of this Article. In the issuances of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1952 (N.J.S.A. 2a:67a-1 et seq.) shall apply.

300-253. Appeals and applications.

- A. Appeals to the Planning Board may be taken by any interested party affected by a decision of a City official based on or made in the enforcement of the Land Development Ordinance or the official map. Each appeal shall be taken within sixty-five (65) days by filing a notice of appeal with the official from whom the appeal was taken, together with three (3) copies of said notice, with the Secretary of the Board. Said notice of appeal shall specify the grounds for said appeal. The official from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record which the action appeal from was taken.
- B. Three (3) copies of an application of the exercise of the Board's power shall be filled with the Secretary of the Board.
- C. At the time of the filing the appeal or application, but in no event less than ten (10) days prior to the date set for hearing, the applicant shall also file all relevant plot plans, maps or other papers. The applicant shall obtain all necessary forms from the Secretary of the Board. The Secretary of the Board shall inform the applicant of the steps to be taken to initiate proceedings and of the regular meeting dates of the Board.
- D. An appeal shall stay the decision appealed from unless the official from whose decision the appeal is taken certifies to the Board after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order of the Superior Court of New Jersey upon notice of the official from who the appeal is taken and on due cause shown.
- C. The Board may reverse or affirm, wholly or in part, or may modify the action, order, requirement, decision, interpretation or determination appeal from and, to that end have all the powers of the official from whom the appeal was taken.

300-254. Expirations of variances.

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Any variance from the terms of the Land Development Ordinance, granted by the Board permitting the erection or alteration of any structure or a specified use of any premises shall expire unless such construction, alteration or use shall have been actually commenced on or in each and every structure permitted by said variance within six (6) months from the date of authorization by the Board; except, however, that the running of this period shall be tolled from the date of filing an appeal from the decision of the Board to the City Commission, or a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding.

300-255. Time limitations.

- A. The Board shall render its decision not later than one hundred (120) days after the date an appeal is taken pursuant to Section 300-267 or a complete application for approval of a subdivision plat, site plan, conditional use, zoning variances or direction of the issuance of permit is submitted to the Board pursuant to the provisions of Section 300-279.
- B. Failure of the Board to render such decision with such one-hundred-twenty (120) day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant. In the event that the Board fails to so act on a complete application of development, the Secretary of the Board shall issue a certificate on request to the applicant, and it shall be sufficient, in lieu of the written endorsement or other evidence of approval herein required, and shall be so accepted by the County Clerk for purposes of filing subdivision plats.

300-256. Conditional approvals; referrals.

- A. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.3 in the case of a subdivision, or N.J.S.A. 40:27-6.6 in the case of a site plan, the Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time.
- B. An application under this section may be referred to any appropriate person or agency, including the Planning Board, for its report, provided that such reference shall not exceed the period of time within which the Board must act.

300-257. Conflicts of Interest.

No member of the Planning Board shall act on any matter in which he has either directly or indirectly any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit

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with the Board on the hearing of such matter nor participate in any discussion relating thereto.

300-258. Meetings.

- A. Meetings of the Board shall be scheduled no less often than once a month, and any meeting so scheduled shall be held as scheduled unless cancelled for lack of applications for development to process. Regular meetings of the Board shall not be scheduled to conflict with the regularly scheduled meetings of the City Commission or the Municipal Court.
- B. Special meetings may be provided for at the call of the Chairman or on the request of any two (2) Board members, which meetings shall be held on notice to its members and public in accordance with all applicable legal requirements.
- C. No action shall be taken at any meeting without a quorum being present, which is defined as the majority of the full authorized membership of the Board.
- D. All actions shall be taken by majority vote of a quorum except as otherwise required by statute.
- E. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. An executive session for the purpose of discussion and studying any matters to come before either Board shall not be deemed to be a regular or special meeting.

300-259. Minutes.

Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the person appearing by attorney, the actions taken by the Board, the finding, if any, made by it and reasons therefore. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the City Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party may be charged a fee for reproduction of the minutes for his use as provided for in the rules of the Board.

300-260. Fees.

- A. Fees for applications or for the rendering of any service by the Planning Board or any member of its administrative staffs which is not otherwise provided by this

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Article may be provided for and adopted as part of the rules of the Board, and copies of said rules or of the separate fee schedule shall be available to the public.

- B. The applicant shall pay the City Clerk fees in accordance with the following provisions:
- 1). Conditional use or special exception application: sixty dollars (\$60).
 - 2) The expansion of a conforming use: fifty dollars (\$50).
 - 3) An appeal pursuant to 51-10J(1): twenty-five dollars (\$25).
 - 4) A request pursuant to 51-10J(2): twenty five dollars (\$25).
 - 5) An application or appeal pursuant to 51-10J(3): fifty dollars (\$50).
 - 6) An application pursuant to 51-15: fifty dollars (\$50).
 - 7) An application pursuant to 51-10J(5): fifty dollars (\$50).
 - 8) An application pursuant to 51-10J(6): thirty-five dollars (\$35).
 - 9) Any application, request or appeal under 51-10J(1) through (6) inclusive, relating to the Multipurpose Commercial District: one hundred dollars (\$100).
 - 10) Whenever the application, request or appeal shall encompass more than one (1) of these above-described fees, a single applicable fee in the greater amount set forth for the relief sought shall be paid by the applicant.
 - 11) Request for a special meeting of the Board: one hundred dollars(\$100).

300-261. Hearings.

- A. Rules. The Planning Board may make rules governing the conduct of hearings before such body, which rules shall not be inconsistent with the provisions of N.J.S.A. 40:55D-1 et seq. or of this Article.
- B. Oaths. The officer presiding at the hearing or such person as he may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and production of relevant evidence, including witnesses and documents presented by parties, and the provisions of the County and Municipal Investigations Law of 1953, N.J.S.A. 2A:67A-1 et seq., shall apply.

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- C. Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
- D. Evidence. Technical rules of evidence shall not be applied to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.
- E. Records. The Board shall provide for the verbatim recordings of the proceedings by either stenographic mechanical or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense.

300-262. Notice requirements for hearings.

Whenever a hearing is required on an application for development pursuant to N.J.S.A. 40:55d-1 et seq., the application shall give notice thereof as follows:

- A. Public notice shall be given by publication in the official newspaper of the city at least ten (10) days prior to the date of the hearing.
- B. Notice shall be given to the owners of all real property as shown on the current municipal tax duplicate or duplicates located within two hundred (200) feet in all directions of the property which is the subject of such hearing, whether located within or without the city in which applicant's land is located. Such notice shall be given by serving a copy thereof on the owner as shown on said current municipal tax duplicate or duplicates or his agent in charge of the property or by mailing a copy thereof by certified mail a copy thereof to the property owner at his address as shown on said current tax duplicate or duplicates. A return receipt is not required. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.
- C. Notice of all hearings on application for development involving property located within two hundred (200) feet of an adjoining municipality shall be given by personal service or certified mail the Clerk of such municipality, which notice shall be given by personal service or certified mail to the Clerk of such municipality, which notice shall be in addition to the notice required to be given pursuant to Subsection B of this section to the owners of lands in such adjoining municipality which is located within two hundred (200) feet of the subject premises.

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- D. Notice shall be given by personal service or certified mail to the County Planning Board of a hearing on an application for development of property adjacent to an existing county road or proposed county road shown on the Official County Map or on the County Master Plan, adjoining other county land or situate within two hundred (200) feet of a municipal boundary.
- E. Notice shall be given by personal service or certified mail to the State of New Jersey Commissioner of Transportation of a hearing on application for development of property adjacent to a state highway.
- F. Notice shall be given by personal service or certified mail to the Director of Division of State and Regional Planning in the Department of Community Affairs of the State of New Jersey of a hearing on an application for development of property which exceeds one hundred-fifty (150) acres or five hundred (500) dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the Secretary of the Board.
- G. All notices hereinabove specified in this section shall be given at least ten (10) days prior to the date fixed for hearing and the applicant shall file an affidavit of proof of service with the Board holding the hearing on the application for development.
- H. Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing in accordance with the provisions of N.J.S.A. 40:55d-14.
- I. Form of notice. All notices required to be given pursuant to the terms of this chapter shall state the following:
 - 1) The date, time and place of hearing.
 - 2) The nature of the matters to be considered.
 - 3) Identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the City Tax Assessor's office.
 - 4) The location and time at which any maps and documents for which approval is sought are available for public inspection.

300-263. List of property owners furnished.

Pursuant to the provisions of N.J.S.A.40:55D-12c, the City of Tax Collector shall, within seven (7) days receipt of a request therefore and upon receipt of payment of a fee of ten dollars (\$10), make and certify a list from the current tax duplicate of names

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and addresses of owners to whom the applicant is required to give notice pursuant to 51-24B of this chapter.

300-264. Decisions.

- A. Each decision on any application for development shall be set forth in writing as a resolution of the Board, which shall include findings of fact and legal conclusions based thereon.
- B. A copy of the decision shall be mailed by the Board within ten (10) days of the date of decision to the applicant or if represented, then to his attorney, without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee set forth in N.J.S.A. 47:1A-2. A copy of the decision shall also be filed in the office of the City Clerk, who shall make a copy of such filed decision available to any interested party upon payment of the fee set forth in N.J.S.A. 47:1A-2.
- C. A brief notice of every final decision shall be published in the official newspaper of the city. Such publication shall be arranged by the Board Secretary, as the case may be, who shall charge the applicant for the cost of such publication. Said notice shall be sent to the official newspaper for publication within ten (10) days of the date of any such decision.

300-265. Records retained by Clerk.

Upon the conclusion of any matter coming before the Board or upon appeal to the City Commission, a copy of each application, supporting documentation, minutes of hearings, correspondence, decisions, and other information relevant to the determination shall be maintained in the office of the City Clerk for a period of not less than five (5) years, which shall be considered public record under N.J.S.A. 47:1A-1 et seq. (Right to Know Law).

300-266. Proof of payment of taxes.

Pursuant to the provisions of N.J.S.A. 40:55D-39 and 40:55D-65, every application for development submitted to the Planning Board shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application

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ARTICLE XXXII

APPEALS

300-267. Appeal to City Commission

- A. An appeal from any final decision of the Board approving an application for development pursuant to the provisions of N.J.S.A 40:55d-70d or granting preliminary approval of a major subdivision or of a site plan in excess of ten (10) acres may be taken to the City Commission, provided that such appeal shall be made within (10) day of the date of publication of such final decision. Such appeal shall be made by serving the City Clerk in person or by certified mail with a notice of appeal specifying the grounds of such appeal and the name(s) and address(es) of the applicants(s) and, if represented, his or her attorney. Such appeal shall be decided by the City Commission only upon the record established before the Board.
- B. Notice of the meeting to review the record below shall be given by the City Commission by personal service or certified mail to the appellant, to those entitled to notice of a decision pursuant to 51-26B and to the Board at least ten (10) days prior to the date of the meeting. The parties may submit oral argument on the record at such meeting, and the City Commission shall provide for verbatim recording at the requesting parties' cost and transcripts of such meeting.
- C. The City Commission shall conclude a review of the record below not later than forty-five (45) days from the date of receipt of the transcript of the hearing unless the appellant consents in writing to an extension of such period. The appellant shall arrange for a transcript for use by the City Commission. Failure of the City Commission to hold a hearing and conclude a review of the record below and to render a decision within such specified period, without such written consent to the appellant, shall constitute a decision affirming the action of the Board.
- D. The City Commission may reverse, remand or affirm, wholly or in part, or may modify the final decision of the Board.
- E. The affirmative vote of a majority of the full authorized membership of the City Commission shall be necessary to reverse, remand or modify any final action by the Board.
- F. An appeal to the City Commission shall stay all proceedings based on the decision appealed from unless the Board certifies to the City Commission, after the notice of appeal shall have been filed with such Board, that by reason of facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property.

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In such case, proceedings shall not be stayed other than by an order of the Superior Court on application upon notice to the Board from whom the appeal is taken and on good cause shown.

- G. The City Commission shall, not later than ten (10) days after the date of the decision, mail a copy of the decision to the applicant or, if represented, to his or her attorney, without separate charge. Additionally, a copy of the decision shall be mailed to any interested party upon request and payment of the fee established under N.J.S.A. 47:1A-2. A brief notice of the decision shall be published in the official newspaper of the city. Such publication shall be arranged by the City Clerk who shall charge the appellant for the cost of such publication. The period of time in which an appeal to court of competent jurisdiction may be made shall run from the date of publication.
- H. Nothing herein shall be construed to restrict the right of any party to obtain a review of any court of competent jurisdiction according to law.

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ARTICLE XXXIII

MANDATORY DEVELOPMENT FEES

300-268. Purpose.

In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the State Constitution subject to COAH's adoption of rules at N.J.A.C. 5:93-8, which pertain to the imposition, collection and expenditure of mandatory affordable housing development fees. The purpose of this Article is to establish standards for imposing, collecting, maintaining and expending development fees pursuant to COAH's rules. Fees collected pursuant to this Article shall be used for the sole purpose of providing low- and moderate-income housing. This Article shall be interpreted within the framework of COAH's rules on development fees.

300-269. Residential Development Fees.

- A. Within all residential zoning districts or residential development in nonresidential zoning districts, developers shall pay a development fee of $\frac{1}{2}$ of 1% of the equalized assessed value for residential development, provided no increased density is permitted.
- B. If a "d" variance is granted pursuant to N.J.S.A. 40:55D-70d(5), then the additional residential units realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of six percent (6%) rather than the development fee of $\frac{1}{2}$ of 1%. However, if the zoning on a site has changed during the two-year period preceding the filing of the "d" variance application, the density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the "d" variance application.

300-270. Nonresidential Development Fees.

- A. Developers within all nonresidential zoning districts or nonresidential development in residential zoning districts shall pay a fee of one percent (1%) of the equalized assessed value for nonresidential development.
- B. If a "d" variance is granted pursuant to N.J.S.A. 40:55D-70d(4), then the additional floor area realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of six percent (6%) rather than the development fee of 1%. However, if the zoning on a site has changed during the two-year

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period preceding the filing of the “d” variance application, the base floor area for the purposes of calculating the bonus development fee shall be the highest floor area permitted by right during the two-year period preceding the filing of the “d” variance application.

300-271. Eligible Exaction, Ineligible Exaction and Exemptions.

- A. Developers of new residential units, developers of new nonresidential development or developers of expansions of nonresidential development shall pay development fees.
- B. Developers of low- and moderate-income units shall be exempt from paying development fees.
- C. Developers that have received preliminary or final approval prior to the effective date of this Article shall be exempt from paying a development fee unless the developer seeks a substantial change in the approval.
- D. Nonprofit developers shall be exempt from paying a development fee.

300-272. Collection of Fees.

Developers shall pay fifty percent (50%) of the calculated development fee to the City of Bordentown at the issuance of building permits. At the issuance of certificates of occupancy, the developer shall be responsible for paying the difference between the fee paid at the time of the issuance of the building permit and the total calculated development fee.

300-273. Affordable Housing Trust Fund.

- A. There is hereby created an interest-bearing affordable housing trust fund in the Farmers and Mechanics Bank for the purpose of receiving development fees from residential and nonresidential developers. All development fees paid by developers pursuant to this Article shall be deposited in this trust fund. No money shall be expended from the affordable housing trust fund unless the expenditure conforms to a spending plan approved by the New Jersey Superior Court (hereinafter “Court”) and/or COAH.
- B. If the Court or COAH determines that the City of Bordentown is not in conformance with COAH’s rules on development fees, COAH is authorized to direct the manner in which all development fees collected pursuant to this Article shall be expended. Such authorization is pursuant to this Article, COAH’s rules on development fees and the written authorization from the governing body to the

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Farmers and Mechanics Bank.

300-274. Use of Funds.

- A. Money deposited in the affordable housing trust fund may be used for any activity approved by COAH for addressing the City of Bordentown's low- and moderate-income housing obligation. Such activities may include, but are not necessarily limited to, housing rehabilitation, new construction, regional contribution agreements (RCAs), the purchase of land for low- and moderate-income housing, extensions and/or improvements of roads and infrastructure to low- and moderate-income housing sites, assistance designed to render units more affordable to low- and moderate-income households and administrative costs necessary to implement the City of Bordentown's housing element. The expenditure of all money shall conform to a spending plan approved by the Court.
- B. At least thirty percent (30%) of the revenues collected shall be devoted to render units more affordable unless the development fees are financing an RCA, rehabilitation program, a new construction project. Examples of affordability assistance for low- and moderate-income units include, but are not limited to, down payment and closing cost assistance, low-interest loans and rental assistance.
- C. No more than twenty percent (20%) of the revenues collected shall be expended on administrative costs necessary to develop, revise or implement the housing element and fair share plan. Examples of eligible administrative activities include, but are not limited to, personnel, consultant services, space costs, consumable supplies and rental or purchase of equipment directly associated with plan development or plan implementation.

300-275. Expiration of Article.

This Article shall expire if the judgment of compliance expires prior to the City of Bordentown's filing an adopted housing element with the Court or COAH.

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ARTICLE XXXIV

ADMINISTRATION AND ENFORCEMENT

300-276. Construction Official.

It shall be the duty of the Construction Official of the City, as Zoning Officer, or his representative in his absence to administer and enforce this Ordinance in accordance with the provisions of the Uniform Construction Code and of this Ordinance. In no case shall a permit be granted for the construction or alteration of any building where the proposed construction, alteration or use would be in violation of any provision of this Ordinance. It shall be the duty of the Construction Official or his representative to cause any buildings, plans or premises to be inspected or examined and to order, in writing, to the owner or his agent, that any condition be remedied which is found to exist in violation of any provisions of this Ordinance, and he shall have the right to enter any building or premises during the daytime in the course of his duties. A copy of any order given in writing to an owner or his agent that any condition be remedied shall be given to the City Clerk.

300-277. Application for Building Permit.

Every application for a building permit shall be accompanied by duplicate plans, drawn in ink, blue or black and white copies, showing the actual shape and dimensions of the lot to be built upon; the location, size and height of the structures to be erected; existing structures; the existing and proposed setback lines; and the existing or intended use of each structure or part thereof. The plan shall also show the number of dwelling units the building is designed to accommodate, the number and location of off-street parking spaces and off-street loading areas and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance. The application shall also be accompanied by proof of final approval by the Planning Board. One (1) copy of such plans shall be returned to the owner when such plans have been approved by the Construction Official, together with such permits as may be granted.

300-278. Certificate of Occupancy.

It shall be unlawful for an owner to use or permit the use of any building or part thereof hereafter erected, altered, converted or enlarged, wholly or in part, until a certificate of occupancy, applied for at the time of application for a building permit, shall have been issued by the Construction Official. Such certificate shall show that such building or part of the building and the proposed uses thereof conform to the requirements of this Ordinance. It shall be the duty of the Construction Official to issue a certificate of occupancy only when he is satisfied that the building, or part of

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the building, and the proposed use thereof so conforms.

300-279. Zoning Permit.

No land shall be used, no use shall be commenced and no structure shall be erected, constructed, reconstructed, altered or converted and no land, use or structure shall be changed from an existing use to a new use until a zoning permit is issued by the Zoning Officer stating that such use, structure or building conforms to and complies with the provisions of this Ordinance or that a variance has been granted from the appropriate provisions of this Ordinance by a board of competent jurisdiction.

300-280. Records to be Kept.

It shall be the duty of the Construction Official to keep a record of all applications for building permits, a record of all permits issued and a record of all certificates of occupancy, together with a notation of all special conditions involved. He shall file and safely keep copies of all plans submitted, and the same shall form a part of the records of his office and shall be available for the use of the City Commission and of other officials of the City.

300-281. Temporary Certificate of Occupancy and Zoning Permit.

The Zoning Officer may issue a temporary zoning permit and the Building Official may issue a temporary certificate of occupancy for a use of land or a building which is related to the development of a permitted use of the property. In evaluating any application for such temporary permits, the building or structure in question must meet the minimum requirements as set forth in the New Jersey Uniform Construction Code Act for the issuance of temporary certificates of occupancy and a bond shall be posted which is sufficient, in the judgment of said Zoning Officer and Construction Official, that will guarantee the completion of the project. Such temporary permits shall be issued for a period not to exceed six (6) months and may be extended for an additional period not to exceed six (6) months.

300-282. Monthly Reports.

The Zoning Officer shall prepare a monthly report summarizing, for the period since his last report, all zoning permits issued, complaints of violations received and action taken by him with respect thereto. Such report shall be in a form and shall contain such information as the City Commission may direct. A copy of such reports shall be made available to the Construction Official and to the Tax Assessor.

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300-283. Fees.

Fees shall be paid by the applicant to the City for the following, and the amount of each fee is available from the City Clerk:

- A. For the issuance of a Zoning Permit.
- B. For filing applications before the Zoning Board of Adjustment, pursuant to N.J.S.A. 40:55D-70.
- C. For applications before the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-76 in accordance with the appropriate fees.

300-284. Enforcement.

This Ordinance shall be enforced by the Zoning Officer. It shall be his primary duty to investigate violations of this Ordinance coming to his attention, serve notice to abate violations, sign complaints where justified and cooperate with other municipal officials in the prosecution of violators. The enumeration herein of the primary duties of this Zoning Officer shall not mean that other officials and employees shall be relieved of their obligation to enforce this Ordinance. The Zoning Officer or other municipal employees, authorized by the City Commission, shall have the right to inspect any lot or building at reasonable times for the purpose of investigating possible violations of this Ordinance.

300-285. Action Instituted by Zoning Board of Adjustment Attorney.

In addition to actions commenced by the Zoning Officer in the enforcement of this Ordinance, in cases where any building or structure is, or is intended to be, erected, constructed, reconstructed, altered or converted, or any building or structure is, or is intended to be, used in violation of or contrary to the provisions of this Ordinance, the Attorney for the Zoning Board is hereby authorized, pursuant to directions of the City Commission, to institute an action to enjoin the erection, construction, alteration, conversion or use of any such structure or building or the commencement of any use in violation of this Ordinance or to pursue any other appropriate action, proceedings or remedies available at law to prevent the commencement of or the continuation of such use.

300-286. Persons Subject to Fine for Violation.

For any and every violation of the provisions of this Ordinance, the owner, contractor or other persons interested as general agent, architect, building contractor, tenant or any other person who commits, takes part in or assists in any violation of this Ordinance or who maintains any building or premises in which any

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violation of this Ordinance shall exist and who shall have refused to abate such violation within five (5) days after written notice shall have been served upon him, either by certified mail or by personal service, shall, for each and every violation, be subject to a fine.

300-287. Amendments.

This Ordinance may be amended in accordance with the provisions of the statutes of the State of New Jersey.

300-288. Effect of Municipal Land Use Law.

This Article shall be read in para material with the land use procedures of this Ordinance and with the provisions of the Municipal Land Use Law, P.L. 1975 c. 291, N.J.S.A. 40:55D-1 et seq., to the end that all procedures, and to the extent possible, all substantive provisions of this Ordinance shall be in compliance with the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

ARTICLE XXXV

VALIDITY OF ORDINANCE

If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.