

CHAPTER 93 – LAND DEVELOPMENT AND ZONING ORDINANCE

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Article I – Gloucester City Development Ordinance

§ 93-1 Title

A. Long Title

- (1) An ordinance establishing zoning, subdivision and site plan regulations covering the use and development of land and structure, lot area, lot coverage of buildings and other structures, population density, parking provisions, height, and to divide the city of Gloucester City into zoning districts, each with specific regulations in accordance with provisions of the New Jersey Municipal Land Use Law.

B. Short Title

- (1) The ordinance will be known and may be cited as the Gloucester City Development Ordinance.

§ 93-2 General Intent

- A.** The developmental ordinance which follows was developed by the City Council to promote the public health, safety, morals, general welfare and all other purposes enumerated in the New Jersey Municipal Land Use Law, Chapter 291, "Laws of New Jersey, 1975".

B. It is the intent and purpose of this ordinance:

- (1) To encourage municipal action to guide the appropriate use of development of all lands in the City in a manner which will promote the public health, safety, morals and general welfare;
- (2) To secure safety from fire, flood, panic and other natural and man-made disasters;
- (3) To provide adequate light, air and open space;
- (4) To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county, and the state, as a whole;
- (5) To provide the establishment of appropriate population densities and concentrations which will contribute to the well-being of persons, neighborhoods and communities, and preservation of the environment;
- (6) To encourage the appropriate and efficient expenditure of public funds by coordination of the public development with land use policies;
- (7) To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreation at, commercial and industrial uses and open space, both public

and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens;

- (8) To encourage the location and design of transportation routes, which will promote the free-flow of traffic, while discouraging the location of such facilities and routes which result in congestion or blight;
- (9) To promote a desirable visual environment through creative development techniques and good civic design and arrangements;
- (10) To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through the improper use of land;
- (11) To encourage planned unit developments, which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- (12) To promote senior citizen community housing-construction;
- (13) To encourage coordination of the various public and private procedures and activities, shaping land development with a view of lessening the cost of such development and more efficient use of land;
- (14) To promote the utilization of renewable energy resources;
- (15) 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.

§ 93-3 Establishment of Controls

A. The regulations established by this ordinance shall be held to be the minimum standards necessary to achieve the purposes and objectives of the Gloucester City Master Plan and this ordinance and shall apply uniformly to each class or kind of structure or land. It is not the intention of this ordinance to interfere with, abrogate or annul any easements, covenants or other agreements, between the parties, provided, however, that, where this ordinance imposes a greater restriction, that provisions of this ordinance shall govern.

(1) Use of Land, Construction of Buildings

(a) On and after the effective date of this ordinance, no land or building shall be used, developed, constructed, located, altered, rebuilt or enlarged for any purpose within Gloucester City except in conformity with the restrictions and regulations established by this ordinance for the district in which such land or building is located and in conformity with all other pertinent terms and provisions of this ordinance.

(2) Existing Uses and Structures

(a) In all districts, after the effective date of this ordinance, any existing building or structure and all tracts of land, the use of which is not in conformity with the regulation for the district in which it is located, shall be deemed as non-conforming and subject to the appropriate regulations of this ordinance governing such non-conforming lots, uses and structures.

(3) Failure to Comply

(a) Any building constructed, rebuilt, altered or located on or after the effective date of this ordinance, in violation of the restrictions and regulations established for the district in which it is located or in violation of other pertinent terms or provisions of this ordinance, shall be changed, altered, corrected or relocated by the person who constructed or located such building and by the owner of the land on which it is situated so that both building and premises shall conform with all provisions of this ordinance. Such change, alteration, correction or relocation shall be made within thirty (30) days after notification in writing by the zoning officer to the person who constructed, altered or located the building and the owner of the land on which it is located. Such notification shall be by personal service on those to be served by certified or registered mail, return receipt requested, to the last known address of those to be served.

§ 93-4 Planning Board

A. Establishment

(1) A Planning Board is hereby established, pursuant to the provisions of the New Jersey Municipal Land Use Law, New Jersey Statute 40:55D-23 et. seg. In accordance with N.J.S.A. 40:55D-25.c(1), the Planning Board shall exercise, to the same extent and subject to the same restrictions, all the powers of a board of adjustment; however, the

class I and the class III members shall not participate in the consideration of applications for development which involve relief pursuant to subsection d. of C.40:55D-70 and Article I, § 93-5 A.1.d. of the Development Ordinance. The zoning Board of Adjustment is hereby abolished and its duties shall be extended to the Planning Board. The Planning Board shall now be known as the Gloucester City Planning Board/Zoning Board of Adjustment or simply the Gloucester City Development Review Board and all further references to the Planning Board in this ordinance shall now mean the Planning Board/Zoning Board of Adjustment.

B. Membership

- (1) The Planning Board shall consist of nine (9) members. For convenience in designating the manner of appointment, the membership shall consist of and be divided into the following four classes:
 - (a) Class I – The Mayor
 - (b) Class II – one of the officials of Gloucester city, other than a member of the governing body, to be appointed by the mayor. A member of the Environmental commission, who is also a member of the Planning Board, as required by the New Jersey Statute 40:56A-1 et. Seq. shall be deemed to be the Class II Planning Board member, if there is both a member of the zoning Board of Adjustment and a member of the Board of Education among the class IV members.
 - (c) Class III – A member of the city council, to be appointed by the council.
 - (d) Class IV – six other citizens of Gloucester City, to be appointed by the mayor. The member of class IV shall hold no other municipal office, except that one member may be a member of the zoning Board of Adjustment or Historic Preservation Commission and one member may be a member of the Board of Education. A member of the Environmental commission, who is also a member of the Planning Board, shall be a class IV Planning Board member, unless there be among the class IV members of the Planning Board both a member of the zoning Board of Adjustment and a member of the Board of Education; in which case a member of the Environmental commission shall be deemed to be the Class II member of the Planning Board.

C. Terms of Office

- (1) The terms of the member comprising Class I shall correspond with his official tenure. Terms of the members comprising Class II and Class III shall be for one year or terminated at the completion of their respective terms of office, whichever occurs first, except by a Class II member, who is also a member of the Environmental commission. The term of a Class II or a Class IV commission shall be for three years, or terminate at the completion of his term of office as a member of the Environmental Commission, whichever occurs first.
- (2) The term of a Class IV member, who is also a member of the Board of Adjustment or the Board of Education shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first.
- (3) The terms of all Class IV members first appointed under this act shall be so determined that, to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four years after their appointment; provided that the initial Class IV term as no member shall exceed 4 years. Thereafter, the Class IV term of each such member shall be four years.
- (4) If a vacancy in any class shall occur otherwise than by expiration of the Planning Board term, it shall be filled by appointment, as provided above for unexpired term.

D. Conflicts

- (1) No member or alternate member of the Planning Board shall be permitted to act on any matter in which he either directly or indirectly any personal or financial interest. Any member or alternate member other than a Class I member, after a public hearing if he requests one, may be removed by the City Council for cause.

E. Absent Members

- (1) When any hearing before the Planning Board shall carry over to two or more meetings, a member of the Planning Board who is absent for one or more meetings shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one or more of the meetings, provided, however that such Board member has available to him a transcript or recording of the meeting from which he was absent and certifies, in writing, to the Board that he/she has read such transcript or listened to such recording.

F. Alternate Members

- (1) Not more than four alternate members may be appointed by the mayor and shall meet the qualification of Class IV members of the board. Alternate members shall be designated at the time of appointment as Alternate #1, Alternate #2, Alternate #3 and Alternate #4. The terms of the alternate members shall be for two years, except that the terms of the alternate members shall be such that the term of not more than two alternatives shall expire in any one year, provided that in no instance shall the terms of the alternative members first appointed exceed two years. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.
- (2) Alternate members may participate in discussion of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate #1 shall vote.

G. Organization

- (1) The Planning Board shall elect a chairman and vice-chairman from the member of Class IV and shall select a secretary, who may or may not be a member of the Planning Board or a municipal employee. It may employ or contract for and fix the compensation of legal counsel other than the municipal attorney, a planning consultant, a civil engineer and other staff and services, as it may deem necessary, not exceeding, exclusive of gives or grants, the amount appropriated by the governing body for its use.

H. Powers and Duties

- (1) The Planning Board is authorized to adopt bylaws and rules governing its procedural operation. The Planning Board shall follow the provisions of the Municipal Land Use Law and shall accordingly exercise its power in regard to those enumerated below as well as those authorized in N.J.S.A. 40:55D-25.c(1) and Article I, § 93-5 A.1.d. of the Gloucester city Development Ordinance”.

 - (a) The master plan in accordance with the provisions of New Jersey statute 40:55D-28;
 - (b) Subdivision control and site plan review pursuant to New Jersey statute 40:55D-37;
 - (c) The official Map of the municipality pursuant to New Jersey Statute 40:55D-32;

- (d) The zoning ordinance including conditional uses pursuant to New Jersey statute 40:55D-62;
 - (e) The capital improvement program pursuant to New Jersey Statute 410:55D-29;
 - (f) Variances and certain building permits in conjunction with subdivision, site plan and conditional use approval pursuant to New Jersey Statute 40:55D-60.
- (2) The Planning Board may also:
- (a) Participate in the preparation and review of programs or plans required by state or federal law or regulation.
 - (b) Assemble data on a continuous basis as part of a continuous planning process.
 - (c) Perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies or officers.

I. Citizens Advisory Committee

- (1) The mayor may appoint one or more members of a citizen's advisory committee to assist or collaborate with the Planning Board in its duties, but such person or persons shall have no power or vote or take other action required of the Board. Such person or persons shall serve at the pleasure of the mayor.

J. Environmental Commission

- (1) The Planning Board or the Board of Adjustment shall make available to the Environmental Commission an informational copy of every application for development submitted to either Board. Failure of the Planning Board or Zoning Board of Adjustment to make such an informational copy available to the Environmental commission shall not invalidate any hearing or proceeding.

§ 93-5 Zoning Board of Adjustment

A. Powers and Duties

- (1) In accordance with N.J.S.A. 40:55D-25.c(1), the Planning Board shall exercise, to the same extent and subject to the same restrictions, all the powers of a board of adjustment; however, the Class I and the Class III members shall not participate in the consideration of applications for development which involve relief pursuant to subsection d. of C.40:55D-70 and Article I, § 93-5 A.1.d. The Zoning Board of Adjustment is hereby abolished and its duties shall be extended to the Planning Board,

which shall now be known as the Gloucester City Planning Board/Zoning Board of Adjustment or simply the Gloucester City Development Review Board.

- (a) Hear and decide appeals where is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative officer based on or made in enforcement of the zoning article of this ordinance;
- (b) Hear and decide in accordance with the provisions of this ordinance, requests for interpretation of the zoning map, or the zoning article of this ordinance or for decisions upon other special questions upon which such board is authorized to pass by any zoning article of this ordinance;
- (c)
 - [i] where: (1) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (2) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or, (3) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property of the structures lawfully existing thereon, the strict application of any regulation pursuant to the zoning article of this ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship;
 - [ii] where in an application or appeal relating to a specific piece of property the purposes of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to the zoning article of this ordinance; provided, however, that no variance from those departures enumerated in subsection d of this section shall be granted under this subsection; and provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has the power to review a request for a variance, pursuant to New Jersey statute 40:55D-60.

(d) In particular cases and for special reasons, grant a variance to allow departure from regulations, pursuant to the zoning article of this ordinance to permit:

- [1] A use or principal structure in a district restricted against such use or principal structure;
- [2] an expansion of a non-conforming use;
- [3] deviation from a specification or standard, pursuant to New Jersey statute 40:55D-67, pertaining solely to a conditional use;
- [4] an increase in the permitted Floor Area Ratio, as defined in Article III;
- [5] an increase in the permitted density, as defined in Article III, except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision;
- [6] a height of a principal structure which exceeds by ten (10) feet or ten percent (10%) the maximum height permitted in the district for a principal structure.
- [7] A variance under this subsection shall be granted only by affirmative vote of at least five (5) members.

(e) If an application for development requests one or more variances but not a variance for a purpose enumerated in subsection d of this section, the decision on the requested variance or variances shall be rendered under subsection c of this section.

(f) No variance or other relief may be granted under the terms of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance. In respect of any airport hazard areas delineated under the "Air Safety and Hazardous Zoning Act of 1983", P.L. 1983, C. 260 (c.6:1-80 et seq), no variance or other relief may be granted under the terms of this section permitting the creation or establishment of a nonconforming use, which would be prohibited under the standards promulgated pursuant to that act, except upon issuance of a permit by the Commissioner of Transportation pursuant to that act. An application under this section 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/Zoning Board of Adjustment shall act.

B. Other Powers

- (1)** The Planning Board/Zoning Board of Adjustment, when hearing appeals and reviewing applications, shall have the power, pursuant to the New Jersey Municipal Land Use Law, New Jersey Statute 40:55D-76, to:
 - (a)** Direct the issuance of a permit, pursuant to New Jersey Statute 40:55E-34, for a building or structure in the bed of a mapped street or public drainage way, a flood control basin or public area reserved pursuant to New Jersey Statute 40:55D-32;
 - (b)** direct the issuance of a permit, pursuant to New Jersey Statute 40:55D-36, for a building or structure not related to a street.

C. Expiration of Variance

- (1)** Any variance from the terms of this ordinance granted by the Planning Board/Zoning Board of Adjustment permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by limitation, unless such construction or alteration shall have been actually commenced or unless such permitted use has actually been commenced within one (1) year from the date of approval of the variance. In addition, application may be made to the City Council for two (2) six-month time extensions. However, the running of this period of limitation shall be tolled from the date of filing of an appeal from the decision of the Planning Board/Zoning Board of Adjustment to the City Council or the court of competent jurisdiction until the determination of such appeal or proceeding.

§ 93-6 Administrative Procedures

A. Rules and Regulations

- (1)** The Planning Board and the Zoning Board of Adjustment shall adopt and may amend reasonable rules and regulations not inconsistent with the New Jersey Municipal Land Use Law, New Jersey Statute 40:55D-1 et. seq. or this ordinance for the administration of their functions, powers and duties and shall furnish a copy thereof to any person upon request and may charge a reasonable fee for any such copy. Copies of all such rules and regulations and amendments thereto shall be maintained in the zoning office.

B. Meetings

- (1)** The Planning Board and Zoning Board of Adjustment shall fix the time and place for holding regular meetings for business authorized to be conducted. Regular meetings

shall be scheduled not less than once a month and shall be held as scheduled, unless cancelled for lack of applications for development.

- (2) Special meetings shall be provided at the call of the chairman or on request of any two (2) Board members, which shall be held on notice to its members and the public in accordance-with all applicable legal requirements.
- (3) No action shall be taken at any meeting without a quorum being present. All actions shall be taken by a majority vote of the quorum, except as otherwise required by this ordinance.

C. Minutes

- (1) 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 persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and the reasons therefor. The minutes shall thereafter remain available for public inspection during normal business hours at the zoning office. An 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 reasonable fee for production of the minutes for his use. In accordance with the Open Public Meetings Act, New Jersey Statute 10:4-14, the minutes of the meetings shall be reasonably comprehensive.

D. Hearings

- (1) The Planning Board and Zoning Board of Adjustment shall hold a hearing on each application for development or adoption or revision or amendment to the master plan.
- (2) The Boards shall make the rules governing such hearings. Any maps and documents for which approval is sought at a hearing shall be on file during normal business hours in the Planning Board or Zoning Board office and available for public inspection at least thirty (30) days before the date of the hearing. The applicant may produce other documents, records or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.
- (3) The officer presiding at the hearing, or such person as he may designate, shall have the power to administer oaths and to issue subpoenas, to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents

presented by the parties, and the provisions of the County and Municipal Investigations Law, New Jersey Statute 2A:67 A-1 et. seq., shall apply.

- (4) The testimony of all witnesses relating to any 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, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
- (5) Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial, or unduly repetitious evidence.
- (6) The Board shall provide for the verbatim recording of the proceedings by either a stenographer, mechanical or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof, upon request, to any interested party at his expense; provided that the City Council may provide by ordinance for the City to assume the expense of any transcripts necessary for appeal to the City Council of decisions by the Zoning Board of Adjustment approving use variances, up to a maximum amount as specified by the ordinance.
- (7) Each decision on an application for development shall be in writing and shall include the findings of fact and conclusions based thereon.
 - (a) Failure of a motion to approve an application for development to receive the number of votes required for approval shall be deemed an action denying application. A denial under this subsection must be memorialized as hereinafter provided.
 - (b) The Board may provide such written decision and findings and conclusions either on the date of the meeting on which the Board takes action to grant or deny approval or, within 45 days of such meeting by the adoption of a resolution of memorialization setting forth the decision and the findings and conclusions of the Board thereon. Any action resulting from the failure of a motion to approve an application shall be memorialized by resolution, as provided above, notwithstanding the time at which such action occurs is within the applicable time period for rendering a decision on the application.

- (c) The adoption of a resolution of memorialization, pursuant to this subsection, shall not be construed to alter the applicable time period for rendering a decision on the application for development. Such resolution shall be adopted by a vote of a majority of the members of the Board who voted for the action previously taken and no other members shall vote thereon. The vote on such resolution shall be deemed to be a memorialization of an action of the Board and not to be an action of the Board.
- (d) Whenever a resolution of memorialization is adopted in accordance with this subsection, the date of such adoption shall constitute the date of decision for the purpose of mailings, filings and publications required by this section.
- (8) A copy of the decision shall be mailed by the Board within ten (10) days of the date of the decision to the applicant or, if represented, to his attorney, without separate charge and to all who request a copy of the decision for a reasonable fee. A copy of the decision shall also be filed in the Planning Board or Zoning Board office. The Planning Board secretary shall make a copy of such a filed decision available to any interested party for a reasonable fee and available for public inspection during reasonable hours.
- (9) A brief notice of the decision shall be published in the official newspaper of Gloucester City. Such publication may be arranged by the Board for a reasonable fee for such service and the printing costs to also be paid by the applicant. Nothing contained in this ordinance shall be construed as preventing the applicant from arranging such publication, if he so desires. The period of time in which an appeal of the decision may be made shall run from the first publication of the decision, whether arranged by the municipality or by the applicant.
- (10) At the request of the developer, the Planning Board shall grant an informal review at a meeting of a concept plan for a development for which the developer intends to prepare and submit an application for development. The amount of fees for such an informal review shall be a credit toward fees for review of the application for development. A developer shall not be bound by any concept plan for which review is requested and the Planning Board shall not be bound by any such review. Such informal review shall not include any review work by the Board's professionals unless a satisfactory escrow fee is deposited for review costs.

E. Notice of Application

- (1)** Notice pursuant to subsections 1, 2, 3, 4, 5, 6 and 7 of this section shall be given by the applicant and shall be given at least ten (10) days prior to the date of the hearing.
- (2)** Public notice of a hearing on an application for development shall be given except for:
 - (a)** Minor subdivisions;
 - (b)** Final approvals.
- (3)** Public notice shall be given in the event variance relief is requested as a part of an application for development otherwise excepted herein from public notice. Public notice shall be given by publication in the official newspaper of Gloucester City.
- (4)** Notice of hearing requiring public notice pursuant to subsection A of this section shall be given to the owners of all real property, as shown on the current tax duplicate, located within 200 feet, in all directions of the property, which is the subject of such hearing. This requirement shall be deemed satisfied by notice of the condominium association in the case of any unit owners whose unit has a unit above or below it or the horizontal property regime in the case of any co-owner who has an apartment above or below it. Notice shall be given by:
 - (a)** Service of a copy thereof on the property owner as shown on the said current tax duplicate or his agent in charge of the property;
 - (b)** mailing a copy thereof by certified mail to the property owner at his address, as shown on the current tax duplicate.
- (5)** 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. Notice to a condominium association, horizontal property regime, community trust or homeowners' association, because of its ownership of common elements or areas located within 200 feet of the property, which is the subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners or homeowners on account of such common elements or areas.
- (6)** Upon the written request of an applicant, the administrative office shall, within seven (7) days, make and certify a list from said current tax duplicate of names-and addresses of owners to whom the applicant shall be entitled to rely upon the information

contained in such list and failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding. A sum not to exceed \$.25 per name or \$10.00, whichever is greater, may be charged for such list.

- (7) Notice of hearing on applications for development involving properties located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the clerk of such municipality.
- (8) Notice shall be given by personal service or certified mail to the Camden County Planning Board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the official county map or the county master plan, adjoining other county land or situated within 200 feet of a municipal boundary.
- (9) Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a state highway.
- (10) Notice shall be given by personal service or certified mail to the State Planning Commission of a hearing on an application for development of property which exceeds 150 acres or 500 units. Such notice shall include a copy of any maps or documents required to be on file with the Board, pursuant to § 93-4 of this Article.
- (11) The applicant shall file an Affidavit of Proof of Service with the Board holding the hearing on the application for development in the event that the applicant is required to give notice, pursuant to this section.
- (12) Notice pursuant to subsections 4, 5, 6, and 7 of this section shall not be deemed to be required unless public notice pursuant to subsection 1 and notice pursuant to subsection 2 of this section are required.

F. Notice Concerning Master Plan

- (1) The Planning Board shall give:
 - (a) Public notice on a hearing of adoption, revision or amendment of the master plan.
Such notice shall be given by publication in the official newspaper of Gloucester City at least ten (10) days prior to the date of this hearing.
 - (b) Notice by personal service or certified mail to the clerk of an adjoining municipality of all hearings on adoption, revision or amendment of a master plan

involving property situated within 200 feet of such adjoining municipality at least ten (10) days prior to the date of any such hearing.

- (c) Notice by personal service or certified mail to the Camden County Planning Board shall be given at least ten (10) days prior to the date of all hearings on the adoption, revision or amendment of the municipal master plan. Such notice shall include a copy of any such proposed master plan or any revision or amendment thereto. Not more than thirty (30) days after the date of such adoption, revision or amendment of a master plan, notice of such adoption, revision or amendment shall be given to the Camden County Planning Board, which shall include a copy of the master plan or revision or amendment thereto.

G. Effect of Mailing Notice

- (1) Any notice made by certified mail pursuant to this ordinance shall be deemed complete upon mailing.

H. Ordinance, Capital Improvement, and Official Map Notices

- (1) Notice by personal service or certified mail shall be made to a clerk of an adjoining municipality of all hearings on adoption, revision or amendment of a development regulation involving property situated within 200 feet of such adjoining municipality at least ten (10) days prior to the date of any such hearing.
- (2) Notice by personal service or certified mail shall be made to the Camden County Planning board of:
 - (a) all hearings on adoption, revision or amendment of any development regulation at least ten (10) days prior to the date of the hearings:
 - (b) The adoption, revision or amendment of the Municipal Capital Improvement Program or Municipal Official Map not more than thirty (30) days after the date of such adoption, revision or amendment.
 - (c) Any notice provided hereunder shall include a copy of the proposed development regulation, the Municipal Official Map or the Municipal Capital Program or any proposed revision or amendment thereto, as the case may be.
- (3) Notice of hearings to be held pursuant to this section shall state the date, time and place of the hearing and the nature of the matters to be considered. Any notice by certified mail pursuant to this section shall be deemed complete upon mailing.

I. Filing of Ordinances

- (1)** The zoning, subdivision or site plan review articles of this ordinance or any revision or amendment thereto shall not take effect until a copy thereof shall be filed with the Camden County Advisory Board. A zoning ordinance or amendment or revision thereto, which, in whole or in part, is inconsistent with or not designed to effectuate the land use plan element of the master plan, shall not take effect until a copy of the resolution required by subsection A. of Section 49 of P.L. 1975, C. 291 (C. 40:55D-62) shall be filed with the county planning board. The secretary of the county planning board shall, within ten (10) days of the date of receipt of a written request for copies of any development regulation, make such available to the party so requesting with said secretary's certification that said copies are true copies and that all filed amendments and resolutions are included. A reasonable charge may be made by the county planning board for said copies. The official map of Gloucester City shall not take effect until filed with the Camden County Recording Officer.

J. Appeal to the Superior Court of New Jersey

- (1)** All appeals of any final decision of the Board of Adjustment or the Planning Board on any class of application for development shall be made to the Superior Court of New Jersey according to law.

K. Enforcement

- (1)** The City Council shall enforce the provisions of the Municipal Land Use law, NJSA 40:55D-1 et. seq., and the provisions of this ordinance. To that end, the City Council shall require the issuance of specified permits, certificate, or authorization as a condition precedent to:
 - (a)** The erection, construction, alteration, repair, remodeling, conversion, removal or destruction of any building or structure;
 - (b)** The use or occupancy of any building, structure or land;
 - (c)** The subdivision or resubdivision of any land.
- (2)** The City shall establish an administrative officer and offices for the purpose of issuing such permits, certificates or authorizations and may condition the issuance of such permits, certificates and authorizations upon the submission of such data, materials, plans, plats and information as is authorized hereunder and upon the express approval

of the appropriate state, county or municipal agencies and may establish reasonable fees to cover administrative costs for the issuance of such permits, certificates and authorizations.

- (3) In case any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure or land is used or developed in violation of this ordinance or any other ordinance of Gloucester City, the City Council and its agents or interested party, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

L. Appeal to the Board of Public Utilities

- (1) If a public utility, as defined in New Jersey Statute 48:2-13, is aggrieved by the action of a board or municipal agency through its exercise of its powers under this ordinance with respect to any action in which the public utility has an interest, an appeal to the Board of Public Utility Commissioners of the State of New Jersey may be taken within thirty-five (35) days after such action without appeal to the City Council, unless such public utility so chooses. In such case, appeal to the public utility commissioners may be taken within thirty-five (35) days after action by the City Council. A hearing on the appeal of a public utility to the Public Utility Commissioners shall be had on notice to the agency from which appeal is taken to all parties primarily concerned, all of whom shall be afforded an opportunity to be heard.
- (2) If, after such hearing, the Board of Public Utility Commissioners shall find that the present or proposed use by the public utility of the land described in the petition is necessary for the service, convenience or welfare of the public, the public utility may proceed in accordance with such decision of the Board of Public Utility Commissioners, this ordinance or any regulation made thereunder to the contrary notwithstanding. This ordinance or any regulation made hereunder shall not apply to a development proposed by a public utility for installation in more than one municipality for the furnishing of service, if upon a petition of the public utility, the Board of Public Utility Commissioners shall, after hearing of which any municipalities affected shall

have notice, decide the proposed installation of the development in question is reasonably necessary for the service, convenience or welfare of the public. Nothing in this ordinance shall be construed to restrict the right of any interested party to obtain a review of the action of the municipal board or agency or of the Board of Public Utility Commissioners by any court of competent jurisdiction according to law.

M. Exclusive Authority of Planning Board and Zoning Board of Adjustment

- (1) Any power expressly authorized by this ordinance to be exercised by the Planning Board and Zoning Board of Adjustment shall not be exercised by any other body, except as otherwise provided in this ordinance.

N. Tolling of Running of Period of Approval

- (1) In the event that, during the period of approval heretofore or hereafter granted to an application for development, 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 ordinance shall be suspended for the period of time said legal action is pending or such directive or order is in effect.

O. Conditional Approval

- (1) In the event that a developer submits an application for development proposing a development that is barred or prevented, directly or indirectly, by legal action instituted by any state agency, political subdivision or other party to protect the public health and welfare, or by a directive or other issued by any state agency, political subdivision or court of competent jurisdiction to protect the public health and welfare, the Board shall process such application for development in accordance with this ordinance and, if such application for development complies with this ordinance, the Board shall approve such application, conditioned upon removal of such legal barrier to development.
- (2) In the event that development proposed by an application for development requires an approval by a governmental agency other than the local board, the board shall, in

appropriate circumstances, condition its approval upon the subsequent approval of such governmental agency. However, the Board shall make a decision on any application for development within the time period provided by statute or within an extension of such period as has been agreed to by the applicant unless the board is prevented or relieved from so acting by the operation of law.

P. Payment of Taxes

- (1) Every application for development submitted to the Planning Board or the Zoning board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property that is the subject of such application. Taxes shall be kept current while any application is pending or under review. The Board may, however, agree to condition any approval or any relief, either upon the prompt payment of such taxes or assessments or the making of adequate provision thereof, in such manner that the City will be adequately protected.

§ 93-7 Master Plan

A. Preparation, Contents and Modification

- (1) The Planning Board may prepare and, after public hearing, adopt or amend a master plan, or component parts thereof, to guide the use of lands within the City in a manner which protects public health and safety and promotes the general welfare.

B. Specific Components

- (1) The master plan shall generally comprise a report or statement and land use and development proposals with maps, diagrams and text, presenting, at least the following subsections 1 & 2 and, where appropriate the following subsections 3 through 12:

- (a) A statement of objectives, principals, assumptions, policies and standards upon which the constituent proposals or the physical, economic and social development of the City are based;

- (b) A land use plan element:

- [1] Taking into account the and stating its relationship to the statement provided for in paragraph 1 above, and other master plan elements provided for in subsections 3 through 12 of this section and natural conditions including, but not necessarily limited to: topography, soil conditions, water supply, drainage, flood plain areas, marshes and woodlands;

- [2] Showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes; and stating the relationship thereof to the existing and any proposed zone plan and zoning ordinance; and
- [3] Showing the existing and proposed location of any airports and the boundaries of any airport safety zones delineated pursuant to the " Air Safety and Zoning Act of 1983" (C.6:1-80 et seq.); and
- [4] Including a statement of the standards of population density and development intensity recommended for the City.
- (c) A housing plan element including, but not limited to, residential standards and proposals for construction and improvement of housing;
- (d) A circulation plan element showing the location and types of facilities for all modes of transportation required for the efficient movement of people and goods into, about and through the municipality.
- (e) A utility service plan element analyzing the need for and showing the future general location of water supplies and distribution, facilities, drainage and flood control facilities, sewerage and waste treatment, solid waste disposal and provision for other related utilities and including any storm water management plan required, pursuant to New Jersey Statute 40:55D-93 et seq.
- (f) A community facilities plan element showing the location and type of educational or cultural facilities, historic sites, libraries, hospitals, firehouses, police stations and other related facilities, including their relation to the surrounding areas;
- (g) A recreation plan element showing a public comprehensive system of areas and public sites for recreation;
- (h) A conservation plan element providing for the preservation and utilize our natural resources, including to the extent appropriate: open space, water, forests, soil, marshes, wetlands, harbors rivers and other waters, fisheries, endangered or threatened species, wildlife and other natural resources and which systematically analyzes the impact of each other component of the master plan on the present and future preservation, conservation and utilization of those resources;

- (i)** An economic plan element considering all aspects of economic development and sustained economic vitality, including:
 - [1]** A comparison of the types of employment expected to be provided by the economic development to be promoted with the characteristics of the labor pool resident in the municipality and nearby areas and;
 - [2]** An analysis of the stability and diversity of the economic development to be promoted.
- (j)** A historic preservation plan element:
 - [1]** Indicating the location and significance of historic sites and historic districts;
 - [2]** Identifying the standards used to assess worthiness for historic site or district identification and;
 - [3]** Analyzing, the impact of each component and element of the master plan on the preservation of historic sites and districts.
- (k)** Appendices or separate reports containing the technical foundation for the master plan and its constituent elements; and
- (l)** A recycling plan element which incorporates the state recycling plan goals, including provisions for the collection, disposition and recycling of recyclable materials designated in the municipal recycling ordinance and for the collection, disposition and recycling of recyclable materials within any development proposal for the construction of 50 or more units of single family residential housing or 25 or more units of multi-family residential housing and any commercial or industrial development proposal for the utilization of 1,000 sq. ft. or more of land.
- (m)** Such other elements as the Planning Board may find useful or appropriate;
- (n)** The master plan and its plan elements may be divided into sub-plans and sub-plan elements, projected according to periods of time or staging sequences.

C. Relations to Other Plans

- (1)** The master plan shall include a specific policy statement, indicating the relationship of the proposed development of the City, as developed in the master plan to:
 - (a)** The master plans of contiguous municipalities;
 - (b)** The Camden County Master Plan;
 - (c)** The New Jersey State Comprehensive Guide Plan;
 - (d)** The District Solid Waste Management Plan.

Article II – Zoning Districts, Boundaries, Official Map

§ 93-8 Districts

A. In order to implement the goals and regulate and limit the type and location of uses and the density and intensity with which lands are to be utilized, the following districts have been established in conjunction with the uses set forth in this ordinance.

B. Districts and Corresponding Symbols

- (1) Residential Low Density – R-Low
- (2) Residential Medium Density – R-Med
- (3) Riverfront Recreation – RR
- (4) Commercial Residential and Office – CRO
- (5) Retail Commercial and Services – RC&S
- (6) Highway Commercial – HC-1
- (7) Highway Commercial – HC-2
- (8) Business Industrial – BI
- (9) Light Industrial – LI
- (10) Port Cargo Handling – PCH
- (11) Port Planned Industrial Development – PPID
- (12) Park/Greenway – P/GW

§ 93-9 Zoning Map and Boundaries

A. All areas within the boundaries of Gloucester City have been assigned to a zoning district.

The zoning district boundaries established by this ordinance are shown on the zoning map, dated November 1, 1996, and any subsequent amendment thereof, which, together with all explanatory matter thereon, is declared to be a part of this ordinance.

§ 93-10 Purpose of Zoning Districts

A. R-Low (Residential Low Density) Zone

- (1) The purpose of Residential Zone R-Low shall be to create a zoning district for single family detached homes.

B. R-Med (Residential Medium Density) Zone

- (1) The purpose of Residential Zone R-Med shall be to create a zoning district for single family semidetached homes and townhouse homes, and a limited number of compatible uses.

C. RR (Riverfront Recreation) Zone

- (1) The purpose of the Riverfront Recreation Zone is to encourage the development of public and private recreation facilities concentrated on and around existing public lands located on the Delaware River Waterfront.

D. CRO (Commercial Residential and Office) Zone

- (1) The purpose of the Commercial Residential and Office (CRO) Zone is to encourage diversity of compatible land uses which may include a mixture of residential, office, and specialty retail uses which support and reinforce each other and which may be integrated into the historic character of this zone.

E. RC&S (Retail Commercial and Services) Zone

- (1) The purpose of the Retail Commercial and Services (RC&S) Zone shall be to create a zoning district for business, office, service and professional uses that serve the City and its environs. These uses shall include business uses which benefit from locations along major streets and which provide goods and services needed by the Community in which they are located.

F. HC-1 (Highway Commercial-1) Zone

- (1) The purpose of The Highway Commercial (HC-1) Zone shall be to create a zoning district for business, and service uses that serve the City and its environs. These uses shall include business uses which benefit from locations along major roads and highways and which provide goods and services needed by the community in which they are located.

G. HC-2 (Highway Commercial-2) Zone

- (1) The purpose of The Highway Commercial (HC-2) Zone shall be to create a zoning district for business, and service uses, including sexually oriented business, that serve the City and its environs. These uses shall include uses which benefit from locations along major roads and highways and which provide goods and services needed by the community in which they are located.

H. BI (Business Industrial) Zone

- (1) The purpose of the Business Industrial Zone is to encourage the concentration of administrative offices and light industrial uses in the area of existing comparable uses while minimizing adverse impacts on adjacent residential areas.

I. LI (Light Industrial) Zone

- (1) The purpose of the Light Industrial (LI) Zone shall be to create a zoning district for industrial uses where access can be provided without disrupting the established residential character of the City and which will contribute to the economic base of the community by providing employment and a market for the business and service uses within the community.

J. PCH (Port Cargo Handling) Zone

- (1) The purpose of the Port and Cargo Handling (PCH) Zone shall be to create a zoning district for major port terminals to meet the needs of waterborne Commerce and to regulate such activities in order to preserve and protect adjacent residential uses from the blighting influences of noise, vibration, traffic and glare from high intensity cargo handling activities.

K. PPID (Port Planned Industrial Development) Zone

- (1) The purpose of the Port Planned Industrial Zone is to establish sites for the development of comprehensively designed port facilities and related water oriented or water related manufacturing facilities.

L. P/GW (Park/Greenway) Zone

- (1) It is the intent and purpose of this provision to set aside certain lands in the City of Gloucester City which the Mayor and Council hereby deem to be suitable and proper for recreational and environmental conservation purposes. Said lands shall remain vacant and no permanent building or structure shall be erected thereon except those structures deemed necessary by the Mayor or Council for such recreational and environmental purposes.

§ 93-11 Boundary Lines

- A.** Where uncertainty exists with respect to the boundaries of the various districts, as shown on the zoning map, which is made a part of this ordinance, the following rules apply:

- (1) Unless otherwise shown, the district boundary lines shall be construed to coincide with the center lines of streets, alleys, parkways, waterways or such lines extended.
- (2) Where district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the rear or side lot lines.
- (3) Where the districts designated on the zoning map are bounded approximately by the rear or side lot lines, the rear or side lot lines shall be construed to be the boundary of this district, unless the boundaries are otherwise indicated by notation on the zoning map.
- (4) In the event of subdivided property or question on the exact location of any boundary line, the determination of the Zoning Officer shall prevail.

§ 93-12 Official Map

A. Establishment of an Official Map

- (1) The City Council may, by ordinance, adopt or amend an official map of Gloucester City, which shall reflect the appropriate provisions of the master plan. The City Council may adopt an official map or amendment or revision thereto, which, in whole or in part, is inconsistent with the appropriate designations in the sub-plan element of the master plan, only by an affirmative vote of a majority of its full authorized membership with the reasons for so acting recorded in the minutes when adopting the official map.
- (2) Prior to the hearing on the adoption of any official map or any amendment thereto, the City Council shall refer the proposed official map for amendment to the Planning Board, which shall make and transmit to the City Council within thirty-five (35) days after referral, a report including recommendations concerning the proposed official map or amendment or revision. The City Council, when considering the adoption of the map or any revisions or amendments thereto, shall review the report of the Planning Board and may disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendations.

B. Effect of Official Map

- (1) The official map shall be deemed conclusive with respect to the location and width of streets and public drainage ways and the location and extent of flood control basins and

public areas, whether or not such streets, ways, basins or areas are improved or unimproved or are in actual physical existence. Upon receiving an application for development, the City Council may reserve for future public uses the aforesaid street, ways, basins and areas as per New Jersey Statute 40:55D-44.

- (2) Following the adoption of the official map or any amendment or revision thereto, no permit for any building or structure in the bed or any street, public drainage way, flood control basin or public area shown thereon shall be issued by any official, board or agency of the City.
- (3) No permit for the erection of any building or structure shall be issued unless the lot abuts the street giving access to such proposed building or structure.
- (4) Public improvement shown on the official map, whether provided by a public agency or by a developer, pursuant to this ordinance, shall be laid out, designed, sized and installed, as shown on the official map.

§ 93-13 Official Map Variances

A. Variance to Permit Erection of a Building or Other Structure within Reserved Public Area.

- (1) Whenever one or more parcels of land, upon which is located the bed of a mapped street or drainage way, flood control basin or other public area reserved pursuant to Article I on the Reservation of Public Areas, cannot yield a reasonable return for the owner unless a building permit is granted, the Zoning Board of Adjustment may, in a specific case, by an affirmative vote of a majority of the full authorized membership of the Board, erect the issuance of a permit for a building or structure in the bed of such mapped street or public drainage way or flood control basin or public area, which will, as little as practicable, increase the cost of opening such street or tend to cause a minimum change of the official map and the Board shall impose reasonable requirements as a condition of granting the permit so as to promote the health, morals, safety and general welfare of the public.

A. Variance for Relief to Permit Erection of a Building or Other Structure Which Does Not About a Street.

- (1) Where the enforcement of this article, requiring that no building permit be issued for any building or structure not abutting a street, would entail practical difficulty or unnecessary hardship or where the circumstances of the case do not require the building or structure to

be related to a street, the Zoning Board of Adjustment may, upon application or appeal, grant a variance from the application of this article and direct the issuance of a building permit for the proposed building or structure. Every such variance shall be so conditioned to assure adequate access to such building or structure, will be provided for firefighting equipment, ambulances and other emergency vehicles necessary for the protection of health and safety and so as to protect any future street layouts shown on the official map or on the general circulation plan elements of the master plan.

Article III – Definitions

§ 93-14 Word Usage

- A.** Words and phrases shall be presumed to have their ordinary meaning unless specifically defined or interpreted differently in the section following. Disputes concerning definition, or interpretation of a word shall be resolved by the approving authority.

§ 93-15 Interpretation

- A.** For the purposes of this ordinance, certain words and terms are defined as follows:
- (1)** Words used in the present include the future;
 - (2)** Words used in the singular include the plural number and words in the plural include the singular number;
 - (3)** The word "person" includes an individual, corporation, partnership;
 - (4)** The word "building" shall include the word "structure";
 - (5)** The term "used" shall include the words "arranged, designed or intended to be used";
 - (6)** The term "occupied" shall include the words "arranged, designed, or intended to be occupied";
 - (7)** The word "lot" includes the word "plot";
 - (8)** The word "zone" includes the word "district";
 - (9)** The word "premises" includes "vacant land";
 - (10)** The word "shall" indicates a mandatory requirement;
 - (11)** The term "may" indicates a permissive action.
- B.** This Development Ordinance, being necessary for the welfare of Gloucester City and its inhabitants; shall be construed liberally to affect the purposes of this Development Ordinance.

§ 93-16 Definitions

- A-1** **ACCESSORY STRUCTURE:** A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

- A-2 ACCESSORY USE: A use customarily incidental and subordinate to the main use conducted on a lot, whether such accessory use be conducted in the principal or accessory building.
- A-3 ACCESSWAY: A single vehicular entrance and/or exit combination between street and a lot.
- A-4 ACTIVE RECREATION AREAS: Includes parks and playgrounds and golf courses, tennis courts, swimming areas (lakes, rivers and pools), bicycle paths, indoor recreational facilities, etc.
- A-5 ADMINISTRATIVE OFFICER: The City clerk, unless a different municipal official is designated within this ordinance, by statute or by the City Council.
- A-6 ADVERTISING SIGN: A sign which direct attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
- A-7 AGENT: One or more persons designated to represent the applicant before the Planning Board.
- A-8 ALLEY: A minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.
- A-9 ALTERATIONS: As applied to a building or a structure, means 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 moves from one location or position to another.
- A-10 AMENDMENT: A means for making changes in the text of this ordinance and the zoning map as expressly authorized by the provisions of Article I of this ordinance.
- A-11 ANIMALS, THREATENED OR ENDANGERED: Those animals included on the State or Federal lists of Endangered or Threatened Species.
- A-12 APARTMENT: A room or suite of rooms used as a single dwelling unit and located in a building in which there are two or more dwelling units.

- A-13** APPEAL: A means for obtaining review of a decision, determination, order or failure to act, pursuant to the terms of this ordinance, as expressly authorized by the provisions of Article I, Section 93-6.J. of this ordinance.
- A-14** APPLICANT: A developer submitting an application for development.
- A-15** APPLICATION FOR DEVELOPMENT: Application form and all accompanying documents required by ordinance for approval of a subdivision, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit issued pursuant to NJSA 40:55D-34 or 40:55D-36.
- A-16** APPROVING AUTHORITY: The Joint Planning and Zoning Board of the municipality, unless a different agency is designated by ordinance when acting pursuant to the authority of NJSA 40:55D-1 et seq.
- A-17** ATTIC: That part of a building which is immediately below and wholly or partly within the roof framing, not generally used as living space.
- A-18** AUTOMOBILE SERVICE STATION: Any building, land area or other premises or portion thereof used or intended to be used for the retail dispensing of sales of automobile fuels; which activity may be accompanied by accessory uses such as the sale of lubricants, tires, accessories or supplies, minor repairing of automobiles, a convenience store with a gross floor area of less than 1000 sq. ft. or a single bay auto wash; provided, however, that automobile wrecking, major repairing of automobiles, parking or storing of automobiles for hire and the operation of more than one towing vehicle shall not be deemed permissible accessory uses of an automobile service station.
- A-19** AUTOMOBILE WRECKING: The dismantling or disassembling of motor vehicles or trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
- A-20** AUTOMOTIVE GARAGE: Any commercial premises used for the repair or servicing of vehicles, but not including automotive wrecking.

- A-21** **AUTOMOTIVE SALES BUILDING:** The use of any building, land area, or other premises principally for the display, sale, rental, or lease of new or used automobiles, trucks, vans, trailers, or recreation vehicles, and including any vehicle preparation, warranty, or repair work conducted as an accessory use.
- B-1** **BASEMENT:** A story partly underground but having at least one half its height above the average level of the adjoining ground. A basement shall be counted as a story for the purposes of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for businesses or dwelling purposes.
- B-2** **BERM:** A mound of soil on a site used as a view obstruction or noise abatement or similar buffer purposes, either natural or man-made.
- B-3** **BIKE PATH:** An unobstructed right-of-way designed, marked and paved exclusively for the use of foot-powered, non-motorized bicycles.
- B-4** **BLOCK:** The area bounded by one or more streets or a municipal boundary and of sufficient size to accommodate a lot or lots of the minimum size required in the zoning ordinance of Gloucester City and as further specified herein.
- B-5** **BOARD OF ADJUSTMENT:** The Zoning Board of Gloucester City, established pursuant to Section 56 of the Municipal Land Use Law, New Jersey Statute 40:55D-69, sometimes referred to as the Zoning Board of Adjustment.
- B-6** **BUFFER:** An area within a property or site generally adjacent to and parallel with the property line, consisting of either natural existing vegetation or created by the use of trees, shrubs, berms or fences.
- B-7** **BUILDING:** A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof.
- B-8** **BUILDING AREA:** The horizontal plan projection taken at grade level of all covered or, roofed areas on a lot, whether permanent or temporary. In computing building area, cornices, eaves, gutters, steps and balconies are excluded.

- B-9** BUILDING CODE: The Uniform Construction Code of New Jersey, as from time to time adopted, re-adopted and amended.
- B-10** BUILDING COVERAGE: The percentage of lot area occupied by the ground area of principal and accessory buildings on such lot.
- B-11** BUILDING FRONT: That exterior wall of a building facing the front line of the lot.
- B-12** BUILDING HEIGHT OF: The vertical distance measured from the average elevation of existing grade to the highest point of the coping of a flat roof or the deck line of mansard roofs or to the average height of the highest gable of a pitch or hip roof. In no case will the ridge line be greater than ten feet high or exceed 35 feet, except where permitted.
- B-13** BUILDING PRINCIPAL: A building in which is conducted the main or principal use of the lot, to which all other buildings on the lot are accessory.
- B-14** BUILDING SETBACK LINE: An established line within a property defining the minimum required distance between the face of any structure to be erected and an adjacent right-of-way or street line.
- B-15** BULK: The term used to describe size of buildings or other structures and their relationship to each other to open areas such as yards and to lot lines and includes the size, height and floor area of building or other structure; the relation of the number of dwelling units in a residential building to the area of the lot (usually called density); and all open areas in yard space relating to buildings and other structures.
- C-1** CELLAR: A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the permissible number of stories, nor shall it be considered in the calculation of habitable area, as called for in various residential districts. (See basement)
- C-2** CHANNEL: The identifiable bed and banks of a natural stream, which conveys the constant or intermittent flow of the stream.

- C-3 CHECK CASHING ESTABLISHMENT: An establishment which is not a bank, savings and loan association or other depository financial institution, and that charges either a flat fee or a fee based on a percentage of the face value of a check to be cashed or processed by such establishment and provides such services to the public.
- C-4 CHURCH: A building used for public worship by a congregation, excluding buildings used exclusively for residential, educational, burial, recreational or other uses not normally associated with worship. The term church shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.
- C-5 CIRCULATION: The systems, structures and physical improvements for the movement of people, 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 trans-shipment points.
- C-6 CLASSIFICATION OR ZONING CLASSIFICATION: The district into which a parcel of land is placed and the body of regulations to which it is subjected by this ordinance and the zoning district map.
- C-7 CLUB MEMBERSHIP: An organization catering exclusively to members and their guests, including premises and buildings for social, recreational, athletic or other purposes, which are not conducted primarily for financial gain, provided that there are no vending stands, merchandising or commercial activities conducted, except as required generally for the membership and purpose of such club and within the property boundaries of such facilities.
- C-8 CLINIC: An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one or more of a group of physicians, dentists, psychologists or social workers practicing together.
- C-9 COMMERCIAL BUILDING: A building, the principal use of which is commercial use.

- C-10 COMMERCIAL: USE OR PURPOSE: Any use permitted in a commercial district.
- C-11 COMMON OPEN SPACE: An open space area within or related to a site designated as a development and designated and intended for the use and enjoyment of residents and owners of the development. Common open space may contain such complimentary structures and improvements as are necessary and appropriate for the use and enjoyment of residents and owners of the development.
- C-12 COMPLETELY ENCLOSED BUILDING: A building separated on all sides from the adjacent open area or from other buildings or structures by a permanent roof and by exterior walls or party walls, pierced: only by windows or doors normally provided for the accommodation of persons, goods or vehicles. However, a parking structure, which has less than 50% of its outer wall space open, shall be considered a completely enclosed building.
- C-13 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 contained in the zoning ordinance and upon the issuance of an authorization therefore by the Planning Board conditional uses are specified by zoning district within this ordinance.
- C-14 CONSTRUCTION OFFICIAL: The City official specified in the Building code and designated as such by the City council.
- C-15 CONTIGUOUS LAND: Land and parcels which abut each other or are separated only by streets, ways, pipelines, electrical power lines, conduits or other rights-of-way owned or controlled by others.
- C-16 CONVENTIONAL DEVELOPMENT: Any development other than planned development.
- C-17 CORPORATE OFFICE: A building, comprised of more than 10,000 sq. ft. in which at least half are rented or occupied by a single corporation or firm and whose primary business is to serve as a regional or national center.

- C-18 COUNTY MASTER PLAN:** Composite of the Master Plan for the physical development of the county in which the 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 and R.S. 40:27-4.
- C-19 COURT INNER:** An open, unoccupied space enclosed on all sides by the exterior walls of a building.
- C-20 COURT OUTER:** An open, unoccupied space enclosed on not more than three sides by the exterior walls of a building.
- C-21 CUL-DE-SAC:** A minor land service street, closed at one end and having adequate vehicular turn area at the closed end.
- C-22 CURB LEVEL:** The permanently established grade of the street in front of a lot.
- C-23 COVERAGE:**
- (a) Building Coverage** - The building area covered by all buildings on a lot, including all roofed areas on a lot, fixed or temporary, expressed as a percentage of the lot area.
 - (b) Impermeable Coverage** - The building coverage plus the area of all paved surfaces which cover a lot such as: required parking spaces, including necessary maneuvering areas, passageways and driveways giving access thereto, service areas, accessways, streets, walkways, patios and plazas.
- D-1 DAYS:** Calendar days.
- D-2 DAY CARE:** Daytime care or instruction of three (3) or more children away from their own homes for more than three (3), but less than 16 hours per day, by an individual, association, corporation, institution or agency, whether or not for compensation or reward.
- D-3 DEDICATION:** The transfer of property from private to public ownership for a public purpose.
- D-4 DENSITY:** The number of dwelling units per gross acre of land including streets, easements and open space portions of a development.

- D-5 DESIGNATED USE AREA:** An area shown on a plan of a planned development wherein particular types of dwelling units, commercial, industrial and/or common open space is situated, and that is employed for the purpose of calculating the maximum net density and/or area requirements applicable to the designated use. Such designated use area shall include land covered by particular uses, internal local streets or minor accessways, pedestrian ways, and all private yards but not development collector streets. The boundaries of such areas may, but need not, be the same with any existing or proposed record lot lines.
- D-6 DETACHED HOUSE:** One which has yard access on all four sides.
- D-7 DEVELOPMENT:** The division of land into two or more parcels; the construction, reconstruction, demolition, conversion, structural alteration, relocation or enlargement of any building or other structure; or of any mining excavation or landfill, and any use 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 NJSA 40:55D-1. et seq.
- D-8 DEVELOPMENT APPROVAL:** Any approval granted by an approval agency, including appeals to the governing body, except certificates of occupancy and variances, pursuant to N.J.S.A. 40:55d-70, which do not otherwise include issuance of a construction permit, subdivision or site plan approval.
- D-9 DEVELOPMENT, MAJOR:** A development or redevelopment project that consists of more than one acre of land, or more than one-thousand (1,000) square feet of building or site disturbance.
- D-10 DEVELOPMENT MINOR:** All development other than major development.
- D-11 DEVELOPMENT PERMIT:** Any permit or certificate of compliance required to be issued for any development regulated by the Gloucester City zoning, subdivision, site plan review or official map ordinance.

D-12 DEVELOPMENT REGULATION: The zoning, subdivision, site plan, and official map regulations of this Ordinance or other municipal regulation of the use and development of land.

D-13 DEVELOPER: The legal or beneficial owner or owners of a lot 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.

D-14 DISTRICT: A portion of the territory of Gloucester City, within which certain regulations and requirements or various combinations thereof apply, pursuant to the provisions of this ordinance.

D-15 DISTRICT BOUNDARY LINE: The lines enclosing a district, as shown on the zoning Map. Any uncertainty as to the location of the district boundaries, as shown on the zoning district map, shall be resolved pursuant to Article II, § 93-10, of this ordinance.

D-16 DISTRICT BOUNDARY LOT: Any lot line of any lot or parcel of land, which coincides with a district boundary line or which is contiguous to any public or private right-of-way, containing a district boundary line.

D-17 DRAINAGE: The removal of surface water or groundwater from land by drains, grading or other means and includes control of run-off to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

D-18 DRAINAGE RIGHT-OF-WAY: The lands required for the installation of storm water sewer and/or drainage ditches, or the land area required along a natural stream, swale or other water course for preserving the channel or drainage way and providing for the flow or passage of water therein to safeguard the public from flood damage in accordance with the provisions of Gloucester City regulations or applicable state law.

- D-19 DRIVE IN ESTABLISHMENTS:** Premises constructed for the sale of any goods or services by means or curb and/or window-counter service, whether to the motoring public or pedestrians.
- D-20 DRIVE THRU ESTABLISHMENTS:** Premises, which have ordering and pick-up facilities, accessible by a designated driveway. Such facilities shall be accessory to and part of the structure of the primary facilities.
- D-21 DWELLING, MULTIPLE:** A building or portion thereof containing more than two dwelling units.
- D-22 DWELLING, SINGLE FAMILY DETACHED:** A detached building containing one dwelling unit only.
- D-23 DWELLING SINGLE FAMILY ATTACHED/TOWNHOUSE/TWIN HOUSE:** One of two attached dwelling units, each unit being arranged on separate lots, each of which is totally separated from the other by an unpierced wall extending from the ground to the roof.
- D-24 DWELLING TWO FAMILY/DUPLEX:** A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both units.
- D-25 DWELLING UNIT:** A building or entirely self-contained portion thereof, which contains complete housekeeping facilities for one family only and which has not enclosed space for cooking facilities in common with any other dwelling unit, except vestibules, entrance halls, porches or hallways. This definition of a dwelling unit shall not include a boat, trailer or other vehicle of any type nor a temporary shelter, such as a tent.
- D-26 DWELLING UNIT AREA:** The area enclosed within the inside walls of the dwelling unit with a finished floor-to- structural ceiling height of not less than 7 ft. 6 in, excluding garages, porches and any spaces located below the top of the foundation wall.

- D-27 DWELLING UNIT CONVERSION:** The rebuilding, remodeling, addition, alteration, extension or enlargement or conversion, in any manner, of an existing building to increase the number of dwelling units contained therein.
- E-1 EARTHBORNE VIBRATIONS:** A cyclic movement of the earth due to the propagation of mechanical energy.
- E-2 EASEMENT:** An interest in land owned by another that entitles its owner to specific limited use or enjoyment.
- E-3 ELECTRICAL TRANSMISSION LINE:** Electric lines carrying more than 230 kvs.
- E-4 ENLARGEMENT:** An addition to the floor area of an existing building, an increase in the size of any other existing structure or an increase in that portion of a tract of land occupied by an existing use.
- E-5 ENVIRONMENTAL COMMISSION:** A municipal advisory body created, pursuant to P.L. 1968, c. 245 (C40:56A-1 et seq.).
- E-6 EROSION:** The detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- E-7 EXISTING ELEVATIONS:** The elevation of all portions of a site prior to any site preparation work related to a proposed use for which approval under or pursuant to this ordinance is required.
- E-8 EXTERIOR WALL:** Any wall which defines the exterior boundaries of a building or its courts or of a structure.
- F-1 FAMILY:** One or more persons related by blood, marriage, adoption or guardianship, or any number of persons not so related occupying a dwelling unit and living as a single housekeeping unit.
- F-2 FENCE:** An artificial constructed barrier of any material or combination of materials erected to enclose or screen areas of land.
- F-3 FINAL APPROVAL:** The official action of the Planning Board taken on a preliminarily 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 property posted for their completion or approval conditioned upon the posting of such guarantees.

- F-4 FLOOD DRAINAGE POTENTIAL:** The susceptibility of a specific land use at a particular location to damage by flooding and the potential of the specific land use to increase off-site flooding or flood-related damages.
- F-5 FLOOD FRINGE AREA:** That portion of the flood hazard area outside of the floodway.
- F-6 FLOOD HAZARD AREA:** The area delineated on the Flood Hazard Area Boundary Maps, prepared by the U.S. Department of Housing and Urban Development for Gloucester City.
- F-7 FLOOD HAZARD DESIGN ELEVATION:** The highest elevation, expressed in feet above sea level as determined by the criteria set forth in "Flood Hazard Area" above.
- F-8 FLOOD MAP:** A map prepared by the Department of Environmental Protection showing the channel, floodway and fringe area, or in the event such map has not been prepared, maps showing the flood hazard area.
- F-9 FLOOD PLAIN:** For purpose of this Ordinance, the flood plain shall be the same as the flood hazard area.
- F-10 FLOODWAY:** The portions of the flood plain adjoining the channel which are reasonably required to carry and discharge the flood water or flood flow of any natural stream. The floodway shall be delineated by the Department of Environmental Protection.
- F-11 FLOOR AREA RATIO:** Is the total gross floor area of all buildings or structures on a site, divided by the total area of the site.
- F-12 FLOOR AREA TOTAL:** The sum of the gross horizontal areas of all floors of any building or buildings on a lot measured from the interior walls. In particular, the total floor area shall be any basement or cellar space which has been improved for residential purposes (but in no case may that space, which is included as part of the total floor area, exceed

20% of the total basement area); all space other than basement or cellar spaces with structural headroom of at least 7 ft 6 in. and all interior balconies and mezzanines.

F-13 FOOT-CANDLE: A unit of illumination. Technically, the illumination at all points one foot distant from a uniform point source of one candle power.

F-14 FRATERNAL ORGANIZATION: A group of people formally organized for a common interest business or pleasure. Such groups shall be defined to be similar, but not limited to organizations such as the Masonic Lodge, Knights of Columbus, etc.

G-1 GARAGE: A deck or building, or a part thereof, used or intended to be used for the commercial parking and storage of vehicles of one or more levels.

G-2 GARAGE PRIVATE: A building accessory to a dwelling unit used for the housing of not more than three (3) motor vehicles.

G-3 GENERAL OFFICE: A building, comprised of more than 10,000 square feet in which at least half (1/2) are rented or occupied by non-corporate or non-professional service-oriented business concerns.

G-4 GENTLEMEN'S CLUB: A licensed premises for the sale and consumption of alcoholic beverages where in adult entertainment is provided by the licensee such as erotic dances performed by men or women, employed by the licensee with or without pay. [See §93.73.B.(3)]

G-5 GO-GO BAR: [See §93.73.B.(3)]

G-6 GOVERNMENT AGENCIES: The government of the United States of America; the State of New Jersey or any other state, their political subdivisions, agencies or instrumentalities, and interstate and regional agencies exercising powers of government

G-7 GRADE: As follows:

(a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street;

- (b) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets;
- (c) For buildings having no walls adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.
- (d) Any wall, approximately parallel to and not more than twenty (20) feet from a street line, is to be considered as adjoining the street.

G-8 GROSS LEASABLE AREA: The total floor area designed for tenant occupancy, including basements, mezzanines and upper floors, if any, expressed in square feet, measured from center lines of joint partitions and exteriors of outside walls. The gross leasable area does not include the area of any common malls, walkways or public facilities, equipment and mechanical rooms and penthouses, or truck docks.

G-9 GROUND COVER: Low growing plants, grass or sod, which, in time form a dense mat covering the area in which they are planted, preventing the growth of unwatered plants while holding the soil in place. Examples: rose species, juba species, cotoneaster species, onymous species, ivy species, juniper species, honeysuckle species, pachysandra species, vine species and sod.

G-10 GREENBELT: An open area -- which may be maintained in a natural state planted with an evergreen buffer, surrounding a development or used as a buffer between land uses or to mark the edge of an urban or developed area.

H-1 HABITAT: The natural environment of an individual animal, plant, population, or community.

H-2 HABITABLE ROOM: Any room or enclosed space used or intended to be used for sleeping, living, cooking or dining purposes, excluding, however, kitchens having less than 70 sq. ft. of floor area and further excluding such enclosed places as utility rooms, closets, pantries, bath or toilet rooms, hallways, cellars, storage spaces, garages and similar spaces.

- H-3 HEIGHT OF SIGN:** The vertical distance, measured between grade and the highest point of the highest element of the sign, excluding any incidental structural element, such as uplift cable for a projecting sign.
- H-4 HISTORIC BUILDING:** Any building or structure which is designated by Gloucester City, county, state, or federal historic commissions or agencies for historic significance.
- H-5 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.
- H-6 HOME OCCUPATION:** A domestic use or occupation customarily conducted entirely within the dwelling and entered into solely by the inhabitants thereof, which is clearly incidental or secondary to the use of the building for dwelling purposes and does not change the character thereof or exert a deleterious influence upon surrounding properties.
- H-7 HOSPITAL:** An institution providing health services and medical or surgical care to persons, primarily temporary, in-patients suffering from illness, disease, injury, deformity or other abnormal physical or mental condition and including as an integral part of the institution related facilities, such as laboratories, out-patient facilities or training facilities. "Hospital" does not include institutions for the permanent care of, or occupation by, the poor, infirm, incurable or insane.
- H-8 HOTEL:** A commercial establishment, containing twenty (20) or more individual sleeping rooms or suites, excluding accommodations for employees, each having a private bath attached thereto, for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and in which ingress and egress to and from all rooms may be made through an inside office or lobby, supervised by a person in charge at all hours. For the purposes of this Ordinance, "overnight" shall mean continued occupancy of a room or suite by the same person or persons for a period not to exceed fourteen (14) days.

- I-1 IMMEDIATE FAMILY:** Those persons related by blood or legal relationship in the following manner: grandparents, grandchildren, parents, sons, daughters, brothers and sisters, aunts and uncles and first cousins.
- I-2 IMPERMEABLE SURFACE:** Any surface which does not permit fluids to passthrough or penetrate its pores and spaces., including buildings, paving and sidewalk areas.
- I-3 INDUSTRIAL BUILDING:** Any building, the principal use of which, is an industrial use.
- I-4 INDUSTRIAL USE OR PURPOSE:** Any use first permitted in an industrial district.
- I-5 INSTITUTIONAL USE:** Any land used for the following public or private purposes: educational facilities, including universities, colleges, elementary and secondary and vocational schools, kindergartens and nurseries; cultural facilities such as libraries, galleries, museums, concert halls, theaters and the like; hospitals and convalescent facilities, as are integral to the operation of the hospital; and medical and health service facilities, including nursing homes; supervised residential institutions, rehabilitation therapy centers and public health facilities; law enforcement facilities; military facilities; and other similar facilities.
- I-6 INTERESTED PERSON OR PARTY:**
- (a)** In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey; and
 - (b)** In the case of a civil proceeding in any court or in administrative proceeding before a municipal agency, any person whose right to use, acquire or enjoy property is or may be affected by any action taken under this ordinance or whose right to use, acquire or enjoy property under this ordinance or under any other law of this state or of the United States has been denied, violated or infringed upon by an action or failure to act under this ordinance.

- J-1 JOINT BOARD:** The Joint Planning Board and Zoning Board of Gloucester City, approved by local ordinance, which has the power to exercise all functions that are associated with both planning and zoning boards under the Municipal Land use Law of New Jersey.
- J-2 JOINT IDENTIFICATION SIGN:** A sign which serves as common or collective identification for two or more commercial, resort or industrial uses sharing an office plaza, shopping center, industrial park or the like and which is located on such premises. Such sign shall be limited in content to identification of the plaza, center, park or the like, shared by such uses and shall not contain any reference to the individual uses sharing the plaza, center, park or the like.
- J-3 JUNK YARD:** A lot, land or structure, or part thereof, used for the purchase, collection, storage, recycling or sale of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or vehicles.
- K-1 KENNEL:** Any building or lot on which four or more domesticated animals, more than four months of age, are housed, groomed, bred, boarded, trained or sold.
- L-1 LAND:** Includes improvements and fixtures on, above or below the surface.
- L-2 LANDSCAPE:** The total area of a site or property excluding the area occupied by building(s) but including other structures. The harmonious blending of these building(s) by the use of the existing topography or alterations to the existing topography, trees, shrubs, ground covers and/or mulches.
- L-3 LANDSCAPE PLAN:** A plan clearly indicating the type of plant material to be incorporated into the overall design of the site. Such plan, at a minimum, shall show the texture, quantity, seasonal qualities, heights, size, spacing and organization of such plant material.

- L-4 LANES INGRESS AND EGRESS:** A private roadway designed to accomplish easy access into developed parcels. Minimum roadway widths for ingress and egress lanes shall be:
- (a)** One-way - 18 ft.; and
 - (b)** Two-way - 30 ft.
- or as described in individual articles, whichever is more stringent.
- L-5 LOADING SPACE:** Any off-street space, not less than 12 feet in width, 70 feet in length and 15 feet in height: available for the loading or unloading of goods; having direct access to a street or other public way; and so arranged that no vehicle is required to back into the public right-of-way.
- L-6 LOT:** A designated parcel, tract or area of land established by a plat or otherwise as permitted by law to be used, developed or built upon as a unit.
- L-7 LOT AREA:** The surface of a land parcel determined by its boundary lines and expressed in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.
- L-8 LOT CORNER:** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points at the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
- L-9 LOT COVERAGE:** The percentage of lot area occupied by all buildings and impermeable surfaces on such lot.
- L-10 LOT DEPTH:** The mean horizontal distance from the front lot line to the rear lot line, measured perpendicular to the front lot line.
- L-11 LOT DOUBLE FRONTAGE:** A lot having frontage on two non-intersecting streets.
- L-12 LOT FRONTAGE:** The length of the front lot line measured at the street right of way line.

L-13 LOT INTERIOR: A lot other than a corner lot.

L-14 LOT LINE, FRONT: In the case of an interior lot abutting upon only one street, the street line separating such lot from such street. In the case of a double frontage lot, each street line separating such lot from a street shall be considered a front lot line. In the case of a corner lot, the shorter street line separating such lot from a street shall be considered to be the front lot line.

L-15 LOT LINE, REAR: That lot line, which is parallel to and most distant from the front lot line of the lot, provided, however that, in the case of irregular, triangular or gore-shaped lots, a line 20 ft. in length, entirely within the lot, parallel to and at the maximum possible distance from the front lot line shall be considered to be the rear lot line.

L-16 LOT LINE, SIDE: Any lot line other than a front or rear lot line.

L-17 LOT, MINIMUM AREA OF: The smallest lot on which a particular use or structure may be located in a particular district.

L-18 LOT OF RECORD: A parcel of land which is a lot in a subdivision recorded on the records of the Recorder of Deeds of Camden County or which is described by a metes and bounds description that has been so recorded.

L-19 LOT WIDTH: The mean horizontal distance between side lot lines, measured at right angle to the depth, provided, however, that lot width measured along the front lot line shall not be less than 80% of the required minimum lot width.

M-1 MAINTENANCE GUARANTEE: Any security which may be accepted by the municipality for the maintenance of any improvements required by this ordinance or the Municipal Land Use Law P.L. 1975,c.291 (1976) New Jersey Statute 40:55D, et seq., including but not limited to surety bonds, letters of credit under the circumstances specified in section 16 of P.L. 1975,c. 291 (40:55D-53.5), and cash.

M-2 MAJOR SUBDIVISION: All subdivisions not classified as minor subdivisions.

M-3 MANUFACTURED HOME: A unit of housing which:

- (a) Consists of one or more transportable sections which are substantially constructed off-site and, if more than one section, are joined together on-site and;
- (b) Is built on a permanent chassis and;
- (c) Is designed to be used, when connected to utilities, as a dwelling on permanent or non-permanent foundation and;
- (d) Is manufactured in accordance with the standards promulgated for a manufactured home by the secretary pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", Pub. L. 93-383 (42 U.S.C. Section 5401 et seq.) and the standards promulgated for a manufactured or mobile home by the commissioner pursuant to the "State Uniform Construction Code Act." P.L. 1975, G. 217 (c. 52:27-119 et. seq.).

M-4 MANUFACTURING. LIMITED: The adding of value to previously processed or raw materials by reshaping, reworking, assembly, combining, or other means. Limited 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.

M-5 MARINA: A facility for storing, fueling, berthing, or securing and launching of private pleasure craft that may include eating, sleeping and retail, facilities for owners, crews and guests.

M-6 MASTER PLAN: A composite of one or more written or graphic proposals for the development of the City as set forth in and adopted pursuant to section 19 of P.L. 1975, c. 291 (C. 40:55D-28).

M-7 MINOR SUBDIVISION: Any subdivision containing not more than three lots fronting upon an existing approved and improved street, provided that such subdivision does not involve a planned development, any new street, or the extension of any off-tract improvement, the cost of which is to be prorated.

M-8 MOTEL: Any building containing more than ten (10) occupancy units which are rented or hired out to provide overnight lodging to the general public, with parking places adjacent to the bedrooms and which is subject to the laws and regulations of the State of New Jersey. For the purposes of this Ordinance, overnight shall mean continued occupancy of a room by the same person or persons for a period not to exceed fourteen (14) days.

M-9 MUNICIPAL AGENCY: The Gloucester City Planning Board, Board of Adjustment or Governing Body, when acting pursuant to the Municipal Land Use Law (NJSA 40:55D-1 et seq).

M-10 MUNICIPALITY: The City of Gloucester City or any city, borough, town, township, or village.

N-1 NATURAL STREAM: A waterway consisting of a naturally eroded channel with visible evidence of banks and bed, as distinguished from a swale, which shows no evidence of natural erosion, except occasional gulying and from a ditch, which consists of an artificially excavated channel.

N-2 NAVIGABLE WATERS: Water capable of being traversed by pleasure craft.

N-3 NONCONFORMING-LOT: A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning 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.

N-4 NONCONFORMING STRUCTURE: A structure, the size, dimension, or location of which was lawful-prior to. the adoption, revision or amendment of a zoning 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.

N-5 NONCONFORMING USE: A use or activity which was lawful prior to the adoption, revision or amendment of a zoning 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.

- O-1 OFFICIAL COUNTY MAP:** The map with changes and additions thereto, adopted and established, from time to time, by resolution of the board of chosen freeholders of the county pursuant to R.S. 40:27-5.
- O-2 OFF-SITE:** Means 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 development application or contiguous portion of a street or right-of-way.
- O-3 OFF-TRACT:** Means not located on the property which is the subject of a development application nor on a contiguous portion of a street or right-of-way
- O-4 ON-SITE:** Means located on the lot in question.
- O-5 ON-TRACT:** Means located on the property which is the subject of a development application or on a contiguous portion of a street or right of way.
- O-6 OPEN SPACE:** Means 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.
- O-7 OWNER:** An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.
- P-1 PARCEL:** Any quantity of land capable of being described with such definiteness that its location and boundaries may be established and which is designed by its owner as land to be used as a unit.
- P-2 PARKING AREA:** Any land area designed and used for the parking of not more than three vehicles.

- P-3 PARKING LOT:** Any land area used or intended to be used for the parking of more than three vehicles.
- P-4 PARKING SPACE:** A space for the parking of a motor-driven vehicle within a public or private parking area.
- P-5 PARKS AND PLAYGROUNDS:** Recreational facilities designed specifically for such uses as:
- (a)** passive parks;
 - (b)** tot lots and play areas;
 - (c)** ballfields;
 - (d)** picnic area, swimming area;
 - (e)** jogging and vita paths.
- P-6 PARTY IMMEDIATELY CONCERNED:** For the purposes of notice any applicant for development, the owners of the subject property and all owner of property and government agencies entitled to notice under section 7.1 of P.L. 1975, c. 291 (C. 40:55D-12).
- P-7 PERFORMANCE GUARANTEE:** Any security, which may be accepted by the municipality, including but not limited to surety bonds, letters of credit under the circumstances specified in section 16 of P.L. 1991, c. 256 "(C.40:55D-53.5), and cash.
- P-8 PERIMETER LANDSCAPED OPEN SPACE:** A landscaped open space, intended to enhance the appearance of parking lots and other outdoor auto-related uses or to screen incompatible uses along district boundary lines by means of appropriate landscaping or screening. Perimeter landscaped open space shall be broken only by required access ways. Where a perimeter landscaped space is required, a landscaping plan shall be submitted for review.
- P-9 PLACE OF WORSHIP:** An institution that people regularly attend to conduct organized religious services, meetings and other accessory uses associated therewith.

- P-10 PLANNED COMMERCIAL DEVELOPMENT:** An area of a minimum contiguous or noncontiguous size as specified by the Ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses or both and any residential and other uses incidental to the predominant use as may be permitted by ordinance.
- P-11 PLANNED DEVELOPMENT:** Means unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development.
- P-12 PLANNED INDUSTRIAL DEVELOPMENT:** An area of a minimum contiguous or noncontiguous size, as specified by ordinance, to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate industrial uses and any other uses incidental to the predominant uses as may be permitted by ordinance.
- P-13 PLANNED UNIT DEVELOPMENT:** An area with a specified minimum contiguous or noncontiguous acreage of 10 acres or more to be developed as a single entity according to a plan, containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of non-residential uses to residential uses as shall be specified in the zoning ordinance.
- P-14 PLANNING BOARD:** The municipal planning board established pursuant to section 14 of P.L. 1975, c.291,(C. 40:55D-23).
- P-15 PLAT:** A map or maps of a subdivision or site plan.
- P-16 PLAT, FINAL:** The final map of all or a portion of the subdivision which is presented to the Planning Board for final approval in accordance with these regulations and which, if approved, shall be filed with the clerk of the County of Camden for recording in accordance with law. A plat that receives final approval shall have been prepared by a New Jersey professional engineer or land surveyor

in accordance with all of the provisions of Chapter 141, Laws of 1960.

P-17 PLAT, PRELIMINARY: The preliminary map indicating the proposed layout of the subdivision, which is submitted to the Planning Board for tentative approval and meeting the requirements of the subdivision/site plan section of this ordinance.

P-18 PLAT, SKETCH: The sketch map of a subdivision of sufficient accuracy to be used for the purpose of discussion and classification and meeting the requirements of the subdivision/site plan section of this ordinance.

P-19 PORCH: A roofed, open "structure" projecting from the front, side or rear wall of a building.

P-20 PRELIMINARY APPROVAL: The conferral of certain rights pursuant to sections 34, 36, and 37 of P.L. 1975, c.291 (C. 40:55D-46; C. 40:55D-48; and C. 40:55D-49) prior to final approval after specific elements of a development plan have been agreed upon by the planning board and the applicant.

P-21 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.

P-22 PREMISES: A lot, plot or parcel of land, together with the buildings and structures thereon.

P-23 PRINCIPAL BUILDING: A building in which is conducted the main or principal use of the lot on which said building is located.

P-24 PRIVATE CLUB OR LODGE: A building and related facilities owned or operated by a corporation, association or group of persons for the social, educational or recreational purposes of members regularly paying dues, but not primarily for profit nor to render a service which is customarily carried on as a business.

P-25 PROHIBITED USE: A use that is not expressly permitted within a specific zone.

P-26 PUBLIC AREAS:

- (a) Public parks, playgrounds, trails, paths and other recreational areas;
- (b) Other public open space;
- (c) Scenic and historic sites;
- (d) Sites for schools and other public buildings and structures.

P-27 PUBLIC DEVELOPMENT: Development by any federal, state, City or other governmental agency.

P-28 PUBLIC DEVELOPMENT PROPOSAL: A master plan, capital improvement program or other proposal for land development adopted by the appropriate public body or any amendment thereto.

P-29 PUBLIC DRAINAGE WAY: The land reserved or dedicated for the installation of storm water sewers or drainage ditches or required along the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion.

P-30 PUBLIC IMPROVEMENT: Any improvement; facility or service, together with its associated public site or right-of-way, necessary to provide transportation, drainage, utility, energy or similar essential services, including, but not limited to streets, drives, sidewalks, walkways and other vehicular and pedestrian circulation systems, together with customary improvements and appurtenances, such as signaling, signage, curbs and gutters, shade trees and landscaped buffers or parkways and street furniture; facilities incidental to a public transportation system, such as loading zones, turn-arounds, passenger waiting area protected from inclement weather and pedestrian linkages between loading areas and activity areas; storm sewers and appurtenances, drainage ways, culverts, flood control basins and devices, retention and detention basins or areas to control storm runoff, erosion and sediment control structures and devices and other drainage structures, devices and facilities; water supply and distribution facilities and appurtenances, both for domestic use and for fire protection; sanitary sewage disposal and treatment facilities and

appurtenances; public utility facilities and appurtenances for gas, electric and telephone service; and facilities and appurtenances for the production, conversion, distribution and storage of energy necessary for essential residential, resort, commercial and industrial uses permitted by this ordinance.

P-31 PUBLIC OPEN SPACE: An open space area conveyed or otherwise dedicated to a municipal agency, board of education, state or county agency or other public body for recreational or conservation use.

P-32 PUBLIC SITE OR RIGHT-OF-WAY: An area devoted to or planned for use as a public park, a public school, a federal, state, county or City building or facility site, another public use or facility or a right-of-way or easement for a street, transportation corridor, utility corridor, waterway or drainage-way owned or to be owned by a government agency.

P-33 PUBLIC UTILITY: Any public utility regulated by the Board of Regulatory Commissioners and defined pursuant to C. 48:2-13.

Q-1 QUORUM: The majority of the full authorized membership of a municipal agency.

R-1 RECREATIONAL AREA: A private or public space, including essential buildings and structures used for play and recreational space for individuals.

R-2 RECREATION AREAS ACTIVE: Includes parks and playgrounds and golf courses, tennis courts, swimming areas (lakes, rivers and pools}, bicycle paths and indoor recreational facilities.

R-3 RECREATIONAL FACILITY LOW INTENSIVE: A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities, which have an insignificant impact on surrounding uses or on the environmental integrity of the area.

R-4 RENTAL: A procedure by which services and/or real or personal property are temporarily transferred to another person for a specific

time period in exchange for enumeration.

R-5 RESIDENTIAL CLUSTER: An area to be developed as a single entity, according to a plan, containing residential housing units which have a common or public open space area as an appurtenance.

R-6 RESIDENTIAL USE OR PURPOSE: A dwelling in which occupants actually live which is permitted in a residential district.

R-7 RESTAURANT: An establishment in which food and drink may be procured, provided that such food or drink is to be consumed while seated at a table, counter or a booth while on the premises.

R-8 RESTAURANT FAST FOOD: An establishment, whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready to consume state for consumption either on the premises or for carry-out with consumption off the premises and whose design or principal method of operation permits or encourages self-service, high turnover dining.

R-9 RE-SUBDIVISION:

(a) 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

(b) 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 to combine existing lots by deed or other instrument.

R-10 RIGHT-OF-WAY LINE: The boundary line of land used or intended for use as streets or other public ways and from which required setbacks for front yard and lot depths shall be measured.

R-11 RIPARIAN LANDS: Those tidal lands of the State of New Jersey which are now or were formerly flowed by mean high water.

R-12 RUN-OFF SURFACE WATER: Any overland flow of water across the ground surface.

- S-1 **SCHOOL ELEMENTARY**: Any public or private institution licensed by the State and which meets the State requirements for elementary education.
- S-2 **SCHOOL SECONDARY**: Any school licensed by the State and which is authorized to award diplomas for secondary education.
- S-3 **SCHOOL VOCATIONAL**: A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the State requirements as a vocational school.
- S-4 **SCREEN**: A structure or planting providing continuous view obstruction within the site or property consisting of fencing, berms and/or evergreen trees or shrubs.
- S-5 **SEASONAL HIGH-WATER TABLE**: The level below the natural ground surface to which water seasonally rises in the soil in most years.
- S-6 **SEDIMENTATION**: The deposition of soil which has been transported from its site or origin by water, ice, wind, gravity or other natural means as a product of erosion.
- S-7 **SETBACK**: The minimum horizontal distance between the lot or property line and the front side or rear line of a building (as the case may be) or any projection thereof, excluding uncovered steps.
- S-8 **SHOPPING CENTER**: A tract of land, with buildings or structures planned as a whole and intended for three or more retail establishments, with accessory parking and loading on the same site.
- S-9 **SHRUBS**: Any plant(s), deciduous or evergreen, generally multi-stemmed, classified and sold by height or spread, measured in inches or feet, listed in "Standards" set forth by the American Association of Nurserymen.
- S-10 **SIGN**: Any object, device, display, structure or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including

words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, religious, fraternal or civic organization; also merchandise and pictures or models of products or services incorporated in a window design.

- S-11 SIGN, ADVERTISING:** A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. Also known as billboards.
- S-12 SIGN, ANIMATED OR MOVING:** Any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.
- S-13 SIGN, AWNING, CANOPY, OR MARQUEE:** A sign that is mounted or painted on, or attached to, an awning, canopy, or marquee that is otherwise permitted by ordinance.
- S-14 SIGN, BANNER:** A temporary sign composed of light weight material either enclosed or not enclosed in a rigid form secured or mounted so as to allow movement of the sign caused by movement in the atmosphere.
- S-15 SIGN, BULLETIN BOARD:** A sign which identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages.
- S-16 SIGN, BUSINESS:** A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.
- S-17 SIGN, CONSTRUCTION:** A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers,

landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

- S-18 SIGN, DIRECTIONAL:** Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."
- S-19 SIGN FACE:** The area or display surface used for the message.
- S-20 SIGN FLASHING:** Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects.
- S-21 SIGN, FREE STANDING:** Any non-movable sign not affixed to a building display, works of art, which in no way identify a product, or scoreboards located on athletic fields.
- S-22 SIGN, GOVERNMENTAL:** A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulations.
- S-23 SIGN, GROUND:** Any sign, other than a pole sign, placed upon or supported by the ground independent of any other structure.
- S-24 SIGN HEIGHT:** The vertical distance measured between grade and the highest point of the highest element of the sign, excluding any incidental structural element, such as uplift cable for a projecting sign.
- S-25 SIGN, HOLIDAY DECORATION:** Temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday.
- S-26 SIGN, HOME OCCUPATION:** A sign containing only the name and occupation of a permitted home occupation.
- S-27 SIGN, IDENTIFICATION:** A sign giving the nature, "logo, trademark or other identifying symbol; address; or any combination of the name, symbol and address of a building, business, development or establishment on the premises where it is located.
- S-28 SIGN, ILLUMINATED:** A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

S-29 SIGN LIGHTING: Methods of illumination which may be divided into several types:

(a) General: The sign itself is neither lighted internally, nor has an external source of light specifically directed at it, rather, the sign depends on the general illumination of the area (e.g., parking lot, traffic or pedestrian areas) for its illumination.

(b) Internal: The sign is made of translucent material with internal lights.

(c) Back Lit: The letters are raised beyond the sign's background and cover the lighting sources, which illuminate the background.

(d) Spot Lit: The sign is lighted by spotlights specifically directed at it.

S-30 SIGN, MEMORIAL: A sign, tablet or plaque memorializing a person, event, structure or site.

S-31 SIGN, NAME PLATE: A sign, located on the premises, giving the name or address, or both, of the owner or occupant of a building or premises.

S-32 SIGN, ON-SITE INFORMATIONAL: A sign commonly associated with, and not limited to, information and directions necessary or convenient for visitors coming on the property, including signs marking entrances and exits, parking areas, circulation direction, rest rooms, and pick-up and delivery areas.

S-33 SIGN, POLE: A sign that is mounted on a free-standing pole or other support so that the bottom edge of the sign face is ten (10) feet or more above grade.

S-34 SIGN, POLITICAL: A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

S-35 SIGN, PORTABLE: A sign that is not permanent, affixed to a building, structure, or the ground.

S-36 SIGN, PRIVATE SALE OR EVENT: A temporary sign advertising private sales of personal property such as "house sales," "garage sales,"

"rummage sales" and the like or private not-for-profit events such as picnics, carnivals, bazaars, game nights, art fairs, craft shows and Christmas tree sales.

S-37 SIGN, PROJECTING: A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

S-38 SIGN, REAL ESTATE: A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

S-39 SIGN, ROOF: A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

S-40 SIGN, TEMPORARY: A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for thirty days.

S-41 SIGN, WALL: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure.

S-42 SIGN, WARNING: Signs limited to messages of warning, danger or caution.

S-43 SIGN, WINDOW: A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structures through a window.

S-44 SITE PLAN: A development plan of one or more lots on which is shown: the existing and proposed conditions of the lot, including, but not necessarily limited to, topography, vegetation, drainage, flood plains, marshes and waterways; the location of all 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 which may be reasonably required in order to make an informed determination, pursuant to an ordinance requiring review and approval of site plans by the planning board adopted pursuant to NJSA 40:55D-37 et seq.

S-45 SPECIMEN TREE: Any tree of exceptional size, which is listed by the New Jersey Division of Parks and Forestry.

S-46 STANDARDS OF PERFORMANCE: Standards

(a) Adopted by ordinance pursuant to section 52d of P. L.1975, c.291, (C. 40:55D-65), regulating noise levels, glare, earth borne or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic matters, explosive and inflammable matters, smoke and airborne particles, waste discharge, screening of unsightly object or conditions and such other similar matters as. may be reasonably required by the municipality; or

(b) required by applicable-federal or state laws or municipal ordinances.

S-47 STORY: That part of any building comprised between the level of one finished floor and the level of the next higher finished floor, or if there is no higher finished floor, that part of the highest finished floor and the top of the roof beams.

S-48 STORY HALF: Any space partially within the roof framing where the clear height of not more than 75% of such space between the top of the floor beams and the structural ceiling level is 7 ft. 6 in. or more.

S-49 STREET: Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is: an existing state, county or municipal roadway; or is shown on a plat heretofore approved, pursuant to law; or is approved by official action, pursuant to N.J.S.A. 40:55D-1 et seq.; or is shown upon a plat duly filed and recorded in the office of the county clerk prior to the appointment of a planning board and the granting of such board the power to review plats; and includes the land between the right-of.-way lines, whether improved or unimproved, and may comprise pavements, shoulders, gutters, curbs, sidewalks, parking

areas and other areas within the right-of-way lines.

S-50 STREET LINE: The dividing line between a lot and:

- (a)** a public street, road or highway; or
- (b)** a private street, road or way over which two or more dominant estates;
have the right-of-way.

S-51 STRUCTURAL ALTERATION: Any change in the supporting members of a building or any substantial change in the roof or in the exterior walls.

S-52 STRUCTURE: A combination of materials to form a construction for occupancy, use or ornamentation having a fixed location on, above or below the surface of land or attached to something having a fixed location on, above or below the surface of land.

S-53 SUBDIVIDER: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this ordinance to effect a subdivision of land hereunder for himself or for another.

S-54 SUBDIVISION: The division of a lot, tract or parcel of land into two 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 land found by the Planning Board or subdivision committee thereof appointed by the chairman to be for agricultural purposes where all resulting parcels are 5 acres or larger in size;
- (b)** divisions of property by testamentary or intestate provisions;
- (c)** divisions of property. upon court order, including but not limited to, judgments of foreclosure;
- (d)** consolidation of existing lots by deed or other recorded instrument;
- (e)** and the conveyance of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the

requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality.

(f) The term subdivision shall also include the term "resubdivision".

S-55 SUBDIVISION COMMITTEE: A committee of at least three. Planning Board members appointed by the chairman of the board for the purpose of reviewing subdivisions, in accordance with the provisions of this ordinance, and such duties relating to land subdivision, which may be conferred on this committee by the Board.

S-56 SUBMERGED LANDS: Those lands which are inundated with water throughout the year.

T-1 TAVERN/BAR: A public house so licensed where intoxicating liquors are sold at retail to be consumed on the premises. Food and entertainment may be provided.

T-2 TERRACE:

(a) A level plane or surfaced patio, directly adjacent to a principal building at or within 3 feet of grade, and not covered by any permanent structure.

(b) A minor street running parallel to local avenues, which divides existing residential blocks in half lengthwise.

T-3 TRACT: A parcel, property or area of land comprised of one or more lots adjacent to one another established by a plat or otherwise as permitted by law to be used, developed or build upon as a unit.

T-4 TRAILER: A recreational vehicle, travel trailer, camper or other transportable, temporary dwelling unit with or without its own motor power, designed and constructed for travel and recreational purposes to be installed on a non-permanent foundation if installation is required.

T-5 TRAILER PARK (AUTOMOBILE TRAILER CAMP, OR CAMP SITE): Any park, trailer park, trailer court, camp site, lot parcel of land or premises designed, maintained or intended for the purpose of supplying a location or accommodation for any trailer, mobile home,

or trailer coach, and upon which such device may be parked, and shall include all buildings used or intended for use as part of the equipment thereof. It shall not be necessary within this definition to determine whether or not a fee may or will be charged for the use of equipment or parking facilities. Unoccupied trailers offered for sale, display and inspection shall not be included within this definition.

- T-6** TRANSCRIPT: A typed or printed verbatim record of the proceedings or reproduction thereof.
- U-1** USE: A "use" is any purpose for which a building or other structure or tract of land may be designed, arranged, intended, maintained or occupied, or any activity, occupation; business or operation carried on in a building or other structure on a tract of land.
- U-2** USE, PRINCIPAL: The many or primary purpose or purposes for which land, a structure or building is designed, arranged, or intended or for which they may be occupied or maintained under the zoning ordinance.
- U-3** USED CAR LOT: An area used for the storage and display of used automobiles advertised for sale, including motorcycles, trucks or any other motorized vehicles.
- U-4** UTILITY DISTRIBUTION LINES: Main lines, conduits or pipes, located in a street, road, alley or easement through which natural gas, electricity, water, sewage or storm water discharge is distributed to or from service lines extending from the main line to the distribution system or the building or premises served.
- V-1** VARIANCE: Permission to depart from the literal requirements of a zoning ordinance, pursuant to section 47 and subsections 29.2b, 57c and 57d of P.L.1975, c.291, (C. 40:55D-40b, C. 40:55D-70c., C. 40:55D-70d.).
- V-2** VEGETATION: Any plant material, including grasses; shrubs and trees.
- W-1** WATERCOURSE: Any area of land, either naturally formed or artificially designed, for the storage, passage, retention or flow of

water, including, but not limited to, the following: lake, pond, stream, canal, ditch or swale.

W-2 WETLAND SOILS: Those soils designated as very poorly drained or poorly drained by the Soil Conservation Service of the United States Department of Agriculture, including, but not limited to: Atsion, Bayboro, Berryland, Colemantown, Elkton, Keansburg, Leon, Muck, Othello, Pocomoke, St. Johns and freshwater marsh and tidal marsh soil types.

W-3 WETLANDS: Those lands, which are. inundated or saturated by water at a magnitude, duration and frequency sufficient to support the growth of hydrophytes. Wetlands include lands with poorly drained or very poorly drained soils, as designated by the National Cooperative Soils Survey of the Soil Conservation Service of the United States Department of Agriculture.

W-4 WETLANDS PERMIT: Any legal instrument issued pursuant to N.J.S.A. 13:9a-1 et seq. and N.J.A.C. 7:7 A-1 et seq. permitting the applicant to engage in an activity specified therein.

W-5 WHOLESALE ESTABLISHMENT: A business engaged in the sale of commodities in quantity, usually for resale or business use, chiefly to retailers, other businesses, industries and institutions.

W-6 WINDOW, LEGAL: A window or portion of a window (including a window either in addition to or as a substitute for mechanical ventilation), which is required by any applicable law or statute or other municipal codes or ordinances to provide light or ventilation to a room used for living purposes.

Y-1 YARD: An open, unoccupied space on the same lot with the main building open and unobstructed from the ground upward.

Y-2 YARD, FRONT: A yard extending the full width of the lot and extending from the front line of the main building, projected to the side lines of the lot to the street line.

- Y-3 YARD REQUIREMENTS:** The regulations of this ordinance establishing minimum front, side and rear yard requirements and setback requirements for various uses, structures and districts.
- Y-4 YARD, REAR:** A yard extending the full width of the lot and extending from the rear line of the lot to the rear line of the main building, projected to the side lines of the lot.
- Y-5 YARD, SIDE:** A yard extending from the front yard to the rear yard between the main building and the adjacent side line of the lot.
- Z-1 ZONING BOARD OF ADJUSTMENT:** see BOARD OF ADJUSTMENT.
- Z-2 ZONING CLASSIFICATION:** see CLASSIFICATION OR ZONING CLASSIFICATION.
- Z-3 ZONING DISTRICT:** see DISTRICT
- Z-4 ZONING DISTRICT MAP OR ZONING MAP:** The zoning district map shall consist of the map or maps approved by the City Council as a part of this ordinance or amended in conjunction with any amendment to this ordinance, which graphically portrays the zoning district boundaries identified in Article II of this ordinance.
- Z-5 ZONING PERMIT:** A document signed by the administrative officer which:
- (a)** Is required by ordinance as a condition precedent to commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building, and;
 - (b)** acknowledges that such use, structure or building complies with the provisions of the municipal zoning ordinance or variance therefrom duly authorized by a municipal agency, pursuant to sections 47 and 57 of P. L. 1975, c. 291 (C. 40:55D-60, C. 40:55D-70).

Article IV – District Regulations

- A.** The regulations prescribed for each of the zoning districts are listed on a schedule entitled, Table A - "Schedule of District Regulations", which is hereby adopted and made part of this ordinance. Said schedule may be amended in the same manner as any other part of this ordinance.
- B.** In addition to the uses specifically prohibited by this ordinance in Article VI and the schedule referred to herein, no building, structure or land shall be used; nor shall any building, structure or part thereof be erected or altered; nor shall any use of land be changed, which said use, erection, or alteration of land, structure or building is intended, in part, for any use or purpose, except or in part, for any use or purpose, except the uses specifically allowed for in each district of the schedule of the districts.

§ 93-17 R-L Residential Low Density

A. Principal Uses:

- (1)** Single family detached residential.
- (2)** Public parks.
- (3)** Government buildings.
- (4)** Public utility installations:
 - (a)** Public utility installations excludes storage yards and commercial office space.
 - (b)** Public utility installations, excluding storage yards and commercial office space, may be permitted in any zoning district provided that:
 - [i]** Such facilities shall be subject to the zoning requirements for that district, such as: land areas, setbacks, side yards, building heights, and landscaping.
 - [ii]** If such facilities are placed in a residential zone, their architectural character shall be residential in nature and shall blend-in harmoniously with the surrounding area.
 - [iii]** The subject facilities shall not be open to the general public.
 - [iv]** Such facilities shall be necessary to service the surrounding areas.
 - [v]** No permanent storage of materials or surplus equipment, except for replacements for the functional equipment within the subject building, shall be permitted in the building or on the lot.

(c) Location of Infrastructure:

- [i] New utility distribution lines and telephone lines to locations not presently served by utilities shall be placed underground.
- [ii] All electric utility transmission lines shall be located on existing towers or underground to the maximum extent practical.
- [iii] Above-ground generating facilities, switching complexes and pumping stations shall be screened with vegetation from adjacent uses, in accordance with the Industrial use buffer requirements established in § 93-66 **Buffer Landscaping Requirements**.
- [iv] Antennas providing cellular telephone service are permitted on public water towers provided that:
 - [a] The components that make up the antenna array shall be installed around the perimeter of the water storage tower and shall not extend above the side of the water storage tank.
 - [b] The antenna array shall be painted to match the exterior of the water tower.
 - [c] Any support building for the cellular antenna shall be located within the fenced area at the base of the tower and screened from view by a buffer as required in § 93-66 **Buffer Landscaping Requirements**.

(5) Public and Parochial schools:

- (a) Notwithstanding any other provision contained in this ordinance, schools, whether public, private, or trade shall be permitted in all districts.
 - [i] Any school permitted under this subsection shall be a non-profit organization within the meaning of the Internal Revenue Act and registered effectively as such thereunder.
 - [ii] Such school shall have as its prime purpose the general education of students in the arts and sciences and shall be licensed by the New Jersey State Board of Education, if license for its operation is required by law.
 - [iii] The minimum lot area shall be five (5) acres, plus one (1) acre for each one hundred (100) pupils for whom the school is designed.

[iv] Any other provision contained in this ordinance notwithstanding, no school building or part thereof shall be erected nearer than a distance equal to three times the height of such building to any property line other than a street line.

[v] All accessory buildings shall be located on the same lot as the principal buildings and the sum of all areas covered by all principal and accessory buildings shall not exceed thirty percent (30%) of the area of the lot.

[vi] No school permitted hereunder shall be a trade school except to the extent that it is part of the public education process.

(6) Private schools and related uses:

(a) Uses related to private schools may not be operated as a business.

(b) Notwithstanding any other provision contained in this ordinance, schools, whether public, private, or trade shall be permitted in all districts.

[i] Any school permitted under this subsection shall be a non-profit organization within the meaning of the Internal Revenue Act and registered effectively as such thereunder.

[ii] Such school shall have as its prime purpose the general education of students in the arts and sciences and shall be licensed by the New Jersey State Board of Education, if license for its operation is required by law.

[iii] The minimum lot area shall be five (5) acres, plus one (1) acre for each one hundred (100) pupils for whom the school is designed.

[iv] Any other provision contained in this ordinance notwithstanding, no school building or part thereof shall be erected nearer than a distance equal to three times the height of such building to any property line other than a street line.

[v] All accessory buildings shall be located on the same lot as the principal buildings and the sum of all areas covered by all principal and accessory buildings shall not exceed thirty percent (30%) of the area of the lot.

[vi] No school permitted hereunder shall be a trade school except to the extent that it is part of the public education process.

(7) Places of worship, parish houses, parsonages, convents and related uses:

(a) Purpose: To establish standards for the development of Places of Worship in those Zoning Districts identified on the Schedule of District Regulations.

(b) Minimum Requirements:

- [i] **Minimum Lot Size:** A place of worship shall have a minimum lot size of 1 acre, with a minimum lot frontage of 150 ft.
- [ii] **Maximum Allowable Height:** A place of worship may be built to a maximum height of 45 ft., provided that the number of stories at any point along the periphery of such building shall not exceed 2 stories or 35 ft.
- [iii] **Distance of Building from Property Line Other Than Street Lines:** No building or part thereof shall be erected nearer than a distance equal to 1/2 times the height of such building to any property line other than a street line.
- [iv] **Building Coverage as a Percentage of Lot Area:** All necessary buildings shall be located on the same lot as the principal buildings, and the sum of all areas covered by all principal and accessory buildings shall not exceed 30 percent (30%) of the area of the lot.
- [v] **Landscaping:** In all cases where the subject building abuts any property line other than a street line, there shall be a landscaped buffer strip of at least 10 ft. in depth. Such buffer area shall be planted with evergreen trees in double alternating rows and shrubs which substantially screen, at the time of planting, one area from the other. Such evergreen trees shall be a minimum height of 4 ft. at time of planting. The front and side areas of the building site, exclusive of walks and driveways shall be landscaped with trees and shrubs if no natural tree cover exists.
- [vi] **Parking:** See § 93-69 **Parking Design Criteria, Off-Street Parking Schedule, Loading Space Schedule.**
- [vii] **Exterior Signs:** Each place of worship shall be permitted to maintain an exterior bulletin board with an area of not more than 10 sq. ft.

B. Accessory Uses:

(1) Private garages.

(2) Swimming pools.

- (a)** Where permitted on the Schedule of District Regulations as an accessory use private swimming pool, intended for use of the building residents, shall comply with the following:

- [i] That the fenced edge of the pool apron shall be at a minimum of:

- [a] Five (5) feet from the side or rear property lines in the R-L District;
- [b] Adjacent to the side or rear property line in the R-M District;
- [c] No pools or pool aprons shall be permitted in the front yard area of any residential district.

[ii] That adequate fencing, with lock, shall be utilized to prevent unauthorized use. Such fencing shall surround the pool itself shall be at a four (4) foot minimum height, or fencing along the side and rear property line of the yard in which a pool is located shall be six (6) feet high and;

[iii] That pool lighting shall be designed and located to prevent glare on contiguous properties.

(3) Sheds.

(4) Home Occupations.

(5) Home Professional Offices.

(a) Professional offices, for one professional, shall be permitted as an accessory use to a residential dwelling provided:

[i] That the professional use shall be clearly incidental to the residential use of the dwelling unit and shall not change the essential character of the dwelling.

[ii] That the professional use shall not constitute more than 30 percent of the building's floor area.

[iii] That the office shall be for the exclusive use of the professional who resides on the premises and not more than 2 employees.

[iv] That no external alteration inconsistent with the residential use of the dwelling unit shall be permitted.

[v] That no storage of materials or products shall be permitted outside the dwelling unit and that no display of products shall be visible from outside the building.

[vi] That no more than one name plate or sign of 2 sq. ft. or less shall be permitted such sign may be attached to the residence or may be mounted on a signpost.

Such free-standing sign shall:

[a] not exceed the permitted height of 5 feet;

[b] have no moving parts or flashing effect and have an external light source properly focused upon the sign itself to prevent glare;

[c] be kept in good repair.

[vii] There shall be one off-street parking space for the professional and each employee, plus one additional space.

C. Area and Bulk Requirements:

(1) Minimum Lot Dimensions

(a) Area – 5000 s.f.

(b) Width – 50 ft.

(c) Depth – N/A

(2) Minimum Yard Dimensions

(a) Principal Buildings

[i] Front – 20 ft.

[ii] Side – 20 ft. Aggregate/ Minimum 10 ft.

[iii] Rear – 25 ft.

(b) Accessory Buildings

[i] Front – N/A

[ii] Side – 5 ft.

[iii] Rear – 5 ft.

(3) Maximum Height of Buildings

(a) Stories – 3 stories

(b) Feet – 35 feet

(4) Maximum Height of Accessory Buildings

(a) Stories – 1 ½ stories

(b) Feet – 15 feet

(5) Maximum Impermeable Coverage of Lot by Percent

(a) 30 percent

(6) Off-Street Parking and Loading

(a) 2 spaces per Dwelling Unit

(b) See § 93-69 **Parking Design Criteria, Off-Street Parking Schedule, Loading Space Schedule** for all other uses.

(7) Landscaping

(a) N/A

D. Medical Complex, Nursing Home or Convalescent Center:

(1) Purpose:

- (a)** General nursing and convalescent facilities, shall be conditionally permitted in R-L

District areas provided that the minimum requirements are met as follows:

(2) Minimum Requirements:

(a) Site Size

- [i]** 3 acres minimum

(b) Site Width

- [i]** 300 feet minimum

(c) Perimeter Setback:

- [i]** 35 feet around the entire perimeter of the site. No parking or accessory buildings may be located within this area. In cases where the boundaries of the subject use abut a Residential District or use, the perimeter setback shall be increased to 50 feet along the area abutting the Residential District or use.

(d) Lot Coverage:

- [i]** A maximum 20% by principal and accessory structures.

(e) Height of Structures:

- [i]** Principal structures 2 ½ stories or 35 feet.
[ii] Accessory structures shall not exceed 1 story or 15 feet.

(f) On-Site Parking:

- [i]** Paved on-site parking facilities shall be provided as required in § 93-88 **Parking Design Criteria, Off-Street Parking Schedule, Loading Space Schedule.**

(g) Distance Between Buildings:

- [i]** A minimum of 35 feet between the side wall of one principal building and the front, rear or side walls of any adjoining principal or accessory building.

(h) Outdoor Sitting Areas:

- [i]** Outdoor sitting areas for patients shall be provided which are well defined by walls, fences, hedges or other plantings designed to impart a sense of containment or security and to provide group privacy. Such sitting areas shall be provided with paved areas of adequate size to provide space for small groups of wheelchairs and garden furniture.

(i) Night Lighting:

- [i] Night lighting shall be provided for the safe and convenient use of streets, driveways, parking areas, walks, steps and other facilities.

(j) Landscaping:

- [i] In addition to the standards set forth in § 93-87 **Landscape Standards**, the following landscape elements shall be provided:

- [a] All open areas other than those improved as or used for parking, loading, group recreation purposes and pedestrian and vehicular circulation shall be graded, planted, landscaped and properly maintained. Five percent (5%) of the total landscaped areas shall be screened on their periphery by means of an evergreen planting, a fence or decorative masonry wall having a height of 4 ½ feet.
- [b] Where the subject use abuts a Residential District or where any portion of the rear of the structures is visible from any nearby street, then the following landscape controls shall apply to preclude any objectionable view: Evergreen trees, a minimum of 6 feet tall shall be planted in double alternating rows in a strip of at least 10 feet wide. Such landscaping shall be sufficiently dense at the time of planting to mask the above-noted portions of the use from view from the street or adjoining property.
- [c] Existing natural tree cover may be substituted for the landscape requirements stipulated herein.

Article IV – District Regulations

§ 93-18 R-M Residential Medium Density

A. Principal Uses:

- (1)** Single family detached residential.
- (2)** Single family attached/townhouse/twin house dwelling.
- (3)** All other principal uses permitted in the R-Low District.
- (4)** Public Utility Installations (see 93-17. A (4))
- (5)** Public and Parochial Schools (see 93-17. A (5))

B. Accessory Uses:

- (1)** All accessory uses permitted in the R-Low District.

C. Area and Bulk Requirements:

(1) Minimum Lot Dimensions

(a) Area:

4000 s.f. Single Family Dwelling
5000 s.f. Townhouse Dwelling
2500 s.f. Twinhouse Dwelling

(b) Width:

40 ft. Single Family Dwelling
50 ft. total Townhouse Dwelling
25 ft. Twinhouse Dwelling

(c) Depth – N/A

(2) Minimum Yard Dimensions

(a) Principal Buildings

[i] Front – 8 ft. of the existing building line for 70% of the block face, whichever is less.

[ii] Side – 5 ft.

[iii] Rear – 25 ft.

(b) Accessory Buildings

[i] Front – N/A

[ii] Side – 3 ft.

[iii] Rear – 3 ft.

(3) Maximum Height of Buildings

(a) Stories – 3 stories

(b) Feet – 35 feet

(4) Maximum Height of Accessory Buildings

(a) Stories – N/A

(b) Feet – N/A

(5) Maximum Impermeable Coverage of Lot by Percent

(a) 35 percent

(6) Off-Street Parking and Loading

(a) N/A

(7) Landscaping

(a) N/A

Article IV – District Regulations

§ 93-19 R-R Riverfront Recreational

A. Purpose:

- (1) To encourage the development of public and private recreation facilities concentrated on and around existing public lands located on the Delaware River waterfront. It is intended that development in the Riverfront Recreation area will provide aesthetic and social benefits to the residents of the City through improved public access to the water and the City's historic district while creating economic opportunities linked with the recreational rather than the industrial use of the waterfront.

B. Permitted Uses:

- (1) Marinas
- (2) Restaurants
- (3) Health and Exercise Clubs
- (4) Public Parks and Recreation Facilities
- (5) Boat Launch Ramps
- (6) Bait and Tackle shops
- (7) Fishing piers
- (8) Existing Multi-Family structures
- (9) Uses permitted in the CRO District subject to the following exceptions:
 - (a) Residential uses are prohibited.
 - (b) The use shall comply with the Area and Bulk requirements of the CRO District.
- (10) Public Utility Installations (see 93-17 (4))
- (11) Public and Parochial Schools (see 93-17 (4))

C. Accessory Uses:

- (1) Dockmaster/administrative offices for a marina.
- (2) Marine service when such service is performed in conjunction with and is clearly incidental to a marina operation.

D. Conditional Uses:

- (1) Seasonal concession stands/kiosks shall be permitted subject to the following conditions:
 - (a) Vending carts, vehicles and trailers or temporary stands are prohibited unless they are part of a public event approved by City Council.

- (b) Stands shall not block public walkways or public access to the waterfront.
- (c) In addition to the requirements identified herein, all stands located in a public park or on public land shall be approved by City Council and be subject to all other requirements of that body.

E. Area and Bulk Requirements:

(1) Minimum Lot Area Requirements for specified uses

- (a) Marina – 5 acres
- (b) Restaurant – 2 acres

(2) Minimum Setbacks

(a) Buildings and Structures

- [i] Municipal Street – 60 ft.
- [ii] Side – 40 ft.
- [iii] Delaware River - 50 ft.

(b) Parking Areas

- [i] Except as identified below, all parking shall comply with the setback requirements established § 93-66 **Buffer Landscaping Requirements**.
- [ii] With the exception of short term (drop off/pickup) parking in marina and car and trailer parking at launch ramps, no parking area may be located within 50 ft. of the Delaware River.

(3) Maximum Building Height

- (a) Boat Rack Storage Buildings – 45 ft.
- (b) All other buildings – 35 ft.

F. Parking:

- (1) Parking for all uses shall be provided as required by § 93-69 **Parking Design Criteria, Off-Street Parking Schedule, Loading Space Schedule**.

G. Landscaping:

- (1) All areas on individual lots not covered by buildings or impervious surface shall be landscaped in conformance with the standards of § 93-68 **Landscape Standards**.

H. Design Standards:

- (1) General Guidelines for Marinas

- (a) For safety and comfort and to avoid interference with commercial boating activity, marinas shall be designed so that wave heights do not exceed two (2) to four (4) feet in the entrance channel and one (1) to one and one half (1.5) feet in the berthing area.
- (b) Lavatory facilities connected to a sanitary sewer and adequate to serve the marina shall be provided.
- (c) Sewage pump out facilities shall be provided. Pump out stations shall be located so as to be conveniently available to all boats. The Planning Board may waive pump out requirements if the applicant provides a covenant for joint use of facilities within one-half mile of the proposed marina site or if a public facility is available within one-half mile. The discharge of untreated sewage into the water shall not be allowed.
- (d) The fuel dock should be designed to accommodate the four (4) largest expected vessels. The best location for the fuel dock is near the entrance to the marina and the dockmaster's office. The fuel dock/fuel storage area must be accessible to fuel delivery trucks. Fuel pumps should include back pressure cutoff valves. Main cutoff valves should be available both at the dock and the upland area of the marina.
- (e) Marinas shall provide abundant receptacles for trash and recyclables along with adequate fish cleaning areas, including separate and well-marked containers for organic refuse.
- (f) Public access including, but not limited to, walkways, fishing piers, etc. shall be provided.
 - [i] The minimum width of a public walkway to the water's edge shall be at least five feet. Walkways along the water's edge shall be at least ten feet wide and shall run along the entire length of the shoreline and shall connect to the adjoining property thus establishing a consolidated river walk. Appropriate safety measures shall be incorporated in the design of walkways along the water's edge.
- (g) Transient Moorage
 - [i] Transient moorage shall be provided at the rate of forty lineal feet of transient moorage space for each one thousand lineal feet of moorage space in the marina if the marina is part of a development which includes restaurants or other non-water dependent or non-water-related uses which operate during evening and weekend

hours; or the marina is owned, operated, or franchised by a governmental agency for use by the general public.

[ii] The Planning Board may waive the requirement for transient moorage if it is found that there is adequate transient moorage already existing in the area.

(h) Facilities, equipment, and established procedures for the containment recovery and mitigation of spilled petroleum products shall be provided.

Article IV – District Regulations

§ 93-20 CRO Commercial-Residential Office Mixed Use

A. Principal Uses:

- (1) Antique Store**
- (2) Art Gallery**
- (3) Art Studio**
- (4) Bakery/Pastry shop**
- (5) Bar/Tavern**
- (6) Book/Record Store**
- (7) Coffee**
- (8) Shop/Restaurant**
- (9) Curio/Novelty Shop**
- (10) Florist**
- (11) Gift/Card shop**
- (12) Liquor Store**
- (13) Music Store, Including: Instruments**
- (14) Office: Business or Professional**
- (15) Office: Insurance**
- (16) Office: Medical, Dental**
- (17) Office: Real Estate**
- (18) Office: Accounting, Bookkeeping**
- (19) Photography**
- (20) Studio, Including: Incidental Processing**
- (21) Picture Framing Shop**
- (22) Publicly Owned Building**
- (23) Residence of a proprietor in the same building with a commercial use Townhouses**
- (24) Soda Fountain/Ice Cream Parlor**
- (25) Stationery Store**
- (26) Studio, Dance, Voice, Music**
- (27) Ticket Agency**

- (28) Tobacco Shop
- (29) Travel Agency
- (30) Public Utility Installations (see 93-17 (4))
- (31) Public and Parochial Schools (see 93-17 (4))

B. Area and Bulk Requirements:

- (1) Area and bulk regulations are applicable to new construction only.
- (2) Minimum Lot Dimensions
 - (a) Area – 4000 s.f.
 - (b) Width – 40 ft.
 - (c) Depth – N/A
- (3) Minimum Yard Dimensions
 - (a) Principal Buildings
 - [i] Front – 0
 - [ii] Side – Minimum side yard setbacks - when adjacent to a residential use: 10 feet.
 - [iii] Rear – 20 ft.
 - (b) Accessory Buildings
 - [i] Front – N/A
 - [ii] Side – 3 ft.
 - [iii] Rear – 3 ft.
- (4) Maximum Height of Buildings
 - (a) Stories – 3 stories
 - (b) Feet – 35 feet
- (5) Maximum Height of Accessory Buildings
 - (a) Stories – 1.5 stories
 - (b) Feet – 15 feet
- (6) Maximum Impermeable Coverage of Lot by Percent
 - (a) 85%
- (7) Off-Street Parking and Loading
 - (a) N/A
 - (b) See § 93-69 **Parking Design Criteria, Off-Street Parking Schedule, Loading Space Schedule.**

(8) Landscaping

(a) 15 percent

Article IV – District Regulations

§ 93-21 L-I Light Industrial

A. Principal Uses:

- (1)** Any manufacturing, processing; or industrial use listed below, provided the proposed industrial process meets the performance requirements listed in and does not have inherent characteristics which are noxious, injurious, offensive, or hazardous to the health, safety, or general welfare of the community:
 - (a)** Manufacturing of light machinery, comprising any of the following: carburetors and small machine parts, cash registers, sewing machines, typewriters, calculations, computers and other office machines electronic products.
 - (b)** Fabricating of metal products comprising any of the following: baby carriages, bicycles and other vehicles; metal, foil, aluminum, gold, etc.; metal furniture; musical instruments; sheet metal products; and toys.
 - (c)** Fabricating of wood products, comprising any of the following: boats, boxes, cabinets and woodworking, furniture, toys.
 - (d)** Fabricating of wood products, comprising any of the following: boats, boxes, cabinets and woodworking, furniture, toys.
 - (e)** Office buildings for executive or administrative purposes.
 - (f)** Laboratories of the following type: biological, clinical, dental, pharmaceutical and general research and testing.
 - (g)** Wholesale establishments, warehouses, and storehouses.
 - (h)** Public Utility Installations (see 93-17. A (4))
 - (i)** Public and Parochial Schools (see 93-17. A (5))
 - (j)** Government Buildings and Uses.

B. Accessory Uses:

- (1)** Accessory buildings and uses customarily incidental to and on the same lot as principal structure.

C. Area and Bulk Requirements:

- (1)** Minimum Lot Dimensions
 - (a)** Area – 2.0 AC

(b) Width – 200 ft.

(c) Depth – N/A

(2) Minimum Yard Dimensions

(a) Principal Buildings

[i] Front – 65 ft.

[ii] Side – 35 ft. Where the side yard of an industrial use is adjacent to a residential use or district, the side yard setback shall be increased to 65 ft. for principal buildings and 45 ft. For accessory structures where the rear yard abuts a residential district or use, the minimum setback for accessory structure shall be increased to 45 ft.

[iii] Rear – 65 ft.

[iv] Minimum spacing between buildings – 40 ft.

(b) Accessory Buildings

[i] Front – N/A

[ii] Side – 10 ft.

[iii] Rear – 10 ft.

(3) Maximum Height of Buildings

(a) Stories – N/A

(b) Feet – 45 feet

(4) Maximum Height of Accessory Buildings

(a) Stories – N/A

(b) Feet – 25 feet

(5) Maximum Impermeable Coverage of Lot by Percent

(a) 60 percent

(6) Off-Street Parking and Loading

(a) See § 93-69 **Parking Design Criteria, Off-Street Parking Schedule, Loading Space Schedule.**

(7) Landscaping

(a) 10 percent

Article IV – District Regulations

§ 93-22 PCH Port Cargo Handling

A. Purpose:

- (1)** The purpose of the Port and Cargo Handling Zone shall be to create a zoning district for major port terminals to meet the needs of waterborne Commerce and to regulate such activities in order to preserve and protect adjacent residential uses from the negative influences of noise, vibration, traffic, glare from high intensity lighting and cargo handling activities, stacked containers and other activity common to such port facilities.

B. Permitted Uses:

- (1)** Piers for the mooring of ships and waterborne cargo vessels for the purpose of loading and unloading of cargo. No such pier shall extend beyond the pierhead shown on the zoning map.
- (2)** Warehouses for the storage of cargo in transit, provided that the cargo is not harmful to humans such as, but not limited to atomic waste, radioactive materials, explosive hazardous waste or other similar cargo.
- (3)** Outdoor cargo and container storage yards provided that:
 - (a)** Such areas are properly screened from public view in compliance with § 93-66 **Buffer Landscape Requirements** of this ordinance;
 - (b)** Cargo containers shall be stacked in a tiered manner to provide the following minimum setbacks from any residence, street or Zoning district boundary:
 - [i]** 50 ft. setback from residence, street, or zoning district boundary with height of containers being 2.
 - [ii]** 75 ft. setback from residence, street, or zoning district boundary with height of containers being 3.
 - [iii]** 100 ft. setback from residence, street, or zoning district boundary with height of containers being 4.
 - [iv]** 150 ft. setback from residence, street, or zoning district boundary with height of containers being greater than 4.

- (c) No cargo or substances harmful to humans including but not limited to explosives, hazardous waste, radioactive material, atomic waste or similar cargo may be sorted in such areas at any time;
 - (d) Outdoor storage areas shall not be permitted south of Monmouth Street or east of Ellis Street.
- (4) Administrative and auxiliary office uses solely intended for occupancy by the Port Operator and shippers using the port facility provided that all such office uses shall have a separate paved parking area for employees and visitors, with a ratio of one (1) parking space for each 200 square feet of gross floor area of office space.
- (5) Cranes for the lifting and movement of cargo and containers to and from ships.
- (6) Electric substations provided that such facilities are more than 200 feet from any residential use and fenced to prohibit unauthorized access.
- (7) Maintenance facilities for motorized land-based equipment used in normal port operations.
- (8) Advertising signs, provided that:
- (a) Advertising signs shall be permitted as an additional principal use of a property;
 - (b) Advertising signs shall not be subject to the area and bulk requirements found in Article IV, § 93-22 **PCH Port Cargo Handling** of this ordinance, or any other requirements set forth in the Gloucester City Development Ordinance but shall be subject to the regulations and conditions found within this ordinance as it relates to advertising signs;
 - (c) No advertising sign shall be located more than two-hundred (200) feet from the Right-of-Way of the Walt Whitman Bridge (Interstate 76), unless it can be demonstrated that locating an advertising sign within 200 feet of the Right-of-Way of the Walt Whitman Bridge is infeasible due to conditions of the soil, the placement of utilities, or other such conditions which present a practical hardship. In such event an advertising sign may be located no more than 250 feet from the Right-of-Way of the Walt Whitman Bridge;
 - (d) No advertising sign shall be located closer than one thousand (1,000) feet from any other advertising sign on the same side of the Right-of-Way;

- (e) No advertising sign shall be located so as to interfere with the safe sight distances or visibility at any intersection of public or private streets;
- (f) No more than two (2) advertising sign structures shall be permitted on any parcel;
- (g) Advertising sign faces shall be permitted to have a maximum sign area of 672 square feet;
- (h) Advertising sign faces shall have a maximum sign face height of 14 feet, and a maximum sign face width of 48 feet;
- (i) Each advertising sign structure shall have no more than two (2) advertising sign faces;
- (j) Advertising signs may have digital and static sign faces;
- (k) Advertising signs shall comply with all applicable State and Federal laws.

C. Prohibited Uses:

- (1) Although it shall be understood that any use which is not specifically permitted in Section B above and in Article VI, § 93-80 is prohibited, the following uses and activities are specifically prohibited in the PCH District:
 - (a) Residential uses
 - (b) Retail uses
 - (c) Salvage yards of any type
 - (d) Junk yards
 - (e) Marine repair yards

D. Area and Bulk Requirements:

- (1) Minimum Parcel Size – 15 Acres
- (2) Minimum Property Frontage
 - (a) Street – 500 ft.
 - (b) Delaware River and/or Newton Creek – 1,500 ft.
- (3) Minimum setbacks
 - (a) Buildings and structures
 - [i] Front – 35 ft.
 - [ii] Side – 40 ft.
 - [iii] Exceptions to setback requirements: The setback of a building from the street may be reduced to 0 ft. provided that either:

[a] All office space is located in the portion of the building adjacent to the street and building entrances for office employees and visitors are located on the street frontage, or;

[b] The street wall of a warehouse or storage building is painted with a mural depicting important events in the history of Gloucester City, welcoming visitors to Gloucester City or, other scenes as approved by the Planning Board. No loading and other activity shall occur on the street side of the building.

[iv] Where the side yard of an industrial use is adjacent to a residential use or district, the side yard setback shall be increased to 65 ft. for principal buildings and 45 ft. for accessory structures where the rear yard abuts a residential district or use, the minimum setback for accessory structure shall be increased to 45 ft.

[v] Minimum spacing between buildings – 40 ft.

(b) Storage Area for Containerized Cargo

[i] Front – 50 ft.

[ii] Side – 50 ft.

(4) Maximum Building Height – 35 ft.

(5) Maximum Impermeable Coverage - 80%

E. Parking and Loading:

(1) See § 93-69 Parking Design Criteria, Off-Street Parking Schedule, Loading Space Schedule.

F. Buffers:

(1) Buffers shall be provided as required in § 93-66 Buffer Landscaping Requirements except where building setbacks are reduced pursuant to section D.3.a.iii.

G. Signs:

(1) See § 93-74 Sign Controls.

H. Performance Standards

Any port of cargo handling use in the city of Gloucester shall adhere to the following standards:

- (1) Dissemination of smoke, dust, odors, fumes, and other noxious gases shall be within the limits of the industrial tolerance standards of the State Department of health, Bureau of Adult Health, and Gloucester City.
- (2) Liquid wastes and effluent shall be discharged in to an approved existing sewage treatment plant in accordance with that plant's regulations, or shall treat its own wastes and effluent in a treatment plant or process which is in compliance with the State Statutes and with the requirements of the State Department of Health, and Gloucester City.
- (3) Precaution against fire hazards, radiation, explosion, proper handling and storage of materials and structural design, and safeguards for the health of works shall comply with the State Statutes and requirements of the State Department of Labor and Industry.
- (4) No vibration, noise or glare shall be evident at any point more than one 'hundred and fifty (150) feet from the source of said vibration, noise or light.
- (5) All permitted uses and accessory activities shall be confined within completely enclosed buildings with the exception of off-street parking, loading, and delivery areas, accessory fuel storage, parking for vehicles and construction equipment and the outdoor storage of cargo containers.
- (6) No cargo or substance harmful to humans including, but not limited to, explosives, atomic waste, radioactive material, hazardous waste or other similar cargo may be stored in the PCH Zone.

Article IV – District Regulations

§ 93-23 PPID Port Planned Industrial Development

A. Purpose:

- (1)** To establish sites for the development of comprehensively designed port facilities and related water oriented or water related manufacturing facilities.

B. Permitted Uses:

- (1)** All uses permitted by right in the PCH District subject to the area and bulk provisions of this section.
- (2)** Light manufacturing, storage, and processing of cargo, raw materials and the shipment of finished products.

C. General Development Plan:

- (1)** Applicant for a PPID shall submit a General Development Plan to the Planning Board for review and approval pursuant to Article V, § 93-41 of this ordinance.

D. Area and Bulk Requirements:

(1) Requirements for a PPID

- (a)** Minimum size of PPID – 50 Acres
- (b)** Minimum frontage on the Delaware River – 1,000 ft.

(2) Area and Bulk Standards for individual lots in a PPID

- (a)** Minimum lot area – 5 AC
- (b)** Minimum lot width – 200 ft.
- (c)** Minimum setbacks
 - [i]** Front – 60 ft.
 - [ii]** Side – 40 ft.
 - [iii]** Rear – 100 ft.
- (d)** Maximum building height – 45 ft.
- (e)** Maximum impervious coverage – 80%
- (f)** Where the side yard of an industrial use is adjacent to a residential use or district, the side yard setback shall be increased to 65 ft. for principal buildings and 45 ft. for accessory structures where the rear yard abuts a residential district or use, the minimum setback for accessory structure shall be increased to 45 ft.

(g) Minimum spacing between buildings – 40 ft.

E. Parking

(1) Parking shall be provided as required by § 93-69 **Parking Design Criteria, Off-Street Parking Schedule, Loading Space Schedule** unless the applicant proposes alternate parking standards in General Development Plan.

F. Landscaping

(1) All areas on individual lots not covered by buildings or impervious surface shall be utilized as landscaped areas designed in accordance with § 93-68 **Landscape Standards** or with Landscaping Standards approved by the Planning- Board and included in the General Development Plan.

Article IV – District Regulations

§ 93-24 HC-1 Highway Commercial

A. Principal Uses:

(1) Retail and Services uses of and similar to the following:

(a) Public Garage, Automotive Repair Shop, Filling and Service Station for Motor Vehicles

[i] Purpose

[a] Automobile service stations (including service stations with a convenience store having a gross floor area of less than 1000 sq. ft.) and repair garages shall be permitted in the Highway Commercial District, provided that the following minimum requirements are met.

[ii] Minimum Requirements

[a] Such facility shall have a minimum site size of 40,000 square feet, with a minimum width of 200 feet.

[b] The height of a service station shall not exceed 1 story or 25 feet.

[c] There shall be a front yard setback of a minimum of 50 feet; 2 side yard setbacks of at least 25 feet for each side; and a rear yard setback of at least 50 feet.

[d] The means of vehicular access and egress at the facility must be clearly defined and controlled to insure safe and efficient operation of the facility and to assure safe integration of automotive traffic with other vehicular and pedestrian traffic.

[e] Exterior lighting shall be arranged so that it is deflected away from adjacent land uses and should be arranged so as not to obstruct or deter the visibility of drivers or pedestrians. No blinking or flashing lighting system shall be permitted.

[f] One paved off-street parking space shall be provided for every full-time employee, plus 2 off-street parking spaces for each service bay. Such spaces shall be located in the rear or side yard of the site. When the service station includes a convenience store smaller than 1000 sq. ft. one parking space shall

be provided for each 200 sq. ft. gross floor area of the convenience store. All parking spaces shall be designed as defined in this ordinance.

- [g] Except for gasoline or oil sales, changing of tires and other similar minor automobile servicing, all other repair work shall be carried on in fully enclosed structures.
- [h] Outdoor storage of equipment or parts shall not be permitted.
- [i] Signs, pennant, flags and all other advertising displays visible or audible from any public right-of-way are prohibited except as allowed under the Sign section of this ordinance.
- [j] All gasoline and similar substances shall be stored underground at least 25 feet from any property line other than a street line. No gasoline pump shall be erected within 20 feet of any street or property line. All gasoline or petroleum storage service tanks shall be pressure tested at installation and every five (5) years thereafter and a sworn statement shall be submitted to the municipality stating that the tank is watertight.
- [k] Landscaping shall be provided along the width of the front property line, exclusive of driveways, in a strip of a least 10 feet wide. Such landscaping shall consist of low growing shrubs. Whenever the rear of the site or structure may be viewed from a Residential District or from an adjoining street then a landscaped buffer strip shall be provided extending along the rear property line pursuant to standards defined in § 93-86 **Buffer Landscaping**

Requirements.

(b) Other Highway Commercial uses as follows:

- [i] Auto Sales-New and Used (See 93-24.B.)
- [ii] Auto Rental or Lease Agency
- [iii] Auto, Minor Service - Repair/Replacement
 - [a] auto tire -sales/service
 - [b] auto battery and ignition
 - [c] auto radio, stereo, CB
 - [d] auto muffler, replacement/service
 - [e] auto brake, replacement/service

- [f] auto diagnosis and tune-up
- [g] auto cleaning for resale
- [iv] Auto parts and accessory store
- [v] Boat sale, rent, service
- [vi] Boat parts and accessories store
- [vii] Building trades contractors office
- [viii] Business college
- [ix] Check Cashing Establishments
- [x] Equipment rental agency
- [xi] Gardening/landscaping
- [xii] Supply store
- [xiii] Health & exercise facilities or Clubs including Gymnastics and Martial Arts
Schools
- [xiv] Motorcycle, snowmobile and moped sales
- [xv] Nursery, Plants
- [xvi] Office, Building trades
- [xvii] Contractor
- [xviii] Office machines and equipment sales
- [xix] Recreation facility, indoor
- [xx] Recreation facility, outdoor
- [xxi] Sports cycles/trail bike shop
- [xxii] Swimming pool - sales and service
- [xxiii] Tattoo Body Art & Body Piercing Facilities or Parlors

[a] Purpose

- [1] Tattoo, body art and body piercing facilities or parlors shall be permitted uses in the Highway Commercial District, provided that the following minimum requirements are met.

[b] Minimum Requirements

- [1] The subject property must not be located within 1,000 feet of a school or school property.
- [2] The hours of operation shall not be before 9:00 AM. or after 9:00 P.M.

[3] On-site parking shall be provided in accordance with § 93-69 **Parking Design Criteria, Off-Street Parking Schedule, Loading Space Schedule.**

[4] Buffer Landscaping Requirements shall be met in accordance with §93-66 **Buffer Landscaping Requirements.**

[5] Site plan shall comply with Landscape Standards, as enumerated in §93-68 **Landscape Standards**

[6] Signs shall be reviewed in the site plan application of this development and installed in compliance with § 93-74 **Sign Controls.**

[7] The subject use must comply with all Municipal, County and State codes regulating this business.

[xxiv] Travel trailer, mobile home, motor home

[xxv] Veterinarian -animal hospital

[xxvi] Business support services

[xxvii] Sales & rental of office equipment

[xxviii] Sales & rental of commercial equipment

[xxix] Restaurant, Fast food

[a] Purpose

[1] The purpose of this section is to establish performance standards for fast food establishments including facilities that feature drive thru window service.

[b] Minimum Requirements

[1] Area and bulk requirements:

(i) Minimum lot size: forty thousand (40,000) square feet.

(ii) Minimum lot width: 150 feet.

(iii)Maximum lot coverage:

(a) Building coverage: 15 percent (15%).

(b) Total impermeable coverage: seventy five percent (75%).

(iv)Minimum building setbacks:

(a) Front yard: seventy-five feet (75 ft.).

(b) Side yard: thirty feet (30 ft.) each.

(c) Rear yard: thirty feet (30 ft.)

[2] Other requirements:

- (i) There shall be a minimum distance of twenty-five hundred (2500) feet between fast food/drive thru restaurant establishments.
- (ii) Restaurants that provide a drive thru aisle for customer service shall provide for a continuous bypass lane along the entire length of the drive thru aisle with a minimum width of twelve feet (12 ft).
- (iii) Restaurants that provide a drive thru aisle shall provide a drive thru aisle length that is able to stack a minimum of ten (10) standard length vehicles and which has a minimum stacking length from the first service window on approach of one hundred seventy-five (175) feet. The drive thru aisle shall not directly block or otherwise hinder access to and from parking spaces, loading zones, pedestrian building entries or refuse areas.

[3] All other regulations applicable to the HC District shall be applicable to fast food and drive thru restaurants unless superseded herein.

B. Accessory Uses:

(1) Purpose

- (a) Automobile sales and service establishments shall be permitted in the Highway Commercial District, provided that: new car sales and service establishments operating as a manufacturer's franchise and represented new car automotive sales establishment and used car sales establishments shall be permitted subject to site plan approval by the Planning Board.

(2) Minimum Requirements

(a) Size of Site

- [i] The site of an automobile sales and services establishment shall be a minimum of 2 acres of land with a minimum frontage of 150 feet.

(b) Height of Building

- [i] The height of the principal building of the automobile sales and service establishment shall not exceed 2 ½ stories or 35 feet.

(c) Building Coverage

- [i] The building and structures constituting an automobile sales and service establishment shall not cover or encompass more than 25 percent of total land area allocated to said establishment.

(d) Setbacks

- [i] No part of any building shall be closer than 50 feet to the front or rear property line or 25 feet from the side property line. No automobiles shall be displayed closer than 25 feet from the front yard property line.

(e) Front Yard Landscaping

- [i] A 10 foot wide landscaped buffer strip shall be provided along the front property line.

(f) Automotive Service Activity Related to New and Used Car Sales and Service Activity to be enclosed.

- [i] All automotive service activities and operations shall be conducted within fully enclosed structures. No commercial gasoline stations shall be permitted. As part of a new or used car sales or service operation of a gasoline-dispensing facility which is an integral part of the said operation and is not open to the public may be permitted subject to Planning Board approval of the location of these facilities on the site.

(g) Entrances and Exits

- [i] All service entrances and exits shall be located at the rear or side of the principal building.

(h) Lighting

- [i] Lighting fixtures illuminating the front yard area of the site shall not exceed 30 feet in height and shall be ornamental and architecturally compatible with the building. Lighting facilities serving the site shall be arranged so as to deflect light downward and not create a glare upon contiguous land uses or streets.

(i) Access and Egress for Traffic

- [i] There shall be one curb cut permitted along the front property line of the site. All traffic access and egress points shall be so designed pursuant to Article V, § 93-45 B.2., to assure the safe circulation of vehicular traffic to and from the site.

(j) Fences and Walls

[i] Fences or walls may be erected subject to the conditions set forth in this ordinance.

(k) On-Site Parking

[i] See § 93-69 **Parking Design Criteria, Off-Street Parking Schedule, Loading**

Space Schedule.

C. Area and Bulk Requirements:

(1) Minimum Lot Dimensions

(a) Area – 30,000 s.f.

(b) Width – N/A

(c) Depth – N/A

(2) Minimum Yard Dimensions

(a) Principal Buildings

[i] Front – 60 ft.

[ii] Side – 20 ft. each

[iii] Rear – 20 ft.

(b) Accessory Buildings

[i] Front – N/A

[ii] Side – 5 ft.

[iii] Rear – 5 ft.

(3) Maximum Height of Buildings

(a) Stories – 2 stories

(b) Feet – 25 feet

(4) Maximum Height of Accessory Buildings

(a) Stories – N/A

(b) Feet – N/A

(5) Maximum Impermeable Coverage of Lot by Percent

(a) 70 percent

(6) Off-Street Parking and Loading

(a) N/A

(7) Landscaping

(a) 20 percent

Article IV – District Regulations

§ 93-25 HC-2 Highway Commercial

A. Permitted Principal Uses. (Block 256, Lots 5 and 5.01 Only)

- [i]** Sexually-Oriented Businesses.
- [ii]** Restaurants.
- [iii]** Taverns
- [iv]** Any combination of Sexually-Oriented Businesses, Restaurants and Taverns.
- [v]** All principal uses permitted in the HC Highway Commercial Zoning District.

B. Permitted Accessory Uses. (Block 256, Lots 5 and 5.01 Only)

- [i]** Decks.
- [ii]** Digital Signage.
- [iii]** All accessory uses permitted in the HC Highway Commercial Zoning District.

C. Bulk and Area Standards.

- [i]** The bulk and area standards for the HC-1 Highway Commercial Zoning District shall apply; provided, however, that in the event any nonconforming conditions exist as of the date of this Ordinance's adoption, the same shall be deemed to be conforming and shall be the minimum or maximum standard, whatever the case may be.

Article IV – District Regulations

§ 93-26 B-I Business Industrial

A. Principal Uses:

- (1)** Administrative offices.
- (2)** Fully enclosed warehouses.
- (3)** Light manufacturing facilities for such uses as, but not limited to, beverages, pharmaceuticals, printing and publishing, confections, clothing, electrical goods, furniture, specialty manufacturing, professional and scientific instruments and electronics.
- (4)** Fully enclosed wholesale business establishments.
- (5)** General business establishments, exclusive of equipment rental and leasing, personal supplies and similar businesses.
- (6)** Research and design laboratories.

B. Accessory Uses:

- (1)** Fully enclosed storage in conjunction with a permitted use.
- (2)** Cafeteria and recreational facilities for employee use.
- (3)** Day-care centers or day-care nurseries.

C. Area and Bulk Requirements:

(1) Minimum Lot Dimensions

- (a)** Area – 1 Ac
- (b)** Width – 150 ft.
- (c)** Depth – N/A

(2) Minimum Yard Dimensions

(a) Principal Buildings

- [i]** Front – 40 ft.
- [ii]** Side – 20 ft.
- [iii]** Rear – 40 ft.

(b) Accessory Buildings

- [i]** Front – N/A
- [ii]** Side – 10 ft.

[iii] Rear – 10 ft.

(3) Maximum Height of Buildings

(a) Stories – N/A

(b) Feet – 35 feet

(4) Maximum Height of Accessory Buildings

(a) Stories – 1 ½ Stories

(b) Feet – 15 ft.

(5) Maximum Impermeable Coverage of Lot by Percent

(a) 70 percent

(6) Off-Street Parking and Loading

(a) See § 93-69 **Parking Design Criteria, Off-Street Parking Schedule, Loading Space Schedule.**

(7) Landscaping

(a) 10 percent

Article IV – District Regulations

§ 93-27 R.C. & S Retail Commercial and Service

A. Principal Uses:

(1) Retail and business uses of and similar to the following:

(a) Athletic equipment and sporting goods store; bakery/pastry shop; bar/tavern; bicycle sale, rent, services; book/record store; butcher & meat market; coffee shop/restaurant; candy store; costume shop; curio/novelty shop; drug store/pharmacy; drugs and sundries; floor covering, draperies; florist; furniture store; furniture rental agency; gift/card shop; gun shop/gunsmith; hardware/appliance store; jewelry store; liquor store; military surplus store; motion picture theater; optician shop; paint & wallpaper store; pet store (no kennel); photographic supply/camera shop with film processing; power tool sales; shoe store; stamp coin store; stationery store; soda fountain/ice cream parlor; supermarket/food store; ticket agency; tobacco shop; toy store; trophy/emblem store; wig sales & services.

(2) Service uses of and similar to the following:

(a) Appliance repair shop; bank/savings and loan; barber/beauty shop; child care center; clinic (child/family guidance); clinic (physical therapy); drafting service; dressmaker/tailor; funeral establishment; furniture cleaning, refinishing, reupholster shop; hearing aids.(sales & services); interior decorator's office; laboratory: medical, dental or optical; Laundromat (self-service); laundry or cleaning pick-up station; library; locksmith/safe repair shop; messenger service; office: finance, loan, credit, insurance, accounting, bookkeeping; pet grooming; pest control service; photography studio, including incidental processing; picture framing shop; printer/lithographer; public-owned building; residence of a caretaker/proprietor as an auxiliary use; health & exercise facilities; clubs; shoe repair/shoe shine; stenographic service; studio - dance, voice, music; telephone answering service; television/radio repair shop; travel agency; office and professional uses; shopping centers.

B. Drive In Banks:

(1) Purpose:

- (a)** The purpose of this section is to establish performance standards for drive-in bank facilities as adjuncts to branch bank buildings.

(2) Minimum Requirements

- (a)** Minimum area and bulk requirements shall be as follows:

[i] Minimum lot size: forty thousand (40,000) square feet.

[ii] Minimum lot width: one hundred fifty (150) feet.

[iii] Maximum lot coverage:

[a] By building: ten percent (10%) maximum coverage.

[b] By impermeable surface other than building: Sixty percent (60%).

[iv] Minimum Building Setbacks:

[a] Front yard: seventy-five (75) feet.

[b] Side yard, each: thirty (30) feet.

[c] Rear yard: thirty (30) feet.

[v] Other regulations: minimum buffer requirements established in § 93-66 **Buffer**

Landscaping Requirements.

(3) Parking and Circulation

- (a)** All drive-in bank facilities shall be designed in such a manner to accommodate generated traffic volume on-site for peak-hour traffic projections.

(b) Parking shall be provided as required in § 93-69 **Parking Design Criteria, Off-Street Parking Schedule, Loading Space Schedule.**

(c) Stacking shall be provided for six cars (132 ft) per window, which does not block circulation aisles or parking spaces. A full-length bypass lane should be provided.

C. Area and Bulk Requirements:

(1) Comments:

- (a)** Area and bulk standards apply to new construction only.

(2) Minimum Lot Dimensions

(a) Area – 4000 s.f.

(b) Width – 40 ft.

(c) Depth – N/A

(3) Minimum Yard Dimensions

(a) Principal Buildings

[i] Minimum Front Setbacks:

[a] Buildings fronting on Broadway or Monmouth Street - 0.

[b] Buildings fronting on all other streets - 8 ft.

[ii] Side – 5 ft. minimum when abutting residential

[iii] Rear – 20 ft.

(b) Accessory Buildings

[i] Front – N/A

[ii] Side – 2 ft.

[iii] Rear – 2 ft.

(4) Maximum Height of Buildings

(a) Stories – 2 ½ stories

(b) Feet – 35 feet

(5) Maximum Height of Accessory Buildings

(a) Stories – 1 ½ stories

(b) Feet – 15 ft.

(6) Maximum Impermeable Coverage of Lot by Percent

(a) 80 percent

(7) Off-Street Parking and Loading

(a) See § 93-69 **Parking Design Criteria, Off-Street Parking Schedule, Loading Space Schedule.**

(8) Landscaping

(a) 20 percent

Article IV - Table A - Zoning Schedule of District Regulations

Article IV - Table A - Zoning Schedule of District Regulations																				
Zone Districts	Minimum Lot Dimensions			Minimum Yard Dimensions								Maximum Height of Buildings				Maximum Height of Accessory Buildings		Maximum Impermeable Coverage of Lot by Percent	Off-Street Parking and Loading	Landscaping
				Principal Buildings				Accessory Buildings												
	Area (sq. ft.)	Width (ft.)	Depth (ft.)	Front (ft.)	Side (ft.)	20ft. Aggregate/Min. 10 ft.	Rear (ft.)	Front (ft.)	Side (ft.)	Rear (ft.)	Stories	Feet	Stories	Feet	Stories	Feet				
R-L Residential Low Density	5000 s.f.	50 ft.		20 ft.		20ft. Aggregate/Min. 10 ft.	25 ft.	NA	5 ft.	5 ft.	3 st.	35 ft.	1 1/2	15	30	2 Spaces per Dwelling Unit See § 93-88 for other uses				
R-M Residential-Medium Density	4000 s.f. Single Family Attached, 5000 s.f. per Townhome Dwelling. 2500 s.f. Twinhouse Dwelling.	40 ft. Single Family Attached. 50 ft. Townhome. 25 ft. Each Twinhouse.		8 ft. Of existing building line for 70% of the block face, which ever is less		5 ft. each 5 ft.	25 ft.	NA	3 ft.	3 ft.	3	35 ft.	3	35 ft.	35	2 Spaces per Dwelling Unit See § 93-88 for other uses				
RR Riverfront Recreational																				
CRO Commercial Residential Office Mixed Use	4000 s.f.	40 ft.		0		When adjacent to a residential use: 10 ft.	20 ft.	NA	3 ft.	3 ft.	3	35 ft.	1.5 st.	15 ft.	0.85	See § 93-88	15%			
LJ Light Industrial					65 ft.	35 ft.	65 ft.					45 ft.		25 ft.	60%	See § 93-88	10%			
PCH Port Cargo Handling	See § 93-22																			
PPID Port Planned Industrial Development	See § 93-23																			
HC Highway Commercial	30,000 s.f.			60 ft.		20 ft. each	20 ft.	NA	5 ft.	5 ft.	2 stories	25 ft.			70%	See § 93-88	20%			
BI-Business Industrial														1 1/2 stories	70	See § 93-88	10%			
R.C. & S Retail Commercial and Service	4000 s.f.	40 ft.		On Broadway or Monmouth Street: 0 ft. All other streets abutting residential		15 ft. MIN When abutting residential	20 ft.	NA	10 ft.	10 ft.	2 1/2	35 ft.	1 1/2	15 ft.	80%	See § 93-88	20%			

Article V – Subdivision, Site Plan and Conditional Use Approval

§ 93-28 Filing of Applications

- A.** Forms for filling applications for development, completeness review checklists and information regarding the steps to be taken, as well as the regular meeting dates of the reviewing board, shall be obtained by the applicant from the reviewing board's administrative officer.
- B.** Applications for site plan approval, subdivision approval, conditional use approval, planned development approval, or any other development within the jurisdiction of the reviewing board shall be submitted to the administrative officer as follows:
- (1)** Minor Subdivision – at least fourteen (14) days prior to a work meeting of the reviewing board.
 - (2)** Preliminary or Final Major Subdivision – at least twenty-one (21) days prior to a work meeting of the reviewing board.
 - (3)** Preliminary or Final Site Plan or Conditional Use Approval – at least twenty-one (21) days prior to a work meeting of the reviewing board.
 - (4)** Other Applications – at least twenty-one (21) days prior to a work meeting of the reviewing board.
- C.** The applicant shall submit for filing, fifteen (15) copies of all plats, maps or other plans required for a complete application and the applicant shall inform the reviewing board's administrative officer within forty-eight (48) hours of the filing. In the case of applications for final approval of a major subdivision, the application shall include the originals and processed tracings, as required by the "Map Filing Law", New Jersey Statute 46:23-9.9. Any amended application, together with any amended plats, maps or other plans, shall be submitted for filing in the same manner as the original application.

§ 93-29 Time for Decision on Subdivision, Site Plan and Conditional Uses

- A.** Determination of a Complete Application
- (1)** Within 45 days of the submission of an application for development pursuant to sections B, C, and D (below) the reviewing board or its authorized committee or designee shall certify in writing if the application is complete for the purposes of commencing the

applicable time period for review specified in sections B, C and D. In the event that the reviewing board, committee or designee does not act to issue a certification within the 45 day time period, the application shall automatically be deemed complete for review.

Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that the is entitled to approval of the application.

- (2) An application shall not be certified as complete if it lacks information indicated on the checklist adopted by the City by ordinance and provided to the applicant along with the development application forms.
- (3) The applicant may include with their application a request to waive one or more of the required checklist items which shall be granted or denied with 45 days.
- (4) The reviewing board may subsequently require correction of any information found to be in error and submission of additional information not specified in this 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 revisions in the accompanying documents so required by the reviewing board.

B. Site Plans

- (1) Upon the submission of a complete application for a site plan which involves ten (10) acres of land or less or ten (10) dwelling units or less, the reviewing board shall grant or deny preliminary approval within forty-five (45) days of the date of such submission, or within such further time as may be consented to by the applicant. Upon submission of a complete application for a site plan which involves more than 10 acres or more than 10 dwelling units, the reviewing board shall grant or deny preliminary approval within ninety-five (95) days of the date of such submission or within such further time as may be consented to by the applicant. Otherwise, the reviewing board shall be deemed to have granted preliminary approval of the site plan. If the application also involves an application for a variance, the reviewing board shall grant or deny preliminary approval within one hundred twenty (120) days of the date of such submission of a complete application or within such further time as may be consented to by the applicant.

C. Conditional Uses

- (1) Upon submission of a complete application for a conditional use, the reviewing board shall grant or deny approval of the application within ninety-five (95) days of the date of such submission or within further time as may be consented to by the applicant. If the application also involves an application for a variance, the reviewing board shall grant or deny preliminary approval within one hundred twenty (120) days of the date of such submission of a complete application or within such further time as may be consented to by the applicant.

D. Subdivisions

- (1) Upon submission of a complete application for a subdivision of 10 or fewer lots, other than a minor subdivision, the reviewing board shall grant or deny preliminary approval within forty-five (45) days of the date of such submission or within such further time as may be consented to by the applicant. Upon submission of a complete application for a subdivision of more than 10 lots, the reviewing board shall grant or deny preliminary approval within ninety-five (95) days of the date of such submission or within such further time as may be consented to by the applicant. If the application also involves an application for a variance, the reviewing board shall grant or deny preliminary approval within one hundred twenty (120) days of the date of such submission of a complete application or within such further time as may be consented to by the applicant.
- (2) Minor subdivision approvals shall be granted or denied within forth-five (45) days of the date of submission of a complete application to the reviewing board or within such further time as may be consented to by the applicant. If the application also involves an application for a variance, the reviewing board shall grant or deny preliminary approval within ninety-five (95) days of the date of such submission of a complete application or within such further time as may be consented to by the applicant.

E. If the reviewing board requires any substantial amendments in the layout of improvements proposed by the developer, which have been the subject of a hearing, an amended application for development shall be submitted and shall proceed as in the case of the original application for development.

F. Nothing herein shall be construed to limit the right of a developer to submit a sketch plat to the reviewing board for an informal review and neither the reviewing board nor the developer shall be bound by any discussion or statements during such review, provided that the right of

the developer to submit a complete application for subdivision or site plan approval shall not at any time be limited to submission of a sketch plat. The time for the reviewing board's decision shall not begin to run until the submission of a complete application.

- G.** The reviewing board will not provide any professional review outside the reviewing board meeting to applicants without the payment of a required escrow fee for review costs, as established in § 93-58 of this Article.

§ 93-30 Right Under Preliminary Approval

- A.** Preliminary approval of a major subdivision or site plan, except as provided in subsection B of this section, shall confer upon the applicant following rights for a three-year period from the date on which the resolution of preliminary approval is adopted.

- (1)** The general terms and conditions on which preliminary approval was granted should not be changed, including but limited to;

(a) Use requirements;

(b) layout and design standards for streets, curbs and sidewalks, if any;

(c) lot size, yard dimensions and off-tract improvements;

(d) and, in the case of a site plan, any requirements peculiar to site plan approval;

Except that nothing herein shall be construed to prevent the City Council from modifying, by ordinance, such general terms and conditions of preliminary approval, as related to public health and safety.

- (2)** The applicant may submit for final approval on or before the expiration date of preliminary approval the entire or a section or sections of the preliminary subdivision plat or site plan.
- (3)** The applicant may apply for, and the reviewing board may grant, extensions of such preliminary approval for additional periods of at least one year, but not to exceed a total extension of two years, provided that, if the design standards have been revised by ordinance, such revised standards may govern.
- (4)** In the case of a subdivision of or site plan for an area of 50 acres or more, the planning board may grant the rights referred to in subsections 1 , 2, or 3 of this section for such period of time, no longer than three years, as shall be determined by the planning board to be reasonable taking into consideration: (1) the number of dwelling units and

nonresidential floor area permissible under preliminary approval, (2) economic conditions, and (3) the comprehensiveness of the development.

The applicant may apply for thereafter and the planning board may 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 (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval, and (2) the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval, (3) economic conditions, and (4) the comprehensiveness of the development; provided that if the design standards have been revised, such revised standards may govern.

- (5) Whenever the planning board grants an extension of preliminary approval pursuant to subsection 3 or 4 of this section and preliminary approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.
- (6) The planning board shall grant an extension of preliminary approval for a period determined by the board but not to exceed one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. A developer shall apply for the extension before; (1) what would otherwise be the expiration date of the preliminary approval or (2) the ninety-first day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this subsection shall not preclude the planning board from granting an extension pursuant to subsection 3 or 4 of this section.

B. In the case of a subdivision or site plan of an area of fifty (50) acres or more, the reviewing board may grant the rights referred to in subsection A. (1), (2) and (3) above for such period of time longer than three (3) years, as shall be determined by the reviewing board to be reasonable and taking into consideration: the number of dwelling units and non-residential

floor area permissible under preliminary approval, economic conditions and the comprehensiveness of the development. The applicant may apply for thereafter and the reviewing board may grant an extension of preliminary approval for such an additional period of time as shall be determined by the reviewing board to be reasonable and taking into consideration: the number of dwelling units and nonresidential floor area permissible under preliminary approval; the potential number of dwelling units and non-residential 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 by ordinance, such revised standards may govern.

§ 93-31 Application for Final Approval of Site Plans and Major Subdivisions

- A.** The reviewing board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by this ordinance for final approval, the conditions of preliminary approval, and, in the case of a major subdivision, the standards prescribed by the "Map Filing Law", New Jersey Statute 46:23-9.9, provided that, in the case of a planned development, the reviewing body may permit minimal deviations from the conditions of preliminary approval necessitated by change of condition beyond the control of the developer, since the date of preliminary approval, without the developer's being required to submit another application for development for preliminary approval.
- B.** Final approval shall be wanted or denied within forty-five (45) days after submission of a complete application to the administrative officer, or within such further time as may be consented to by the applicant. Failure of the reviewing board to act within the period prescribed shall constitute final approval of the application and a certificate of the administrative officer as to failure of the reviewing board to act shall be issued at the 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 recording officer for purposes of filing subdivision plats.

Whenever review or approval of the application by the county planning board is required by NJSA 40:27-6.3, in the case of a subdivision; or NJSA 40:27- 6.6, in the case of a site plan, the reviewing 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 or by its failure to report thereon within the required time period.

§ 93-32 Effect of Final Approval

- A.** The requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer pursuant to this ordinance, whether conditionally or otherwise, shall not be changed for a period of two (2) years from the date of the resolution adoption, provided that in the case of major subdivisions, the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided in this ordinance. If the developer has followed the standards prescribed for final approval and, in the case of a subdivision; has duly recorded the plat as required by this ordinance, the reviewing board may extend such period of protection for extensions of one (1) year, but not to exceed three (3) extensions. Notwithstanding any other provision of this ordinance, the granting of final approval terminates the time period of preliminary approval, pursuant to this ordinance for the section granted, final approval.
- B.** In the case of a subdivision or site plan for a planned development of 50 acres or more or a conventional subdivision or a site plan of 150 acres or more, the reviewing 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 reviewing board to be reasonable, taking into consideration the number of dwelling units and nonresidential floor area permissible after final approval, economic conditions and the comprehensiveness of the development. The developer may apply for thereafter and the reviewing board may thereafter grant an extension of final approval for such additional period of time as shall be determined by the reviewing 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 are remaining to be developed: economic conditions; and the comprehensiveness of the development.
- C.** Whenever the planning board grants an extension of final approval pursuant to subsection A or B of this section and final approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The

developer may apply for the extension either before or after what would otherwise be the expiration date.

- D.** The planning board shall grant an extension of final approval for a period determined by the board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approvals. A developer shall apply for the extension before; what would otherwise be the expiration date of final approval; or the ninety-first day after the developer receives the last legally required approval from other government entities, whichever occurs later. An extension granted pursuant to this subsection shall not preclude the planning board from granting an extension pursuant to subsection A or B of this section.

§ 93-33 Minor Subdivision

- A.** The reviewing board may waive notice and public hearing for an application for development if the reviewing board or a subdivision committee of the board appointed by the chairman finds that the application for development conforms to the definition of minor subdivisions set forth in this ordinance. Minor subdivision approval shall be deemed to be final approval of the subdivision by the board, provided that the board may condition such approval on terms, ensuring the provision of improvements pursuant to this ordinance.
- B.** Minor subdivision approval shall be granted or denied within 45 days of the date of submission of a complete application or within such further time as may be consented to by the applicant. Failure of the reviewing board to act within the period prescribed shall constitute minor subdivision approval and a certificate of the administrative officer as to the failure of the reviewing board to act shall be issued at the 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 NJSA 40:27-6.3, the reviewing 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.** Except as provided in subsection F of this section, approval of a minor subdivision shall expire 190 days from the date on which the resolution of municipal approval is adopted, unless, within such period a plat in conformity with such approval and the provisions of the "Map Filing Law" (NJS 46:23-9.9), or a deed clearly describing the approved minor subdivision is filed by the developer with the county recording officer, the City engineer and the City tax assessor. Any such plat or deed accepted for such filing shall have been signed by the chairman and the secretary of the reviewing board. In reviewing the application for development for a proposed minor subdivision, the reviewing board may accept a plat not in conformity with the "Map Filing Act", provided that, if the developer chooses to file the minor subdivision as provided herein by plat rather than deed, such plat shall conform to the provisions of said act.
- E.** The zoning district 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 on which the resolution of minor subdivision approval is adopted; provided that the approved minor subdivision shall have been duly recorded as provided herein.
- F.** The reviewing board may extend the one hundred ninety (190) day period for filing a minor subdivision plat or deed pursuant to subsection C of this section if the developer proves to the reasonable satisfaction of the planning board (1) that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities or quasi-governmental entities; and that the developer applied promptly for and diligently pursued these approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the planning board. The developer may apply for the extension either before or after what would otherwise be the expiration date.
- G.** The reviewing board shall grant an extension of minor subdivision approval for a period determined by the board not to exceed one year from what would otherwise be the expiration date if the developer proves to the reasonable satisfaction of the reviewing board that the developer was barred or prevented, directly or indirectly, from proceeding with the

development because of delays in obtaining legally required approvals from other governmental entities or quasi-governmental entities; and that the developer applied promptly for and diligently pursued these approvals. A developer shall apply for the extension before (1) what would otherwise be the expiration date of minor subdivision approval or (2) the ninety-first day after the developer receives the last legally required approval from other governmental entities, whichever occurs later.

§ 93-34 Filing Subdivision Plats

- A.** Final approval of a major subdivision shall expire 95 days from the date of signing of a plat, unless, within such period, the plat shall have been duly filed by the developer with the county clerk. The reviewing board may, for good cause shown, extend the period of recording for an additional period not to exceed 190 days from the date of signing the plat. The planning board may extend the 95 day or 190 day period if the developer proves to the reasonable satisfaction of the reviewing board (1) that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities or quasi-governmental entities and (2) that the developer applied promptly for and diligently pursued these approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the reviewing board. The developer may apply for the extension either before or after what would otherwise be the expiration date.
- B.** No subdivision plat shall be accepted for filing by the county recording officer until it has been approved by the reviewing board as indicated on the instrument by the signature of the chairman and secretary of the reviewing board or a certificate has been issued pursuant to NJSA 40:550-47, 50, 56, 61, 67, or 76. The signatures of the chairman and the secretary of the reviewing board shall not be affixed until the developer has posted the guarantees required pursuant to NJSA 40:55D-53. If the clerk records any plat without such approval, such recording shall be deemed null and void, and upon request of the municipality, the plat shall be expunged from the official records.
- C.** It shall be the duty of the county recording officer to notify the reviewing board in writing within 7 days of the filing of any plat, identifying such instrument by its title, date of filing, and official number.

§ 93-35 Site Plan Exemptions

Site plan/subdivision approval shall be required for all development except for:

- A.** Building permits for individual lot applications involving only detached one or two dwelling unit buildings.
- B.** Uses accessory to a residential use, such as a private garage, unless it is a part of an apartment or townhouse project.
- C.** A sign for an existing use or structure, which meets all applicable zoning requirements, as determined by the zoning officer.
- D.** Other buildings incidental to residential land use.
- E.** In connection with the alteration or repair of an existing building or use when the zoning officer determines that said alteration or repair:
 - (1)** will not result in additional lot coverage;
 - (2)** will conform to the maximum and minimum building standards set forth in this ordinance;
 - (3)** will not increase the number of required off-street parking or loading spaces;
 - (4)** is not proposed in connection with a use requiring conditional use approval.

Although a use may be exempted from site plan/subdivision approval, the developer is still responsible for obtaining all necessary permits and approvals prior to construction including, but not limited to, zoning permit, variance approval and construction permits.

§ 93-36 General Application Requirements – Subdivision & Site Plan Review

Applications for subdivision and site plan review and approval shall be made to the Gloucester City reviewing board following the procedures contained in this ordinance.

All applications for subdivision, site plan or conditional use review and approval shall include or be accompanied by:

- A.** Fifteen (15) copies of the appropriate application form(s), completely filled in. If any item is not applicable to the Applicant, it should be so indicated on the application form(s).
- B.** Certification that no taxes or assessments for local improvements are due or delinquent on the subject property.
- C.** Receipt indicating that all fees are paid.

- D.** Affidavit of ownership. If the applicant is not the owner, the applicants interest in the land (e.g. tenant, contract purchaser, lienholder, etc.) and the signed consent of the owner shall be provided.
- E.** If a corporation or a partnership, a list of the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class as required by NJSA 40:55D-48.1 et seq.
- F.** Fifteen (15) copies of any required plot plan, site plan or subdivision plan.
- G.** Either:
- (1) A letter of interpretation from NJDEP identifying the absence of freshwater wetlands or verifying the delineation of the boundaries of a freshwater wetlands area; or
 - (2) A letter from NJDEP certifying that the proposed activity is exempt from the regulation under the Freshwater Wetlands Protection Act; or
 - (3) A copy of any application made to NJDEP for any permit concerning a proposed regulated activity in or around freshwater wetlands.
- The reviewing board may waive the above requirements where it can be established by the applicant and verified by the board and its professionals that no wetlands exist on site or on any contiguous property.
- H.** Statements as to the exact nature of any waiver or variance required by this application and the reasons why the waiver(s) or variance(s) should be granted.

§ 93-37 Minor Subdivision – Plat Details

Proposed subdivisions which are found by the reviewing board or its authorized committee or designee to comply with the definition of a minor subdivision, contained in this ordinance, shall be considered and reviewed according to specific procedures contained in this ordinance. In the case of minor subdivisions, the reviewing board may determine either by general rule or, on a case-by-case basis, that a public hearing may be waived. The first approval given a minor subdivision shall be deemed to be final approval of the subdivision, provided that an administrative officer or the Board may condition such approval on terms ensuring the provision of improvements pursuant to Article V, § 93-45, if applicable.

The application form for minor subdivision review shall be completed and shall be accompanied by a plat signed and sealed by a licensed land surveyor, which plat shall be a certified survey of

the tract, at a suitable scale to enable the entire tract to be shown on one sheet and which shall show or include information indicated on the checklist adopted by the City by ordinance, or in the absence of a checklist the following information:

- A.** A key map showing the entire subdivision in relation to the surrounding area and roadway system. The key map shall be taken from the "Gloucester City Zoning Boundaries Map", with the property plotted therein;
- B.** All existing structures and wooded areas within the parcel to be subdivided and within 200 feet of said parcel;
- C.** The name and address of the owner and the name of all property owners within 200 feet, as disclosed by the most recent municipal tax records;
- D.** The tax map sheet, block and lot numbers;
- E.** All existing and proposed streets and easements (including public utility easements) within or adjoining the proposed subdivision, with right-of-way widths clearly indicated;
- F.** The point of beginning and metes and bounds of the property in question. All measurements shall be in feet and decimals of a foot;
- G.** Property corner markers, both found and set, or the relation of existing markers to the property corner;
- H.** The dimensions of all proposed lot lines of all new lots being created and parcels being retained; the minimum front, side and rear building setback lines for each lot; and any existing lot lines to be eliminated by the proposed subdivision shall be clearly indicated;
- I.** Location, size and direction of flow of all streams, brooks, lakes, watercourses, drainage structures and drainage ditches in the area to be subdivided and 300 feet of the proposed subdivision;
- J.** North arrow scale at which the plat is drawn and the date of preparation;
- K.** Acreage of the entire tract and of new parcels being proposed;
- L.** Number of new lots being created;
- M.** Name and address of the owner, subdivider and person preparing the plat;
- N.** The classification of the zoning district or districts in which the proposed subdivision is located, and a schedule showing compliance of the proposed lots with the area and bulk standards of the district or districts;
- O.** The location of any proposed open space or recreation area;

- P.** Soil types shall be plotted on the plat as determined from S.C.S. Soil Survey Maps or a field survey by a qualified soil scientist;
- Q.** A plat or plan showing the location of all boundaries of the subject property, the location of all proposed development, and existing or proposed facilities to provide water for the use and consumption of occupants of all buildings and sanitary facilities which will serve the proposed development;
- R.** The following certifications shall appear of the subdivision plot:

DATE: _____

NAME OF PROPERTY OWNER

I hereby certify that this map and survey has been made under my supervision and complies with the provisions of the "Map Filing Law."

DATE: _____

LICENSED LAND SURVEYOR
N.J. #

I hereby certify that the public streets or other ways shown hereon have been approved as to location and width and names by the proper authority.

DATE: _____

CITY CLERK

I hereby carefully examined this map and find it conform with the provisions of the Map Filing Law and the Municipal Ordinances and requirements applicable thereto.

DATE: _____

CITY ENGINEER

This map is hereby approved by the Planning Board (or Zoning Board of Adjustment) of the City of Gloucester City.

DATE: _____

PLANNING BOARD CHAIRPERSON

I certify that this map was duly approved by resolution of the Planning Board (or Zoning Board of Adjustment) at an official meeting held on _____ and shall be titled.

I hereby certify that the Planning Board (or Zoning Board of Adjustment) is the constituted proper authority.

DATE: _____

SECRETARY OF PLANNING BOARD
(OR ZONING BOARD OF
ADJUSTMENT)

This map has been reviewed as prescribed by H.S. 40:27-6.2 and has been approved as required by R.S. 40:27-6.3 on _____ for the Camden County Planning Board.

DATE: _____

PLANNING DIRECTOR

DATE: _____ ATTEST: _____

This map is certified to the Register of Deeds as conforming to the provisions of the
"Map Filing Law" for the Camden County Planning Board.

DATE: _____

PLANNING BOARD

§ 93-38 Major Subdivision – Sketch Plat, Preliminary Plat and Final Details

A. Major subdivision sketch plats for discussion purposes shall be drawn to a scale of not less than 1 in. = 200 feet and shall, as a minimum, include Items A to P of § 93-37

Minor Subdivision – Plat Details.

B. Applications for major subdivisions shall be made for preliminary review and approval by the reviewing board and appropriate application forms to be provided by said reviewing board.

(1) Preliminary Submission Requirements - An application for preliminary plat review and approval shall include a completed application form, together with a preliminary plat which shall be:

- clearly and accurately drawn or reproduced at a suitable scale and not less than 1 in. = 100 feet;
- designed and drawn by a professional engineer and licensed land surveyor with certification that the outbound of the tract have been accurately located;
- designed in compliance with the provisions of Article V of this ordinance; and
- show or be accompanied by the information indicated on the checklist adopted by the City by ordinance or in the absence of a checklist following information

(a) A key map based on the Gloucester City Zoning Map showing the entire subdivision, the proposed street pattern in the area to be subdivided, the distance to the nearest existing development area, and the relationship of the subject tract to the surrounding area and road system.

(b) The name of the proposed subdivision; applicable municipal tax map sheets;

block and lot numbers; the date; reference meridian; graphic scale; and the following names and addresses:

- [i] name and address of the record owner or owners and the name of all adjoining property owners, as disclosed by the most recent municipal tax records;
- [ii] name and address of the subdivider;
- [iii] name and address of the person who prepared the plat.

(c) The point of beginning and metes and bounds of the property in question. All measurements shall be in feet and decimals of a foot; the acreage of the tract to be subdivided to the nearest tenth of an acre and the number of lots to be formed. The dimensions of all proposed lot lines of all new lots being created and parcels being retained to the nearest foot and any existing lot lines to be eliminated by the proposed subdivision shall be clearly indicated.

(d) The location of:

- [i] existing and proposed property lines;
- [ii] property corner markers, both found and set, or the relation of existing markers to the property corners
- [iii] existing or proposed railroads or bridges;
- [iv] existing buildings and structures with an indication of whether they will be retained or removed;
- [v] proposed building setback lines from streets; and
- [vi] the outline of any wooded areas, together with the limit of any proposed clearing.
- [vii] Vegetation information, may be required in any major subdivision application at the request of the Reviewing Board

(e) Profiles and cross sections of proposed streets within the subdivision and existing streets and highways abutting the subdivision. Typical cross-sections of streets shall clearly indicate the type and width of paving, location of curb, location of sidewalks and street tree locations. Buffer or screen planting locations, any existing or proposed sight triangles at intersections and the radius of the curb lines shall be indicated.

(f) Elevation contours as outlined in Article V, § 93-39.A.1. of this ordinance. All contour lines shall be referenced to the National Geodetic Vertical Datum 1929.

Appropriate contour designations shall show existing ground elevations and proposed elevation in any areas to be regraded.

(g) All existing watercourses shall be shown and the application shall include or be accompanied by the following data:

[i] In cases where a brook or stream is proposed for alteration, improvement or relocation or when any structures are proposed within the ordinary high water mark of a stream with a drainage area of one-half (1/2) square miles or a stream encroachment permit, issued by the N.J. Division of Water Resources, Bureau of Water Control, shall accompany the application.

[ii] Cross-sections of all water courses at an appropriate scale, showing extent of flood plain, top of bank, normal water level and abutting lot elevations at the following locations:

[a] any point where the water course crosses the boundary of the subdivision;

[b] at 50 feet upstream and downstream of any point of juncture of two or more water courses; and

[c] at a maximum of 300 feet intervals along all water courses which run through or adjacent to the subdivision.

[iii] When ditches, streams, brooks or water courses are involved, improved or relocated, the method of stabilizing slopes and measures to control erosion and siltation, as well as typical ditch section profiles, shall be shown on the plat or accompanying it.

[iv] The boundaries of the flood plain and special flood hazard areas of all water courses within or adjacent to the subdivision as are shown on the Gloucester City Flood Insurance Rate Maps.

[v] Profile of stream bed 300 feet upstream and downstream from subject property limits.

(h) The total acreage of the drainage basin, upstream of the proposed subdivision of any water course, running through or adjacent to said subdivision.

(i) The total acreage of the drainage basin (of which the subdivision is part) to the nearest downstream drainage structure.

- (j) The location and extent of drainage or conservation easements and stream encroachment lines.
- (k) The location, extent and water level of all existing or proposed lakes or ponds located within or adjacent to the subdivision.
- (l) The plat shall show or be accompanied by plans and computations for a storm drainage system, including the following:
 - [i] All existing or proposed storm sewer lines within or adjacent to the subdivision, showing size and profile of the lines, direction of flow and location of manholes and inlets and all calculation sheets used for the design of the proposed storm sewer system.
 - [ii] The location and extent of any proposed dry wells, ground water recharge basins, retention basins or other water conservation devices. Plans of proposed utility layouts (sewer, storm drains, water, gas, electricity) shall be included and shall indicate feasible connections to existing or proposed utility systems.
Any sewage collection or water distribution system must have preliminary approval by the Gloucester City Water and Sewer Department. Retention or detention facilities shall be designed to be a minimum of 2 ft. from bottom of facility to maximum ground water, as determined by mottling or other approved methods.
- (m) A zoning schedule identifying compliance of the proposed subdivision with the use, density, area & bulk and parking regulations of this Ordinance.
- (n) A landscape plan showing the location of all plant materials to be installed on site and all areas of existing vegetation to be preserved.
- (o) Any lands to be dedicated or reserved for public use shall be clearly indicated.
- (p) The location of all underground or surface utilities and easements to accommodate them shall be clearly indicated.
- (q) A copy of any protective covenants or deed restrictions proposed for application to the land being subdivided shall accompany the preliminary plat.
- (r) The location of standards, distance from intersection and illumination factors for all street lighting shall be included.

- (s) An area acceptable to the reviewing board as to location and shape, suitable for municipal recreation purposes, shall be shown. Such area shall comprise not less than fifteen percent (15%) of the land area to be developed. Such parcels, when approved by the reviewing board, shall be dedicated by the developer to the municipality.
- (t) A Soil Erosion and Sediment Control Plan.
- (u) A list of other agencies requiring their approval and the status of the application of these agencies.
- (v) Any other information deemed necessary to the review of the subdivision by the reviewing board, City Engineer or City Planner.

C. Final Submission Requirement

Final submission plats shall be accompanied by an appropriate completed application form; shall be drawn in ink on translucent tracing cloth or its equivalent at a suitable scale; and shall comply with all provisions of the "Map Filing Law" (N.J.S.A. 46:23-9.9 et seq.). The final plat shall show, or be accompanied by, only that information and those details specified in the aforementioned New Jersey Map Filing Law or in the information indicated on the checklist adopted by the City by ordinance, or in the absence of a checklist following list:

- (1) Date, location and name of the subdivision, name of the owners, graphic scale and reference meridian.
- (2) Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, land to be reserved or dedicated to public use, Jot lines and other site lines all with accurate dimensions bearings or deflection angles and radius, arcs and central angles of all curves.
- (3) The purpose of any easement or land reserved or dedicated to public use shall be designated and the proposed use of sites other than residential shall be noted.
- (4) All natural and artificial water courses, streams, shorelines, water boundaries and encroachment lines shall be shown
- (5) Each block and lot shall be numbered, with the lots within each block numbered consecutively beginning Number 1, and shall be subject to the approval of the Tax Assessor.
- (6) Minimum building setback lines on all lots and other sides.

- (7) Location and description of all monuments.
- (8) Names of owners of adjoining land parcels.
- (9) Certification by a licensed land surveyor as to the accuracy of details of the plat.
- (10) Certification that the applicant is owner, or equitable owner, of the land or a representative, thereof, or that the owner has given consent under an option agreement.
- (11) An updated certification from the tax collector that there are no delinquent taxes charged to the property involved in the subdivision.
- (12) The preliminary plat, engineering details, cross sections and profiles of streets and plan and profiles of storm drainage systems approved by the municipal engineer shall be required to accompany the final plat with all conditions of preliminary approval met and reviewed by the engineer prior to the final plat submission.
- (13) If applicable, plans and profiles of sanitary sewers and water mains, approved by the municipal utilities authority will be required to accompany the final plat.
- (14) When approval of a plat is required by an officer or body of the Municipality, County or State, approval shall be certified on the plat prior to its filing in the office of the County Clerk.
- (15) All approvals, notices and permits from other agencies.
- (16) Performance guarantees, approved by the municipal solicitor as to form and the municipal engineer's to amount, sufficient to insure the satisfactory completion of improvements and facilities as required by the resolution of the reviewing board granting preliminary approval. The developer's engineer shall submit a detailed engineer's estimate for review and approval by the municipal engineer.
- (17) The following certifications shall appear on the subdivision plat:

DATE: _____

NAME OF PROPERTY OWNER

I hereby certify that this map and survey has been made under my supervision and complies with the provisions of the "Map Filing Law."

DATE: _____

LICENSED LAND SURVEYOR
N.J. #

I hereby certify that the public streets or other ways shown hereon have been approved as to location and width and names by the proper authority.

DATE: _____

CITY CLERK

I hereby carefully examined this map and find it conform with the provisions of the Map Filing Law and the Municipal Ordinances and requirements applicable thereto.

DATE: _____

CITY ENGINEER

This map is hereby approved by the Planning Board (or Zoning Board of Adjustment) of the City of Gloucester City.

DATE: _____

PLANNING BOARD CHAIRPERSON

I certify that this map was duly approved by resolution of the Planning Board (or Zoning Board of Adjustment) at an official meeting held on _____ and shall be titled.

I hereby certify that the Planning Board (or Zoning Board of Adjustment) is the constituted proper authority.

DATE: _____

SECRETARY OF PLANNING BOARD
(OR ZONING BOARD OF
ADJUSTMENT)

This map has been reviewed as prescribed by H.S. 40:27-6.2 and has been approved as required by R.S. 40:27-6.3 on _____ for the Camden County Planning Board.

DATE: _____

PLANNING DIRECTOR

DATE: _____ ATTEST: _____

This map is certified to the Register of Deeds as conforming to the provisions of the "Map Filing Law" for the Camden County Planning Board.

DATE: _____

PLANNING BOARD

§ 93-39 Site Plan Details and Submission Requirements

In cases requiring site plan review and approval, applications for development shall be in accordance with the provisions of Article V, § 93-28, of this ordinance and shall be accompanied by information and documentation specified in this section.

A. Preliminary Submission Requirements

- (1)** Site plans submitted for conventional developments shall include materials that clearly show conditions on the site at the time of the application, the features of

the site which are to be incorporated into the proposed development and the appearance and function of the proposed development. The various elements of the site plan shall be prepared by the professionals, as required by New Jersey Statute 13:40-7.1, licensed to practice in the State of New Jersey, according to the following instructions and including the information indicated on the checklist adopted by the City by ordinance, or in the absence of a checklist the following information and data:

- (a) Site plans shall be drawn to a scale of not less than 1 inch to 50 feet, or in the case of an area of fifty (50) acres, the plot plan may be drawn to a scale of 1 inch to 100 feet. All distances shall be in decimals of a foot and all bearings shall be given to the nearest tenth second and the error of closure of the tract shall be one in ten thousand (1 : 10,000) and certified by a licensed land surveyor.
- (b) A key map showing the entire parcel to be developed and its relation to the surrounding area, based on the Gloucester City Zoning Map.
- (c) Title of development, north point, scare, name, address of record owner and persons preparing the site development plan with their seal and signature affixed to said plan.
- (d) The name of the owners of record of all adjacent properties and the block and lot numbers of such adjacent properties.
- (e) All existing school, zoning and special district boundaries located on or adjacent to the property involved. Such boundaries shall be shown on the key map accompanying the detailed site plan.
- (f) The boundaries of the property involved, building or setback lines of existing streets, lots, reservations, easements and other areas dedicated to public use.
- (g) The location of existing buildings and all other structures such as, but not limited to, signs, culverts, bridges (with spot elevations of such structures), walls, fences, roadways and sidewalks.
- (h) The location of all proposed use areas, buildings, structures (including fences, roadways and sidewalks) and special sites for individual uses, all including proposed grades.
- (i) A zoning schedule identifying compliance of the proposed subdivision with the use,

density, area & bulk and parking regulations of this Ordinance.

- (j) The location and design of any off-street parking or loading areas, showing size and location of bays, aisle ways, barriers, pedestrian access, vehicular access and number of parking or loading spaces
- (k) All means of vehicle access and egress proposed for the site, showing size and location of driveways and driveway or curb openings to existing public streets.
- (l) Location of all storm drainage pipes, structures and watercourses, whether publicly or privately owned, with pipe sizes; grades and direction of flow, whether existing or proposed, and, also, whether above or below the ground surface.
- (m) Existing topography with a contour interval of one (1) foot, where slopes are 3% or less; two (2) feet, where slopes are more than 3% but less than 15%, and five (5) feet, where slopes are greater than 15%, referenced to the National Geodetic Vertical Datum 1929 and indicated by a dashed line. Where any regrading is proposed, finished grade contours should be shown in solid lines.
- (n) Location of existing high points, depressions, ponds, marshes, wooded areas and other significant existing natural features. Vegetation information may be required at the request of the reviewing board. Water courses and public roads, located within 1,000 feet of the site, and shall be shown on the key map.
- (o) A certified survey, prepared by a land surveyor licensed in the State of New Jersey, shall accompany site plans and show the boundaries of the parcel and the limits of all proposed streets, recreation areas and other property to be dedicated to public use or to common open space.
- (p) In the case of new commercial, industrial or public buildings, the site plan shall be accompanied by preliminary architectural floor plans and elevations, with the name, address, professional number and seal of the architect involved.
- (q) All proposed street profiles and cross-sections shall be shown, indicating width of sidewalks and location and size of utility lines, according to the standards and specifications of Gloucester City. Such features are to be shown on a separate map, when necessary.
- (r) Location of all proposed sewer and water lines, valves, hydrants and other appurtenances or alternative means of water supply and sewage disposal and

treatment in conformance with the applicable standards of the appropriate municipal, county and state agencies.

- (s) The proposed positioning; direction, illumination, wattage and periods of operation of all proposed outdoor lighting to be used anywhere on the site or in connection with any proposed building or structure (including signs) thereon.
 - (t) Location of all proposed signs, their size, nature of construction, height and orientation, including all identification signs, traffic and directional signs and free standing and facade signs, together with the nature and time control of sign lighting.
 - (u) A landscape plan showing the location of all plant materials to be installed on site and all areas of existing vegetation to be preserved.
 - (v) A copy of any covenants or deed restrictions that are intended to cover all or any part of the tract.
 - (w) An internal surface drainage plan, designed to produce no greater volume of surface run-off from the site subsequent to development, than that existing prior to development.
 - (x) Such other information or data as may be required by the reviewing board, City Engineer or City Planner, in order to determine that the proposed development is in accord with the master plan and all applicable ordinances of Gloucester City.
 - (y) A listing of other required permits from agencies having jurisdiction and the status of each permit required.
- (2) In any case of any planned development, the application for site plan review shall be accompanied by 15 copies of all site plans and other documenting material. Prior to the determination of completeness of the application for preliminary approval of any planned development under the terms of this ordinance, the reviewing board administrative officer shall, insofar as possible, secure the advice of the municipal engineer and all other experts hired by the reviewing board to review planned development applications concerning the adequacy of plans submitted and the completeness of the submission.

In addition to the materials and data required in connection with conventional site plan applications; as set forth above; an application for planned development shall show or be accompanied by:

- (a) An open space management report setting forth the form of organization proposed to own or maintain the common open space.

Information shall be provided establishing that the association or other entity proposed to administer such common open space will have adequate funding and a sufficient organization to properly maintain, repair and replace such open space and its structures and facilities.

- (b) The use, approximate height and bulk of proposed buildings and other structures.
- (c) Modification of existing municipal ordinance requirements governing streets or ways or the use, density and location of buildings or structures being requested.
- (d) The projected schedule for development and the approximate times when final approvals will be requested.
- (e) A statement as to why the public interest would be served by the proposed development.

B. Final Submission Requirements

Site plans shall be submitted for final approval in accordance with the provisions of Article V, § 93-28, of this ordinance and shall contain or be accompanied by the information indicated on the checklist adopted by the City by ordinance, or in the absence of a checklist the following:

- (1) Information and data contained in the submission for preliminary approval. Final site plans shall be drawn to a scale of not less than 50 feet to the inch.
- (2) Any site plan revisions, additional data or revised documentation required by the reviewing board in its resolution granting preliminary approvals.
- (3) Offer of dedication of streets or other public ways and deeds for any public open space resulting from preliminary development approval.
- (4) Performance guarantees, approved by the municipal solicitor, as to form, and the municipal engineer, as to amount, sufficient to ensure the satisfactory completion of improvements and facilities, as required by the resolution of the reviewing board granting preliminary approval. The developer's engineer shall submit a detailed engineer's estimate for review and approval by the municipal engineer.

- (5) A statement from the municipal engineer that adequate construction plans for all streets, drainage and other facilities covered by the municipal standards are adequate and comply with municipal standards.
- (6) All approvals from other agencies having jurisdiction.
- (7) The following certifications shall appear on the site plan:

Final Site Plan Approval granted on _____ by the City of Gloucester City Planning Board (or Zoning Board of Adjustment).

DATE: _____

SECRETARY

I hereby certify that the engineering conditions imposed on this application for final site plan approval have been met.

DATE: _____

CITY ENGINEER

C. Common Open Space Documents

These documents shall ensure the adequate organization and financial soundness of the association or other entity proposed to own or maintain the common open space. Such documents shall include:

- (1) Articles of incorporation for any homeowner's association, condominium association or other organization to be established to maintain the common open space.
- (2) A master deed or declaration of covenants and restrictions detailing the rights and privileges of individual owners and residents, restricting the use of the common open space and establishing a system of fees assessed against individual owners. A proposed schedule of membership fees for at least the first five (5) years of operation shall be provided.
- (3) Bylaws and membership rules and regulations of any such organization defining the details of its organization and operation.

- (4) The Board Solicitor must review and approve the Declaration of Covenants and Restrictions.

§ 93-40 Requirement Waivers

The reviewing board may waive any of the requirements or details specified to be shown on the site plan in the case of a particular application, if the applicant can demonstrate to the reviewing board's satisfaction that certain required site plan data are not necessary to be shown in order for the reviewing board to be able to determine clearly that all comprehensive plan proposals and policies and all Gloucester City ordinance provisions will be complied with by the proposed developer and that the proposed development will have no deleterious effect on neighboring properties.

Before waiving any application requirements, the reviewing board shall, on the advice of its professional advisors, make a finding that the development plan in question will provide sufficient materials and information to assure the adequate protection of the health, safety and public welfare of the people of Gloucester City.

§ 93-41 Planned Development/General Development Plans

A. Findings for Planned Developments

Prior to approval of such planned developments, the Planning Board shall find the following facts and conclusions:

- (1) That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards pursuant to 40:55D-65c;
- (2) That the proposals for maintenance and conservation of the common open space are reliable and the amount, location and purpose of the common open space are adequate;
- (3) That provisions throughout the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;
- (4) That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established;

- (5) In the case of a proposed development, which contemplates construction over a period of years that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

B. General Development Plan; Completion of Development Sections

- (1) The general development plan shall set forth the permitted number of dwelling units, the amount of nonresidential floor space, the residential density and the nonresidential floor area ratio for the planned development in its entirety, according to a schedule, which sets forth the timing of the various sections of the development. The planned development shall be developed in accordance with the general development plan approved by the Planning Board, notwithstanding any provision of P.L. 1975, C.291 (CA0:55D-1 et seq.), or an ordinance or regulation adopted pursuant thereto after the effective date of approval.

- (2) The term of the effect of the general development plan approval shall be determined by the Planning Board, using the guidelines set forth in subsection 3 of this section, except that the term of the effect of the approval shall not exceed 20 years from the date upon which the developer receives final approval of the first section of the planned development.

The developer must obtain final approval of the first section of the planned development within five (5) years of the date the developer received approval of the planned development or, upon the failure to obtain final approval of the first section within five (5) years, the approval for the entire planned development shall expire. In the event of expiration of the approval, the conditional use shall be deemed terminated with respect to any portion of the planned development not yet constructed, and existing zoning requirements shall thereafter govern such portion not yet constructed. In the event of expiration of approval, the applicant's obligation to complete improvements secured by performance guarantees shall not be affected by such expiration.

- (3) In making its determination regarding the duration of the effect of approval of the development plan, the Planning Board shall consider the number of dwelling units or amount of nonresidential floor area to be constructed; prevailing economic conditions;

the timing schedule to be followed in completing the development and the likelihood of its fulfillment; the developer's capability of completing the proposed development; and the contents of the general development plan and any conditions which the Planning Board attaches to the approval thereof.

C. General Development Plan Contents

A general development plan may include, but not be limited to, the following:

- (1) A general land use plan, at a scale specified by ordinance, indicating the tract area and general locations of the land uses to be included in the planned development. The total number of dwelling units and amount of nonresidential floor area to be provided and proposed land area to be devoted to residential and nonresidential use shall be set forth. In addition, the proposed types of nonresidential uses to be included in the planned development shall be set forth and the land area to be occupied by each proposed use shall be estimated. The density and intensity of use of the entire planned development shall be set forth and a residential density and a nonresidential floor area ratio shall be provided.
- (2) A circulation plan showing the general location and types of transportation facilities, including facilities for pedestrian access within the planned development and any proposed improvements to the existing transportation system outside the planned development.
- (3) An open space plan showing the proposed land area and general location of parks and any other land areas to be set aside for conservation and recreational purposes and a general description of improvements proposed to be made thereon, including a plan for the operation and maintenance of parks and recreational lands.
- (4) A utility plan indicating the need for and showing the proposed location of sewage and water lines; any drainage facilities necessitated by the physical characteristics of the site; proposed methods for handling solid waste disposal; and a plan for the operation and maintenance of proposed utilities.
- (5) A storm water management plan, setting forth the proposed method of controlling and managing storm water on the site.
- (6) An environmental inventory, including a general description of the vegetation, soils, topography, geology, surface hydrology, climate and cultural resources of the site;

existing man-made structures or features; and the probable impact of the development on the environmental attributes of the site.

- (7) A community facility plan, indicating the scope and type of supporting community facilities, which may include: but not be limited to, educational or cultural facilities; historic sites; libraries; hospitals; firehouses, and police stations.
- (8) A housing plan outlining the number of housing units to be provided and the extent to which any housing obligation assigned to the municipality pursuant to P.L. 1985, C.222 (c.52:27d-301 et al.) will be fulfilled by the development.
- (9) A local service plan indicating those public services which the applicant proposes to provide and which may include, but not be limited to, water, sewer, cable and solid waste disposal.
- (10) A fiscal report describing the anticipated demand on municipal services to be generated by the planned development and any other financial impacts to be faced by municipality or school districts as a result of the completion of the planned development the fiscal report shall also include a detailed projection of property tax revenues which will accrue to the county, municipality and school district according to the timing schedule provided under subsection 11 of this section and following the completion of the planned development in its entirety.
- (11) A proposed timing schedule, in the case of a planned development whose construction is contemplated over a period of years, including any terms or conditions which are intended to protect the interests of the public and of the residents who occupy any section of the planned development prior to the completion of the development in its entirety.
- (12) A municipal development agreement, which shall mean a written agreement between a municipality and a developer relating to the planned development.

D. General Development Plan Approval Procedure

- (1) Any developer of a parcel of land greater than 100 acres in size, for which the developer is seeking approval of a planned development, shall submit a general development plan to the reviewing board prior to the granting of preliminary approval of that development by the reviewing board.
- (2) The Planning Board shall grant or deny general development plan approval within 95 days after submission of a complete application to the administrative officer, or within

such further time as may be consented to by the applicant.

E. General Development Plans; Timing Schedule; Modification

In the event that the developer seeks to modify the proposed timing schedule, such modification shall require the approval of the Planning Board. The Planning Board shall, in deciding whether or not to grant approval of the modification, take into consideration: prevailing economic and market conditions; anticipated and actual needs for residential units; and nonresidential space within the municipality and the region; and the availability and capacity of public facilities to accommodate the proposed development.

F. General Development Plan: Variation in Certain Physical Features, Approval Required

- (1) Except as provided hereunder, the developer shall be required to gain the prior approval of the Planning Board if, after approval of the general development plan, the developer wishes to make any variation in the location of land uses within the planned development or to increase the density of residential development or the floor area ratio of nonresidential development in any section of the planned development.
- (2) Any variation in the location of land uses or increase in density or floor area ratio proposed in reaction to a negative decision of, or condition of development approval imposed by the Department of Environmental Protection pursuant to P.L. 1973, C. 185 (c.13:19-1 et seq.), shall be approved by the Planning Board if the developer can demonstrate to the satisfaction of the Planning Board that the variation being proposed is a direct result of such determination by the Department of Environmental Protection, as the case may be.

G. General Development Plan: Amendments, Approval Required

- (1) Except as provided hereunder, once a general development plan has been approved by the Planning Board, it may be amended or revised only upon application by the developer approved by the Planning Board.
- (2) A developer, without violating the terms of the approval pursuant to this act, may in undertaking any section of the planned development, reduce the number of residential units or amount of nonresidential floor space by no more than 15%, or reduce the residential density or nonresidential floor area ratio by no more than 15%; provided, however, that a developer may not reduce the number of residential units to be

provided, pursuant to P.L. 1985, c.222 (C.42:27D-301 et al.) without prior municipal approval.

H. General Development Plan: Completion of Development Sections

- (1) Upon the completion of each section of the development, as set forth in the approved general development plan, the developer shall notify the administrative officer, by certified mail, as evidence that the developer is fulfilling his obligations under the approved plan. For the purpose of this section, "completion" of any section of the development shall mean that the developer has acquired a certificate of occupancy for every residential unit or every nonresidential structure, as set forth in the approved general development plan and pursuant to section 15 of P.L. 1975, c.217 (C.52:27D-133). If the municipality does not receive such notification at the completion of any section of the development, the municipality shall notify the developer, by certified mail, in order to determine whether or not the terms of the approved plan are being complied with.

If a developer does not complete any section of the development within eight months of the date provided for in the approved plan, or if, at any time, the municipality has cause to believe that the developer is not fulfilling his obligations pursuant to the approved plan, the municipality shall notify the developer, by certified mail; and the developer shall have 10 days within which to give evidence that he is fulfilling his obligations pursuant to the approved plan. The municipality thereafter shall conduct a hearing to determine whether or not the developer is in violation of the approved plan. If after such a hearing, the municipality finds good cause to terminate the approval; it shall provide written notice of same to the developer and the approval shall be terminated 30 days thereafter.

- (2) In the event that a developer, who has general development plan approval, does not apply for preliminary approval for the planned development which is the subject of that general development plan approval within five years of the date upon which the general development plan has been approved by the Planning Board, the municipality shall have cause to terminate the approval.

I. General Development Plan: Termination of General Development Approval

In the event that a development, which is the subject of an approved general development plan, is completed before the end of the term of the approval, the approval shall terminate with the completion of the development. For the purposes of this section, a development shall be considered complete on the date upon which a certificate of occupancy has been issued for the final residential or nonresidential structure in the fast section of the development, in accordance with the timing schedule set forth in the approved general development plan and the developer has fulfilled all of his obligations pursuant to the approval.

§ 93-42 General Objectives Development Review

In reviewing development applications for land subdivision or site plan approval, the reviewing board will expect conformance of design standards which will encourage: good development patterns in the municipality; adherence to proposals, policies and standards contained in the master plan; and consistence with the requirements of other articles of this ordinance and with the Official Map and Capital Improvements Plan of the City.

§ 93-43 Minor Subdivision Design Standards

- A.** Space Standards - Minor subdivisions shall conform to the lot size and dimensional requirements of the various zones of this ordinance.
- B.** Development Patterns - Minor subdivisions shall be designed to avoid adverse impacts on the desirable future subdivision of adjoining land and strip development of existing highway frontages shall be discouraged.
- C.** Maintenance of Standards - Minor subdivisions involving lot line changes should avoid unnecessary infractions of the zoning sections of this ordinance.

§ 93-44 Major Subdivision Design Standards

- A.** General - Major subdivisions should conform to: design standards which will provide save and efficient access to the neighborhood street and highway system; related the design of the subdivision to the natural topography and existing vegetative cover of the site; contribute to the harmonious development of the municipality and enhance the public welfare of the community.

B. Streets

- (1)** All streets within major subdivisions shall be designed to serve a specific function and shall be classified by the reviewing board in terms of their projected use according to the following classification system:
 - (a)** Primary Arterial Road - Primary arterial roads are designed to serve primarily regional traffic movements (more than 15,000 vehicles/day).
 - (b)** Secondary Arterial Road - Minor or secondary arterials are intended to connect with and augment the major arterial system and provide for trips of moderate length at a lower speed and a lesser volume (5,000 - 15,000 vehicles/day).
 - (c)** Collector Street - Collector streets are designed to serve as traffic channels between minor streets and the arterial road system (1,000 – 5,000 vehicles/day). No lots shall have direct access to a collector street.
 - (d)** Residential Sub-collector - A street within a residential community, which collects traffic from local streets and directs it to higher order streets outside the development (500 – 1,000 vehicles/day).
 - (e)** Local Street (including cul-de-sacs and marginal access streets) local or minor streets are designed and intended to provide access to adjacent properties and are not intended to carry through-traffic (less than 500 vehicles/day).
- (2)** Right-of-way widths for the above designated street classifications shall be:
 - (a)** Primary Arterial - 100 ft.;
 - (b)** Secondary Arterial - 90 ft.;
 - (c)** Collector - 60 ft. to 80 ft.
 - (d)** Sub-collector - 60 ft.;
 - (e)** Minor street - 50 ft.
- (3)** Pavement widths, median strips and paved shoulder requirements on all proposed streets shall conform to the requirements of the municipal engineer.
- (4)** All roads shall conform to the design standards as set forth in the following chart.

Road Design Standards

<u>Standards</u>	<u>Local Street</u>	<u>Sub-Collector</u>	<u>Secondary</u>	<u>Arterial</u>
<u>Design Speed</u> <u>(MPH)</u>	<u>35</u>	<u>40</u>	<u>50</u>	<u>55</u>
<u>Minimum</u> <u>Centerline</u> <u>Radius</u>	<u>150</u>	<u>300</u>	<u>500</u>	<u>1200</u>
<u>Minimum</u> <u>Centerline</u> <u>Grade (%)</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>
<u>Maximum</u> <u>Centerline</u> <u>Grade (%)</u>	<u>4.0</u>	<u>4.0</u>	<u>4.0</u>	<u>4.0</u>
<u>Maximum</u> <u>Curve Super-</u> <u>Elevation (%)</u>	<u>8.0</u>	<u>8.0</u>	<u>8.0</u>	<u>8.0</u>
<u>Minimum</u> <u>Corner Sight</u> <u>Distance (ft)</u>	<u>350</u>	<u>400</u>	<u>500</u>	<u>550</u>

- (5) Local or minor streets shall be so designed as to discourage through-traffic.
- (6) Subdivisions abutting arterial streets shall provide a marginal service road or reverse frontage lots with planted buffer strips, or such other means of separation of through and local traffic, as the reviewing board may determine appropriate.
- (7) The right-of-way for internal roads and alleys in commercial and industrial development shall be determined on an individual basis by the reviewing board and shall, in all cases, be of sufficient width and design to safely accommodate expected traffic movements and parking and loading needs.
- (8) No subdivisions showing reserve strips controlling access to streets shall be

approved, except where the control and disposal of land comprising such strips has been placed in the hands of city council, under conditions stipulated or approved by the reviewing board.

- (9) Subdivisions that adjoin or include existing streets, which do not conform to widths as shown on the master plan or official map, or the street width requirements of this ordinance, shall dedicate additional width along either one or both sides of said road. If the subdivision is along one side only, one-half of the required extra width shall be dedicated.
- (10) Street intersections shall be at as nearly right angles as is possible and, in no case, shall they be less than sixty degrees (60°). Block corners at intersections shall be rounded at the curb line, with a radius of not less than 20 feet.
- (11) Streets shall not intersect another street with an offset of less than 200 feet, intersecting either on the same side and/or opposite side of the major street.
- (12) A tangent of a length approved by the municipal engineer shall be introduced between reverse curves on arterial and collector streets.
- (13) Dead-end streets shall not be longer than 600 feet and shall provide a turn-around at the closed end, with a radius of not less than 50 feet at the curb line tangent, wherever practicable, to the right side of the street. If a dead-end street is temporary, a similar turn-around shall be provided, together with provision for future extension of the street and reversion of any excess right-of-way to adjoining properties.
- (14) No street shall have a name which will duplicate, or so nearly duplicate, as to be confused with the names of existing streets in either the municipality or an adjoining municipality. The continuation of an existing street shall have the same name.
- (15) Final approval of a plat shall not be construed as the acceptance of a street or other public improvement dedicated to public use.
- (16) In the case of focal streets within a development where the reviewing board determines that the length of the street and the nature of adjacent uses warrants a reduction in the width of the paved surface, the width may be reduced below the paved width required in this ordinance, but, in no case, shall the paved width of a local street be less than 26 feet.

- (17) Grades of streets shall not exceed four percent (4%). No street shall have a minimum grade of less than one-half of one percent (0.5%).
- (18) Driveways, curbs, sidewalks, drainage structures under drives, maintenance of graded swales behind the edge of road or curb line shall be the responsibility of the homeowner's association, after final acceptance by the municipal engineer.
- (19) Sight triangle easements shall be shown on final plats.
- (20) All designs to be in accordance with:
 - (a) "A Policy on Geometric Design of Highways and Streets", American Association of State Highway Transportation Officials (AASHTO), 1990 or latest revision.
 - (b) "Transportation and Traffic Engineering Handbook", Institute of Transportation Engineers, 1982 or latest revision.
 - (c) "Transportation and Land Development", Institute of Transportation Engineers, 1988 or latest revision.
 - (d) The "New Jersey Uniform Residential Site Improvement Standards" New Jersey Department of Community Affairs.

C. Blocks

- (1) Block length and width or acreage within bounding roads shall be such as to accommodate the size of lots required in the area by the zoning ordinance and to provide for the convenient access, circulation and safety of street traffic.
- (2) In blocks over 1,000 feet long, pedestrian crosswalks may be required in those locations deemed necessary by the reviewing board. Such walkways shall be 10 feet wide and be straight from street to street.
- (3) For commercial, multi-family housing or industrial use, block size shall be sufficient to meet all area and yard requirements for such use.

D. Lots

- (1) The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Only one (1) single family detached dwelling unit shall be located on any individual lot, unless otherwise allowed in the zone in which the lot is located.
- (2) Lot dimensions and area shall not be less than the requirements of the zone in which

the lot is located.

- (3) Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.
- (4) Where extra width has been dedicated for the widening of existing streets to conform to master plan proposal, lots shall begin at such extra width lines and, in any event, all setbacks shall be measured from such extra width lines.
- (5) Where there is a question as to the suitability of a lot or lots for the intended use, due to factors such as flood conditions or similar circumstances, the approving authority may, after adequate investigation, withhold approval of such lots.

E. Public Use and Service Areas

- (1) In large scale developments, easements along rear property lines or elsewhere for utility installations may be required. Such easements shall be at least 15 feet wide and located in consultation with the companies or municipal departments: concerned. The requirement of off-site and off-tract services and improvements or a reasonable contribution thereto shall be required in the interest of sound and harmonious neighborhood and community development.
- (2) Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction or both as will be adequate for the purpose.
- (3) Natural features such as trees, hilltops and views shall be preserved whenever possible in designing any subdivision containing such features.
- (4) Recreation and Open-Space
 - (a) In order to provide for the safety and the general welfare of the public, all subdivisions, which will result in five (5) or more dwelling units, shall set aside no less than fifteen percent (15%) of the total area of the subdivision for off-street recreation and/or play areas. This fifteen percent (15%) shall not include easement or right-of-way areas. The location, form and design of such areas shall be approved by the approving authority. The area specifically designated for recreational purposes shall be fully usable for that purpose and shall have all improvements required by this ordinance.

Wherever possible, recreational sites should be located adjacent to school sites. In the case of large subdivisions, consideration should be given to decentralizing several smaller recreational areas throughout the development. The method of preserving such areas for recreational open space, whether by easement, deed restriction, dedication, homeowner association type or other means, shall be approved by the approving authority.

(b) In the selection of the location of such open spaces, consideration shall be given to the preservation of natural features.

(c) In special circumstances where the subdivision will result in not less than five (5) nor more than ten (10) dwelling units and where, due to the size, location and design requirements of the subdivision, it is not feasible in the opinion of the approving authority to set aside such area or areas for open space, the applicant shall make a payment in lieu of the provision of such open space land to the City. Such payments shall be placed in a special recreational open space land fund to be utilized solely of the purchase of public recreational open space. The amount of the payment shall be equal in size and character to the land, which would otherwise be provided within the subdivision itself, in compliance with the regulations of this ordinance.

F. Environmental Concerns

(1) No development on wetlands shall be authorized, unless such development is consistent with the requirements of the New Jersey Department of Environmental Protection, the U.S. Army Corps of Engineers and all other appropriate regulatory agencies.

(2) The reviewing board shall require a soil erosion and sediment control plan and permit from the soil conservation district prior to final approval.

(3) Subdivision development shall not result in the unnecessary removal of existing topsoil. Topsoil removed from street installation areas shall be stockpiled for use on subdivision lots in any case where areas to be developed for residential uses do not have a substantial existing topsoil cover.

(4) Care shall be taken in subdivision and site plan design and review to encourage maximum retention of desirable existing vegetation on the site.

(5) In any industrial, commercial or multi-family dwelling subdivision, or in the case of

any conventional single-family major subdivision, provision shall be made for on-site detention and/or ground infiltration of any additional surface run-off which would be created by the proposed development. Such facilities shall comply with the provisions of § 93-55 of this Article.

G. Curbs and Gutters

Curbs and gutters shall be installed in accordance with the provisions specified by § 93-47 of this Article and by the municipal engineer.

H. Drainage Structures

Drainage structures shall be installed in accordance with the standards and provisions of § 93-57 of this Article and by the municipal engineer.

§ 93454 Site Plans - Design Standards

A. General - In reviewing any site plan, the reviewing board shall review the individual requirements of the zone, and the following:

- (1) Building and Structure Design** - Critical consideration shall be given to building materials, use of color and texture, massing, and building or structure height and shape, as they relate to site conditions to harmonize with the historic character of neighboring buildings or structures.
- (2) Circulation** - The layout of the site with respect to the arrangement, width and alignment of driveways and walkways, as they provide for pedestrian traffic, both within and external to the site, including providing or maintaining accessibility to public waterways.
- (3) Parking and Loading** - The amount, location and arrangement of spaces proposed for automobile parking and for the loading and unloading of goods and materials, both with relation to the use intended to be served, as well as efficient and safe interconnection with the public circulation system.
- (4) Landscaping** - The arrangement of landscape elements and the appropriateness, variety and compatibility of selected plant materials, as they contribute to an adequate and pleasing landscape design and/or screening system, as well as the compatibility of the landscape plan with adjacent properties and the neighborhood.

- (5) Orientation and Siting - In the case of freestanding buildings or structures, and depending on individual site characteristics, consideration shall be given to positioning that provides a desirable visual composition, avoids blocking natural vistas and provide desirable space enclosures as well as solar orientation.
- (6) Site Utilities - The location and adequacy of waterlines and sanitary sewer facilities (subject to the approval of the appropriate utility agencies) and the nature, adequacy and safety of surface drainage systems, as they relate to the intended site development and to the surrounding area; the positioning, adequacy and design of overhead and underground electric, telephone and gas lines and other structures.
- (7) Accessory Features - The aesthetic quality and harmony of the architectural design of proposed signs, exterior architectural features, displays, service areas, walls, fences, lighting, decorations, street and public area furnishings and such other features, as they affect the aesthetic quality of the buildings, property and neighborhood.
- (8) Environmental Protection - Critical attention should be given to preserving the landscape in its natural state insofar as possible and to improving the existing site conditions according to high standards of conservation and environmental protection, in keeping with the surrounding natural setting. The development plan should demonstrate the avoidance of unnecessary alteration of existing topography or the removal of vegetation. The proposed development shall otherwise respect the established natural conditions of the site and its surroundings. For all development, provisions shall be made for the on-site retention and/or ground infiltration of any additional surface run-off which would be created by the proposed development. Such facilities shall comply with the provisions of § 93-56 of this Article.
- (9) Performance Standards - In reviewing the site plan for any use subject to performance, the reviewing board shall condition its approval" on both initial and continued compliance with such standards.

B. Parking Lot and Driveway Standards - The arrangement, nature, size and construction of any required on-site, off-site or off-tract improvements, including streets, curbs and gutters, sidewalks, street signs and shade trees, water and sewer system, and topsoil

protection measures shall conform to any applicable design standards promulgated by the municipal engineer. In addition, required site improvements shall conform to design standards which shall include, but not necessarily be limited to, the following:

Parking and Loading Areas - Off-street parking and loading spaces of such size and number as are consistent with good planning standards and in compliance with, any prevailing requirements or supplementary regulations contained in § 93-69 **Parking Design Criteria, Off-Street Parking Schedule, Loading Space Schedule** of this ordinance shall be required in connection with and convenient to uses projected for the site development; in accordance with the following:

- (a) Access: All required off-street parking and loading facilities shall be furnished with the necessary pedestrian passageways and vehicular maneuvering area and driveways providing efficient access either directly or indirectly to a public street.
- (b) Entrances and exits for all required parking and loading facilities shall be located not less than 50 ft. from the driveway edge nearest the R.O.W. line of an intersecting public street, or near railroad rights-of-way; and the arrangement of off-street parking areas providing space for more than two (2) vehicles, in the case of a minor or private street for any vehicles in the case of a collector, primary or arterial street, shall be such that no vehicle would have occasion to back into a public street. No off-street loading area shall be so located that a vehicle would be required to back into a street.
- (c) Parking lots shall be designed in compliance with the parking design criteria set forth in § 93-69 Parking Design Criteria, Off-Street Parking Schedule, Loading Space Schedule.

(2) Driveways - A driveway opening on state, county and other agency's jurisdictional roadway shall comply with standards set forth by that agency. Any site plan proposing private driveway openings shall comply with the following:

- (a) Spacing: The number of driveways provided from a site directly to any public street or road should comply with the following:

<u>Width of Site Frontage</u>	<u>Number of Driveways</u>
150' or less	1
Between 150' -- 300'	2

Over 300'

To be specified by reviewing board on
advice of municipal engineer.

(b) Location: All entrance and exit driveways to or from a public street or road shall be so located as to afford maximum safety to traffic on the road. Where a site occupies the corner of two intersecting streets or roads, no driveway entrance or exit shall be located Within 50 ft. of the tangent of the existing or proposed curb radius of the intersection. No entrance or exit driveway shall be located on the following portions of any collector or arterial road:

[i] on a traffic circle;

[ii] on a ramp of an interchange;

[iii] within 30 ft of the beginning of any ramp or other portion of an interchange;

[iv] on any portion of such road where the grade has been changed to accommodate an interchange;

[v] on an acceleration or deceleration lane or opposite a left turn lane;

[vi] within 200 feet of an existing driveway on another lot (except single family residential driveways).

In cases where two (2) or more driveways connect a single site to any one public street or road, a minimum clear distance of 200 ft., measured along the right-of-way line, shall separate the closer edges of any two (2) driveways.

(c) Sight Distance: Any exit driveway or driveway land shall be so designated in profile and grading and shall be so located as to permit the following maximum sight distance, measured in each direction, along any abutting municipal, county or state road (the measurement shall be from the driver's seat of a vehicle standing on that portion of the exit driveway which is immediately outside the edge of the road right-of-way line):

<u>Allowable Speed on Road (MPH)</u>	<u>Required Sight Distance (in Feet)</u>
25	50
30	200
35	250
40	250-300
45	250-400
50	450-500

- (d) Driveway Dimensions: The dimension of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to be attracted daily onto the land development for which a site plan is prepared.

	<u>One-Way Operation</u>	<u>Two-Way Operation</u>
	<u>Driveway¹ Width (in feet)</u>	<u>Driveway¹ Width (in feet)</u>
Multi-Family		
Residential	18	25
Office	18	25
Retail	20	25 ²
Industrial	20	30

¹All driveways shall be 5 ft. wider at the curbline into the right-of-way line, therein tapering on a straight line over at least 50 ft.

²Frontage aisles shall be 30 ft. wide.

- (e) Intersections: Driveways used for two-way operation shall intersect any collector or arterial road at any angle as near 90 degrees as site conditions will permit and, in no case, less than 60 degrees. Driveways used by vehicles in one (1) direction of travel (right turn only) may form an angle smaller than 60 degrees; but not less

than 45 degrees, but only with a collector or arterial road when acceleration and deceleration lanes are provided.

- (f) Grades: Any vertical curve on a driveway shall be flat enough to prevent the dragging of any vehicle undercarriage. All driveway profiles and grades shall be submitted to and approved by the City engineer. Should a sidewalk be so located, with respect to the curb at a driveway opening, that vehicle undercarriage is likely to drag, the sidewalk involved should be adequately depressed or elevated to avoid such a result.
- (g) Acceleration/Deceleration Lanes: Where access to a parking area is anticipated to have 100 automobile right turns in any one hour, or 25 articulating vehicle right turns in any one hour, a deceleration lane 13 ft. x 200 ft. shall be provided. Acceleration lanes are only allowed on divided highways and must meet AASHTO design requirements.
- (h) Pavement Specifications: The pavement design for all driveways is to meet the requirements of the intersecting road for the full distance within the right-of-way and extending 10 feet beyond into the subject parcel.
- Minimum parking lot and driveway paving specifications are as follow:

<u>Truck Areas</u>	<u>Cars Only Areas</u>
2"	2" FABC Mix 1-5 per NJDOT Sec 404
4"	2" Bit. Stab. Base Mix 1-2 per NJDOT Sec 304
6"	4" Soil Aggregate Mix I-5 per NJDOT Sec 301

A minimum of one (1) CBR result is required for each site plan. If appropriate paving design calculations (per the Asphalt Institute) and corresponding CBR test results are submitted, a reduction in the minimum required pavement section will be considered, if justified.

- (i) Length of Entrance Driveway: the length of the driveway, measured from the street right-of-way line to the first parking stall or cross aisle in the parking lot, shall be as follows:

<u>Parking Lot Size</u>	<u>Distance Required</u>
<u>1-39 spaces</u>	<u>20 feet</u>
<u>40-99 spaces</u>	<u>40 feet</u>
<u>100-299 spaces</u>	<u>60 feet</u>
<u>300 or more spaces</u>	<u>60 feet + 20 feet for each additional 100 spaces, divided by the number of driveways</u>

C. Site Improvement Standards

- (1) **Refuse and Recyclable Materials** - Refuse and recyclable materials depositories shall not be exposed to public view and shall be non-polluting, covered from weather and secure from vandalism. Compactor units shall afford completely sealed operation and efficient access by collection vehicles.
- (2) **Additional Design Criteria for Planned Developments** - In addition to complying with the design requirements and standards listed above, the requirements contained in this ordinance relating to contemplated improvements, or in connection with specific uses, as specified in the other articles of this ordinance, site plans for planned development of any kind also shall be subject to the following:
 - (a) **The Open Space and Recreation Plan:** Detailing the distribution, size and extent of recreational development in the project.
 - (b) **Energy Conservation:** innovative design for energy conservation shall be encouraged. The location and siting of buildings or structures, which may not conform strictly with other standards contained herein, shall be permitted when the reviewing board finds that such deviation will not endanger the health, safety or welfare of the occupants in the buildings or its surroundings. In this context, energy conservation shall mean reduced consumption of natural or artificial fuels or energy.
 - (c) **Staging Requirements:** Information on the phasing of the project shall also be submitted.

§ 93-46 General Improvement Requirements and Specifications

A. On-Tract Improvements

On-tract improvements, including grading street rights-of-way, street or shoulder paving, curb and gutters, street signs, street righting; street trees, sidewalks, surface drainage structures and facilities, soil erosion and sediment control devices, potable water supply structures and facilities, sanitary sewerage facilities and, in the case of site plans, off-street parking and loading areas and improvements and screen or buffer planting, as specified in accordance with design criteria contained in this ordinance, shall be required, where applicable, in connection with all minor and major subdivisions and site plan developments, including permitted planned developments of any kind.

B. Off-Tract Improvements

Pursuant to N.J.S.A. 40:55D42, pro-rata contributions may be required for any off-tract improvements, including street or shoulder paving, curbs and gutters, street signs and traffic controls, street lighting, structures and facilities and sanitary sewerage structures and facilities, for which the need, or a portion of the need, is generated by a minor or major subdivision, or a site development, including permitted planned developments of any kind the municipal engineer shall utilize construction specifications and design criteria for the purpose of assessing a fair share of the cost of any such improvement to a specific development. In the case of arterial roads, design standards and construction specifications shall be on a case-by-case basis. The reviewing board shall determine the reasonable percentage share of the benefit to be derived from any required off-tract improvement by the specific development on the basis of a cost benefit analysis conducted by the municipal engineer.

C. Installation of Improvements

No final plat of a major subdivision or site plan shall be approved by the Planning Board until the satisfactory completion of all required improvements, as set forth in the Planning Board's resolution granting preliminary subdivision or site plan approval, shall have been certified to the Planning Board by the municipal engineer, unless the developer shall have filed with the municipality a performance guarantee in a sufficient amount and of a suitable form to cover the cost of all such improvements or the uncompleted portion thereof as approved by the municipal engineer and guaranteeing the installation of any such

uncompleted improvements on or before a date to be specified by the Planning Board. Such guarantee shall provide that all roadways shall have a base course installed no later than when certificates of occupancy have been issued for 10% of the proposed dwelling units and a final course installed no later than 90% of the units. No minor subdivision shall be approved by the reviewing board until the developer has filed a performance guarantee with the municipality in a sufficient amount cover the cost of all required on-tract and off-tract improvements and guaranteeing the installation of such uncompleted improvements on or before a date to be specified by the Planning Board.

D. Concrete Structures

Concrete structures shall conform to the American Society for Testing Materials Cement Designations: C-150, Type 1 for standard Portland cement; C-150 Type 3 for high early strength Portland cement; and C-175, Type 1-A for air entraining Portland cement. Vinsol resin or Darex A.E.A. shall be used as the air entraining agent and both fine and course aggregate and shall conform to requirements therefore of the New Jersey Department of Transportation Standard Specifications, as amended, unless otherwise specified, having 4% to 7% entrained air.

Concrete shall be Class A, B, C, or D, as prescribed, proportioned as follows:

<u>Class</u>	<u>Cement</u>	<u>Sand</u>	<u>Coarse Aggregate</u>	<u>Void Content</u>
A	1	1.50	3.0	1.35
B	1	1.75	3.5	1.55
C	1	2.00	4.0	1.80
D	1	2.25	4.5	2.00

Required reinforcing steel shall be Intermediate Grade deformed bars, conforming to American Society for Testing Materials, designation A 617-76 and A 615-76A, as amended.

Required joint filler shall be a cellular compression material conforming to the requirements therefore of the New Jersey Department of Transportation Standard Specifications, as amended.

In the construction of required concrete structures, the municipal engineer will determine the slump range within which the contractor must work. Transit mix concrete may be used if obtained from sources approved by the municipal engineer. On-site mixing and proportioning equipment will also be subject to the approval of the municipal engineer.

Forms shall conform to lines, dimensions and grades shown on plans and may only be omitted when soil conditions and workmanship permit accurate excavation to specifications. Forms shall be firmly braced, tight and capable of resisting movement, bulging or mortar leakage. Forms shall be smooth and clear and shall be completely removed.

Soil bases for concrete work shall be properly finished to prescribed lines, grades and dimensions and shall be approved by the municipal engineer or his representative before concrete is placed. All areas to receive water, except that soil surfaces and forms shall be uniformly damp when concrete is placed to as to avoid segregation.

Concrete which has begun to set or has been contaminated with foreign materials or has too much water shall not be used. Pouring shall be done in a continuous process until an individual section is complete. All concrete shall be thoroughly compacted with vibratory or other suitable equipment. Finished concrete shall have a wood float finish, unless otherwise specified by the municipal engineer and shall be kept continuously moist for a period of 3 days. Curing shall be accomplished at the direction of the municipal engineer. Expansion joints shall be provided as prescribed and shall extend to the full thickness of the concrete. Concrete shall not be poured when the temperature is below 40° F or during periods of precipitation, unless precautions acceptable to the municipal engineer have been taken to prevent damage to the work. Precautions to avoid freezing of the concrete shall be in accordance with the current recommendations of the American Concrete Institute.

§ 93-47 Street Improvements

The width of street rights-of-way to be required shall be as shown on the approved preliminary subdivision or site development plan in accordance with the system of street classification set forth in this ordinance. Street right-of-way improvement shall include the following:

A. Street Paving

All on-tract streets shall be paved in conformance with the improvement standards as defined on the preceding pages:

Gravel base course shall be constructed in accordance with the provisions of Article 3.1 of the Standard Specifications for Road and Bridge Construction of the New Jersey Department of Transportation, as amended. Gravel base course materials shall be soil aggregate, Type 2, Class A or Class B of said specifications.

Bituminous stabilized base course materials shall conform to the requirements specified in Article 3.10.2 of the Standard Specifications for Road and Bridge Construction of the New Jersey Department of Transportation, as amended by the 1980 supplement to the standard specifications and as amended hereafter. Before construction of the bituminous stabilized base course, the gravel base shall be in a properly finished condition, conforming to the proper line and grade, and free of soft spots or other deficiencies. The gravel base course shall be tested by running a roller of a weight as great or greater than that to be used in the paving operation over the entire pavement area within 24 hours prior to the commencement of paving. When, in the opinion of the municipal engineer or his representative, such testing results in excessive deformation, the developer will be required to stabilize the gravel base course in a manner satisfactory to the municipal engineer.

The method of construction of the bituminous stabilized base course shall conform to the same State of New Jersey specifications, referred to above, for base course materials. Upon completion, uniformly selected core samples, intact for full thickness of the base course, may be required at the rate of one (1) sample for every 1000 square yards of base course at the expense of the developer.

Where deficiencies in required thickness are noted, at least two (2) additional cores will be required to determine the extent of the deficiency.

The average thickness of the bituminous stabilized base course, as determined from the core samples, shall be not less than a thickness of 2 inches, or as specified by the municipal engineer.

When the pavement, as indicated by any core sample, shows a deficiency of one-quarter inch ($1/4$ ") or more from the required thickness, the municipal engineer, at his option, may direct the developer to:

- (1) Remove and replace the bituminous stabilized base course to the correct thickness; or
- (2) Construct an overlay of bituminous concrete, suitable to the engineer to correct the thickness deficiency.

Materials for the surface course shall be FABC-1, Mix 1-5, as specified in Division #, Section 10, of the aforementioned New Jersey Department of Transportation Standard Specifications, which shall be placed over a properly installed and, where needed, repaired base course. Prior to construction of the surface course, a tack coat, as specified in Division 3, Section 10, in the aforementioned New Jersey Department of Transportation Standard Specifications, shall be applied.

Upon completion of the surface course, the developer may be required to provide core samples therefrom in accordance with the procedures outlined above for base course sampling. The average thickness of the FABC-1 surface course, as determined from the core samples, shall not be less than two (2") inches for the thickness specified by the municipal engineer. When the pavement, as indicated by any core sample, shall show a deficiency of one quarter ($1/4$ ") inch or more from the required thickness, the municipal engineer, at his option, may direct the developer to:

- (1) Remove and replace FABC-1 surface course to the correct thickness; or
- (2) Construct an overlay of bituminous concrete suitable to the engineer to correct the thickness deficiency.

B. Curbs and Gutters

Standard monolithic concrete curb and gutter will be required along the pavement edge of streets in conformance with the improvement standards as specified by the municipal engineer. Concrete shall be Class B with Type I cement. There will be no waiver of curbs and concrete header curbs must be installed in lieu of standard concrete curbs.

Expansion joints shall be provided at intervals of 20 feet and when new construction abuts existing construction.

The expansion joints shall be filled with one-half (1/2") inch thick cellular material, conforming to the requirements therefor contained in the Standard Specifications of the New Jersey Department of Transportation, as amended to date, to within one-half (1/2") inch of the top and face of the curb and to within one quarter (1/4 ") inch of the top of the gutter. All joints shall extend to the full depth of the structure.

Finished curbs and gutters shall be true to applicable grades, lines, dimensions and curvatures. Exposed edges shall be neatly rounded to a one-half (1/2") inch radius. Completed work shall be protected from traffic and the elements and shall be kept moist for at least three (3) days. Damaged, broken or cracked work shall be renewed by the developer at his expense.

In those cases, where a developer requests a waiver from the requirements for standard curbing as set forth in this section, the Planning Board, in considering a request for such waiver, shall apply the following guidelines:

- (1) Curbing should be required in the case of any development generating large volumes of vehicular traffic or lying in close proximity to such development.
- (2) Curbing should be required in conjunction with multi-family residential developments and in higher density single or two-family subdivisions having an average lot size of less than one-half (1/2) acre.

- (3) Curbing should be required in conjunction with single-family subdivisions, having average lot sizes of one (1) acre or less, unless it can be demonstrated to the satisfaction of the municipal engineer that all new surface run-off will be accommodated on-site; that shoulder construction or percolation characteristics of roadside soils are such that excessive rutting of shoulder areas will not occur; and that the existing or proposed topography is such that water ponding will not occur.
- (4) Curbing should be required along existing and proposed city streets or roads in conjunction with any proposed development which would otherwise contribute to an adverse drainage condition, soil erosion or stream or watercourse siltation.

C. Sidewalks

Except as provided below, sidewalks shall be required along all streets. All sidewalks shall be a minimum of four (4') feet wide and four (4") inches thick, except at driveway crossings, where they shall be six (6") inches thick. Sidewalks and concrete aprons shall be constructed in accordance with NJDOT Standard Specifications for Road and Bridge Construction (1989), Section 607 and Section 914, with Class B concrete, except that the 28 day compressive strength is to be 4000 psi. Sidewalks are to be provided with expansion joints 1/2 inch wide, at intervals of 20 feet, and where new paving abuts curbs or old work, and shall be filled with preformed expansion joint material. Contraction joints are to be provided at 4 feet intervals and shall be cut to a depth not less than one (1") inch deep and one-fourth (1/4") inch thick.

Finished sidewalks shall be true to specified lines, grades, dimensions and curvatures. Completed work shall be adequately protected from traffic and the elements.

In cases where a developer requests a waiver from the requirement of sidewalks, as set forth in this section, the Planning Board, in considering such waiver, shall apply the following guidelines.

- (1) Sidewalks should be required in the case of any development portion thereof where pedestrian movement to school sites and other pedestrian movement

generators, including, but not limited to: recreational facilities, churches, clubs, eating establishments and retail shopping center.

- (2) In situations other than those listed in #1 above, sidewalks along both sides of a street should be required when:
- (a) permitted residential densities exceed four dwelling units per acre and no internal open space walkway system is provided;
 - (b) along one side of a street only in cases where residential densities range between one dwelling unit and four dwelling units per acre and no open space walkway system is provided;
 - (c) and no sidewalk should be required in cases where dwelling unit densities are less than one dwelling per acre or where adequate internal open space walkway systems are provided.

In all cases, the Planning Board shall take into account the nature and intensity of neighboring uses, as well as the peculiar size, use and character of the development proposed.

§ 93-48 Sanitary Sewers

Sanitary sewer facilities shall be provided and installed in, accordance with specifications, as required by the municipal engineer and the Gloucester City M.U.A. Said sanitary sewer facilities shall be designed and installed for either immediate or future connection with a public sanitary sewer system approved by the New Jersey Department of Environmental Protection, the municipal engineer and the Gloucester City M.U.A.

§ 93-49 Water Supply

Water supply facilities and systems shall be provided and installed in accordance with the specifications of the municipal engineer and the utility provider. Said water supply facilities and systems shall be designed and installed for immediate connection with a public or on-site community water supply facility or system approved by the New Jersey Department of Environmental Protection and the municipal engineer and the utility provider.

Fire hydrants shall be shown on the development plan and the general location approved by the Fire Marshall. Fire hydrants shall be manufactured by the Kennedy or Mueller Valve Company or equivalent as approved by the Fire Marshall. Operating cap nuts shall be one and one-half (1/2") inches, pentagon. Hydrants shall be equipped with two hose nozzles and one steamer nozzle, the sizes and threads to be in accordance with local fire company requirements. They shall have a provision for a six inch connection to the main. The valve opening for the hydrant shall be four and one quarter (4.25") inches. Valves should be installed between all fire hydrants and the supply mains.

§ 93-50 **Street Trees**

Wherever possible, the developer shall endeavor to preserve existing trees. Existing trees, when located in reasonable proximity to the street line, may substitute for required new street tree planting. In other cases, the developer shall refer to "*TREES FOR NEW JERSEY STREETS*", (available from the New Jersey Federation of Shade Tree Commissions Cook College, Box 231, Blake Hall, Rutgers, The State University New Brunswick, NJ 08903), consult with the Gloucester City Shade Tree Commission, if there is one, or if not, the Camden County Agricultural Extension Service. On the advice of such agency, the developer shall propose and execute a street tree planting scheme, providing acceptable species of shade or ornamental trees at least three (3") inches in diameter, measuring three (3') feet above the ground, located in a manner which will result in a minimum of damage to sidewalks or utilities.

The following are examples to street trees that a developer may consider for use in Gloucester City:

- Ginkgo spp.
- Pin oak
- Princeton elm
- Red Maple
- Redmond Linden
- Regent Scholartree
- Village Green Zelkova

§ 93-51 Street Lighting

Adequate street lighting shall be provided along all proposed new street of a type and at intervals approved by the municipal engineer based on the City's street lighting policy. At a minimum, such lighting shall be installed at any street intersection, along pedestrian crosswalks and at any private drive providing access to ten (10) or more parking spaces. Such lighting shall be installed according to the following standards:

- A.** For normal street usage, thirty (30) foot high laminated poles shall be spaced at a minimum distance of one hundred fifty (150) feet with one hundred (100) watt mercury vapor luminaire.
- B.** At intersection, a thirty (30) foot- high laminated wood pole shall be placed with a one hundred seventy-five (175) watt mercury vapor luminaire.
- C.** At any intersection of two (2) streets both of which have cartways in excess of forty (40) feet or where One (1) street is an arterial street, a thirty (30) foot high laminated pole shall be placed with a four hundred (400) watt high pressure sodium luminaire.
- D.** The City will assume the operating expense for street lights in a particular section of a subdivision when seventy-five percent (75%) of that section is occupied.

§ 93-52 Street Signs

Street signs and other warnings, directional, or advisory signs or pavement markings shall be installed as per the directions of the municipal engineer. All traffic signs and other markings shall be of a size, color or design specified in the current edition of the "Manual on Uniform Traffic Control Devices," published by the Federal Highway Administration, U.S. Department of Transportation. Materials shall conform to the NJDOT Standard Specification, 1989, or current edition, sections 9:12 and 9:16. Off- street signs shall not be lighted with flashing lights. Any light or reflecting light used in connection with such a sign shall not be so located or directed that it may be mistaken for a traffic signal or warning device nor shine directly into adjoining residential buildings or private outdoor areas or interfere with vehicular traffic. All off- street signs, including traffic directional signs, shall be located on the same property with the use to which they are related. In the case of any planned development, the Approving Authority may require that deed

restrictions, designed to adequately regulate the location, size, materials and construction of signs throughout the planned development to be prepared for filing prior to final approval of the planned development or any stage thereof.

§ 93-53 Off-Street or On-Site Improvements

The following off-street improvements shall be constructed, or an adequate performance guarantee posted assuring their construction. Other sections of this article, prior to the granting of final approval of any major subdivision or site development plan. Any such requirements made in connection with minor subdivisions shall be treated as a condition of final approval with an adequate performance guarantee been posted.

A. Off-Street Parking and Loading

All required off-street parking and loading areas shall be surfaced with a compacted base course of material, thickness and grade, as specified by the municipal engineer. The thickness of the base course shall be determined on the basis of expected use. All off-street loading areas and all off-street parking areas serving more than one individual use, or providing more than five individual parking spaces, shall be surfaced with asphaltic or portland cement concrete materials and to a thickness specified by the municipal engineer. In the case of parking bays, only an approved type of porous paving of a type acceptable to the Approving Authority may be substituted as the surface course in order to avoid unnecessary surface run-off.

B. Open Space and Recreation Improvements

Any open space or recreational improvements required, which are proposed for dedication to the municipality or homeowners, shall be constructed or installed according to construction and equipment standards promulgated by the municipality. Such standards shall be developed by the municipal engineer and approved by the Approving Authority. All open-space and recreationl improvements shall be subject to the posting of adequate performance guarantees, prior to final development approval.

C. Topsoil Protection and Soil Erosion Plan

Any topsoil moved or to be moved during the course of construction for any development shall be utilized on-site and shall be redistributed to provide at least six(6") inches of topsoil cover to all areas of the development not covered by building or paving. Under no circumstances shall any soil or earth be sold or removed from the site unless an application is made and approval is granted under the Soil Erosion and Sediment Control Ordinance. All such disturbed areas shall be stabilized by seeding, planting or sodding according to an approved soil erosion and sediment control plan approved by the Soil Conservation District. In the event that the sod does not contain sufficient amounts of topsoil to provide six (6") inches of cover to all areas of the development, the developer shall supply sufficient amounts to meet this requirement. Where found necessary by the Planning Board, required seeding, sodding, water retention structures, rip-wrapping or other activities necessary to carry out the soil erosion and sedimentation control plan shall be made subject to the provisions of adequate performance and maintenance guarantees, as specified in this article.

D. On-Site Storm Water Management Components

The on-site storm water management components shall have adequate performance and maintenance guarantees posted.

E. Monuments

All monuments are to be of the size and shape required by "The Map Filing Law (1960)," R.S. 46:23-9.9 et seq. or other applicable statutes. The location of said monuments is to be per "The Map Filing Law, 46:23-9.11 paragraph 'q'."

§ 93-54 Storm Water Management Systems

Note: All the requirements of § 93-55, entitled "Storm Water Control" must also be adhered to.

A. General Criteria

- (1)** All residential development involving more than three lots and all commercial developments are required to provide water quality detention and 2, 10 and 100 year storm peak flow attenuation by means of detention basins in accordance with the requirements of this chapter.

- (2) All storm drainage systems consisting of catch basins, underground sewers, paved, swales, box culverts, rip-wrap or otherwise stabilized stream banks, dams, retention basins, detention basins, swales and other devices shall be installed so that all storm water is led to and continued in natural drainage channels without causing erosion, per the requirements of this chapter.
- (3) All items mentioned in section 2 (above) are to be approved by the municipal engineer. The municipal engineer reserves the right to revise any assumed design coefficients or run-off curve numbers utilized in the design of the above said items.
- (4) Design standards and criteria for such storm drainage systems shall be as shown as follows:

<u>Item</u>	<u>Figure Number</u>
Stormwater Manhole	3
Inlet Type B, B-1, and B-2	4
Inlet Type Double B	5
Inlet Type E and A	6
Headwall Detail	7

All proposed inlets are to have grates which are approved bicycle safe type grates.

- (5) Any application for minor subdivision or site plan approval shall include a stormwater drainage plan as outlined in § 93-57.B.1. of this Article.
- (6) No land area in the municipality shall be developed so that:
 - (a) the drainage of adjacent areas is adversely affected;
 - (b) soil erosion after development is increased over what naturally occurs there;
 - (c) the natural drainage pattern of the area is significantly altered.
- (7) As-built drawings of all stormwater facilities are required.

B. Detention Basin Design

- (1) Proposed detention and retention basins are to be located on-site, where possible.
- (2) Said proposed basins are not to be located within landscape strips or buffer zones.
- (3) Where it can be demonstrated that at the time of the Approving Authority review such on-site basin location is impractical due to engineering feasibility factors, the Approving Authority may permit such basins to be located off- tract, provided the following requirements are met:

- (a) All the conditions noted in this article are met.
 - (b) The location of the basin does not hinder or discourage the appropriate development and use of the property on which it is located or the use of adjacent land and buildings.
 - (c) Permanent access or easement to the basin for maintenance purposes shall be provided.
 - (d) Utilization of other nearby off-tract basin facilities is not feasible or practicable, as determined by the municipal engineer.
 - (e) All off-tract basins are to be provided with cross-easements to allow drainage from the respective subject parcels to drain to the applicable off-tract basins. The 100 year fluvial storm elevation is to be included in the drainage easement.
 - (f) Water quality basins must be provided on-site or prior to discharge of natural stream channels or wetlands.
 - (g) If subject site stormwater run-off is to be conveyed to an off-tract basin, the stormwater flows for the 10 year storm may not cause erosion to existing stream channels or wetlands enroute to the off-tract basin. Maximum allowable velocities for the said conveyed stormwater will be as determined by the Camden County Soil Conservation District, in consideration of the existing soils, cover type and ground slopes.
 - (h) The stormwater run-off is to be safely conveyed to the proposed basin within the requirements of section D.2 (below) ("Storm Water Facilities").
- (4) Permanent access or easements to proposed basins are to be provided to the municipality for maintenance purposes.
 - (5) Proposed dry detention basins are to be designed to provide adequate drainage of the basin. Minimum basin slope is to be 1 %. Basin bottom elevation is to be a minimum of 12 inches above the seasonal high water table elevation. Low-flow channels shall be provided as required by the Camden County Soil Conservation District, NJDEP or the municipal engineer.
 - (6) Basins are to be provided with a 20 foot buffer between residential uses.

- (7) Proposed wet detention basins or "ponds" are to be provided with a minimum of 4 feet of water depth. Areas adjacent to such basins shall contain protective landscaping (e.g., thorny, decorative shrubs) arranged to restrict access to its edge.
- (8) Where basins, in general, are to be located in parking lots or areas adjacent to pedestrian or vehicular traffic, dense plantings of shrubs to act as barriers and adequate low-level lighting for safety precautions shall be required.
- (9) A minimum of one soil boring, including information on ground water and seasonal high ground water table elevation, is to be provided for each proposed basin. The soil boring is to be a minimum of four (4') feet below the proposed basin bottom, whichever is deeper.
- (10) Stormwater detention facilities shall be constantly maintained by the owner to ensure continual functioning of the systems at design capacity and to prevent the health hazards associated with debris buildup and stagnant water. In no case shall water be allowed to remain in any facility long enough to constitute mosquito breeding, disease or any other type of health problem, unless approved as a wet detention basin or pond. A proposed maintenance program is to be submitted.
- (11) If the land or stormwater detention facility or facilities are proposed to be dedicated to the municipality and said dedication is accepted by the municipality, the procedures for the construction, dedication, acceptance and maintenance of such facilities set forth herein, including but not limited to, performance and maintenance bonds, inspections, etc., shall govern.
- (12) Proof of the stability of the conditions downstream of proposed basin outfalls is required. Drainage easements must be provided for basin discharge, as necessary. A downstream impact statement is to be provided to demonstrate that there is no adverse effect to any public or private lands.
- (13) A maintenance bond is to be provided by the applicant for the future removal of silt material from the basin or required maintenance the fifth year of operation of said basin or earlier, as found necessary by the municipal engineer. The maintenance bond is to be posted at the time of posting the maintenance bond for the other constructed improvements.

[i] The amount of the maintenance bond is to be approved by the municipal engineer and is to allow reasonable escalation of construction costs over the projected five years. The form of the bond is to be approved by the city solicitor.

(14) The use of retention basins is discouraged. In cases where it is determined that their use is unavoidable, the following criteria are to apply:

(a) The basin is to meet all the requirements of this Article.

(b) Basins are to be designed to store the total post-developed run-off from the 100 year storm.

(c) A minimum of one (1) percolation test result is required for each basin.

Calculations are to show that the proposed basin will drain within 4 days.

(d) A maintenance bond is to be provided by the applicant for future percolation testing and silt removal, if found necessary, at the fifth year of operation or earlier, if found necessary by the municipal engineer. At said time, a renewed maintenance bond is required for an additional five (5) years.

(15) Maximum basin side slopes are to be 3H on 1V.

C. Stormwater Run-off Criteria

(1) Water Quality Design

(a) All stormwater run-off from proposed pavement surfaces is to be directed to a water quality basin.

(b) The water quality design storm shall be defined as the one year frequency S.C.S. Type III 24 hour storm or 1/4 inch two hour rainfall.

(c) Provisions shall be made to ensure that the run-off from the water quality design storm is retained in order that not more than 90% will be evacuated prior to 36 hours for all non-residential projects or 18 hours for all residential projects. The retention time shall begin at the time of peak storage in the basin. In either event above, a minimum 3 inch diameter orifice will be allowed.

(d) Water quality basins must be provided, prior to stormwater discharge, to natural stream channels or wetlands.

(2) Peak Flow Control Design

- (a)** All applications shall assume to be non-tidal, unless the applicant presents adequate documentation demonstrating tidal dominance
- (b)** If the site does not drain directly to tidal water, the applicant must be able to demonstrate the absence of any impediments in the drainage connection between the point of site discharge and the tidal water, as well as the absence of any adverse flooding effects (i.e., existing structures or land uses which might be adversely affected downstream), if quantitative peak rate concerns are to be set aside.
- (c)** If quantitative peak rate concerns are to be set aside, the stormwater run-off produced by the 10 year probability, 24 hour, S.C.S. Type III storm must still be shown not to cause any erosion to stream channels or wetlands enroute to the tidal stream. Maximum allowable velocities for the said conveyed stormwater will be as determined by the Camden County Soil Conservation Service District in consideration of the existing soils, cover type and ground slopes.
- (d)** If the subject parcel does not drain directly to a tidal stream or meet the requirements of Item b above, a detention basin must be constructed providing detention of the post-developed run-off resulting from a 2, 10 and 100 year probability, 24 hour S.C.S., Type III storm such that the resulting run-off does not exceed the run-off resulting from a similar storm under pre-developed conditions.
- (e)** For purposes of computing run-off all lands in the site shall be assumed, prior to development, to be in good condition.
- (f)** An emergency spillway is to be provided at the 100 year basin water elevation and it shall be capable of passing the 100 year storm. The stability of the exposed surface of the emergency spillway and downstream soils is free to be demonstrated. One foot minimum of free board is to be provided above the 100 year storm flow elevation over the emergency spillway.

- (3)** Complete calculations for the basin should be supplied at the time that the preliminary plan is submitted. These calculations shall include: run-off hydrographs prior to development; run-off hydrographs after development; and calculations for

sizing the basin and outfall pipe. Additionally, elevation versus storage in the basin is to be provided and routing of the 2, 10 and 100 year storm flows through the basin showing inflow, storage, elevation and outflow per time. The time increment to be a maximum of 0.2 hours.

D. Storm Water Facilities

- (1) Run-off Computations - Computation of the rate of flow at any given location shall be based on the following rational formula:

$Q = C.I.A.$, in which

Q = volume in cubic feet per second

C = runoff coefficient

For all impervious surfaces (i.e. roofs, walks, parking areas and roads) $c=0.99$ for all lawn and grass areas C is to be a minimum of 0.25

I = Intensity of rainfall in inches/hour per NJDEP rainfall intensity curves.

A = watershed area in acres

In setting the value of the run-off coefficient "C," consideration will be given to the physical features of the drainage basin and the best available data on the future density of development of the drainage basin. Calculations shall be submitted justifying the derivation of the weighted run-off factor used for the individual development of the watershed.

- (2) The intensity of the storm shall be based on the following:

- (a) As a minimum, a 10 year storm shall be used where excess flow can continue downhill in the street without flooding adjoining properties. A 25 year storm is to be utilized to relieve local low points.
- (b) As a minimum, all box culverts shall be based on a 25 year storm with surface relief and 100 year storm without relief.
- (c) Standard headwalls or end sections shall be installed on all pipes.
- (d) Culverts, subject to tidal influences, are to be designed to handle the 100 year storm fluvial flow during the mean daily high tide under open channel flow conditions.

- (3) Pipeline Design - Storm sewer pipe lines shall be designed based on the Manning Equation and the following friction factors:

$n = 0.015$ concrete pipe

$n = 0.021$ Corrugated metal pipe, 1/2" corrugation, 50% paved

The minimum allowable pipe size is 15 inches. Reinforced concrete pipe shall be used, unless corrugated metal pipe is approved by the municipal engineer in specific cases.

The minimum velocity shall be two (2) feet per second and maximum velocity, within the piping system, shall be ten (10) feet per second. All headwalls or end sections shall be provided with rip-wrap pads and designed in accordance with soil erosion and sediment control standards. Preformed scour holes will not be allowed.

Pipe size changes shall be made at manholes or inlets and pipe crowns shall be matched.

(4) Inlet Design Capacity - Stormwater inlets shall be equal to New Jersey State Highway Department inlet type "B." The maximum collecting capacities of the Type B inlet shall be considered as follows:

- (a) When installed on streets where the grade is 0.75% - 5 cubic feet per second (cfs).
- (b) When installed on streets where the grade is 2.00% - 4.8 cfs.
- (c) When installed on streets where the grade is 3.00% - 4.6 cfs.
- (d) When installed on streets where the grade is 4.00% - 4.4 cfs.
- (e) When installed on streets where the grade is 5.00% - 4.2 cfs.
- (f) When installed on streets where the grade is 6.00% - 4.0 cfs.

Sufficient inlets shall be located and constructed so that the length of surface run-off will not contribute a run-off to the inlet exceeding the preceding designated collecting capacities. In no case shall the distance between inlets be greater than four hundred feet (400 ft).

The gutter grate of all inlets shall be set not more than two (2") inches below the gutter grade. The surface of the paving adjacent to the inlets shall be constructed to blend into the lowered gutter grade at the inlet in such a manner that a sudden drop-off or dip at the inlet will not be created. At such locations, where

drainage is entirely dependent on inlets, the collecting capacities of the inlets shall be designed for two-thirds ($2/3$) of the preceding considered capacities.

Where surface water is collected from two (2) directions at one street corner, inlets shall be placed at, or near the tangent points of both ends of the radius.

The use of one inlet in the radius shall not be allowed.

Access manholes shall be spaced at four hundred 400 foot intervals (maximum) through rights-of-way and at sewer junctions where there are no inlets.

- (5) Open Channel Design - Open ditches or channels will not be permitted when the design capacity requires a fifteen (15) inch pipe or larger unless approved by the municipal engineer. Where permitted open channel design should be based on the following hydraulic considerations:

(a) Manning's Equation

$n = 0.014$	concrete lined ditch
$n = 0.02-0.025$	grass lined ditch
$n = 0.03-0.15$	fair to poor water streams and courses

(b) Maximum velocities are per NJ soil erosion and sediment control standards.

(c) Minimum of one free board foot shall be provided on all channels.

(d) The channel should be designed to conform, wherever possible, to the adjacent ground conditions.

(e) Continuous profiles for each reach of open channel shall be plotted, along with the adjacent average ground and the hydraulic information pertinent to each reach within the system. This information shall include the type of channel lining, the "n" factor, the width of the channel bottom, the side slopes, the water depth, the design capacity and the velocity at the design capacity.

(f) Open channels shall have slopes not steeper than three (3H) to one (1V) and shall have adequate slope protection as required by the Soil Erosion & Sediment Control Ordinance and New Jersey State Law.

E. Grading Criteria

- (1) All lawn and grass areas are to be graded at a minimum of 2% and directed away from homes and buildings.

- (2) All proposed buildings and homes are to have finished first floor elevation and grade elevations at the building corners shown on the plans.
- (3) Maximum slope allowed on all lawn and grass areas is to be 3H on 1V.
- (4) Drainage easements are required where proposed swales cross adjoining properties
- (5) At an roadway local low points, overland relief is to be provided such that not more than six (6") inches of water will pond in the road way.

§ 93-55 Storm Water Control

A. Scope and Purpose

(1) Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices ("GI BMPs") and nonstructural stormwater management strategies. GI BMPs and low impact development ("LID") should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

(2) Purpose

It is the purpose of this chapter to establish minimum stormwater management requirements and controls for major development, as defined in § 93-55.B.

(3) Applicability

- (a)** This chapter shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

[i] Nonresidential major developments; and

[ii] Aspects of residential major developments that are not preempted by the

Residential Site Improvement Standards at N.J.A.C. 5:21.

- (b)** This chapter shall also be applicable to all major developments undertaken by the City of Gloucester City.

(4) Compatibility with other permit and ordinance requirements.

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

B. Definitions

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

- (1) "CAFRA Centers, Cores or Nodes"** means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.
- (2) "CAFRA Planning Map"** means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).
- (3) "Community basin"** means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard

constructed wetland, or wet pond and that complies with the requirements of this chapter.

- (4) "Compaction" means the increase in soil bulk density.
- (5) "Contributory drainage area" means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.
- (6) "Core" means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.
- (7) "County review agency" means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:
 - (a) A county planning agency or
 - (b) A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.
- (8) "Department" means the Department of Environmental Protection.
- (9) "Designated Center" means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.
- (10) "Design engineer" means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.
- (11) "Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of

any activity not exempted by the Right to Farm Act, N.J.S.A 4:1C-1 et seq.

- (12) "Disturbance" means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.
- (13) "Drainage area" means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.
- (14) "Environmentally constrained area" means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.
- (15) "Environmentally critical area" means an area or feature which is of significant environmental value, including but not limited to: Stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.
- (16) "Empowerment Neighborhoods" means neighborhoods designated by the Urban Coordinating Council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.
- (17) "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.
- (18) "Green infrastructure" means a stormwater management measure that manages stormwater close to its source by:
 - (a) Treating stormwater runoff through infiltration into subsoil;
 - (b) Treating stormwater runoff through filtration by vegetation or soil; or
 - (c) Storing stormwater runoff for reuse.

- (19) "HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a sub-watershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.
- (20) "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- (21) "Infiltration" is the process by which water seeps into the soil from precipitation.
- (22) "Lead planning agency" means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2 that serves as the primary representative of the committee.
- (23) "Major development" means an individual "development," as well as multiple developments that individually or collectively result in:
- (a) The disturbance of one or more acres of land since February 2, 2004;
 - (b) The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;
 - (c) The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021; or
 - (d) A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

- (24) "Motor vehicle" means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming

machines, or vehicles that run only on rails or tracks.

- (25) "Motor vehicle surface" means any pervious or impervious surface that is intended to be used by "motor vehicles" and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.
- (26) "Municipality" means any city, borough, town, township, or village.
- (27) "New Jersey Stormwater Best Management Practices (BMP) Manual" or "BMP Manual" means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with §93-55. D. (6) of this Ordinance and N.J.A.C. 7:8-5.2(g) that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.
- (28) "Node" means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.
- (29) "Nutrient" means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.
- (30) "Person" means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.
- (31) "Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), thermal waste,

wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

(32) "Recharge" means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

(33) "Regulated impervious surface" means any of the following, alone or in combination:

(a) A net increase of impervious surface;

(b) The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a "new stormwater conveyance system" is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);

(c) The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or

(d) The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

(34) "Regulated motor vehicle surface" means any of the following, alone or in combination:

(a) The total area of motor vehicle surface that is currently receiving water;

(b) A net increase in motor vehicle surface; and/or quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

(35) "Sediment" means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

(36) "Site" means the lot or lots upon which a major development is to occur or has occurred.

(37) "Soil" means all unconsolidated mineral and organic material of any origin.

(38) "State Development and Redevelopment Plan Metropolitan Planning Area (PA1)" means an area delineated on the State Plan Policy Map and adopted by the State Planning

Commission that is intended to be the focus for much of the State's future redevelopment and revitalization efforts.

- (39) "State Plan Policy Map" is defined as the geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.
- (40) "Stormwater" means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.
- (41) "Stormwater management BMP" means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).
- (42) "Stormwater management measure" means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.
- (43) "Stormwater runoff" means water flow on the surface of the ground or in storm sewers, resulting from precipitation.
- (44) "Stormwater management planning agency" means a public body authorized by legislation to prepare stormwater management plans.
- (45) "Stormwater management planning area" means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.
- (46) "Tidal Flood Hazard Area" means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding

from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

- (47)** “Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.
- (48)** “Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.
- (49)** “Urban Redevelopment Area” is defined as previously developed portions of areas:
- (a)** Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
 - (b)** Designated as CAFRA Centers, Cores or Nodes;
 - (c)** Designated as Urban Enterprise Zones; and
 - (d)** Designated as Urban Coordinating Council Empowerment Neighborhoods.
- (50)** “Water control structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10- or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.
- (51)** “Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.
- (52)** “Wetlands” or “wetland” means an area that is 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.

C. Design and Performance Standards for Stormwater Management Measures

- (1)** Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:

(a) The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.

(b) The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

(2) The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

D. Stormwater management requirements for major development

(1) The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with §93-55. J.

(2) Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).

(3) The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §93.55. D. (16), (17), and (18).

(a) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

(b) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and

(c) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

(4) A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §93.55. D.

(15), (16), (17), and (18) may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

- (a) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - (b) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of §93.55. D. (15), (16), (17), and (18) to the maximum extent practicable;
 - (c) The applicant demonstrates that, in order to meet the requirements of §93.55. D. (15), (16), (17), and (18) existing structures currently in use, such as homes and buildings, would need to be condemned; and
 - (d) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under §93-55.D. (4). (c) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §93.55. D. (15), (16), (17), and (18) that were not achievable onsite.
- (5) Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in §93.55. D. (15), (16), (17), and (18) When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's

website at:

https://njstormwater.org/bmp_manual2.htm

- (6) Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well ^(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2 ^(e) 1 ^(f)
Green Roof	0	Yes	No	--
Manufactured Treatment Device ^{(a) (g)}	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)

Small-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A

Table 3 BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at §93-55. D (15). (6).
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10 foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;

(g) manufactured treatment devices that meet the definition of green infrastructure at §93-55. B.

(h) manufactured treatment devices that do not meet the definition of green infrastructure at §93-55. B.

(7) An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with §93-55. G (2). Alternative stormwater management measures may be used to satisfy the requirements at §93-55. D. (15) only if the measures meet the definition of green infrastructure at §93-55. B. Alternative stormwater management measures that function in a similar manner to a BMP listed at §93-55. D. (15). (b). are subject to the contributory drainage area limitation specified at §93-55. D. (15). (b). for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at §93-55. D. (15). (b). shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §93-55. D. (4). is granted from §93-55. D. (15).

(8) Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal

systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

(9) Design standards for stormwater management measures are as follows:

- (a)** Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
- (b)** Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of §93-74. H.
- (c)** Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
- (d)** Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at §93-55. H. and
- (e)** The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.

(10) Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at §93-55. B. may be used only under the circumstances described at §93-55. D. (15). (d).

- (11)** Any application for a new agricultural development that meets the definition of major development at §93-55. B. shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §93.55. D. (15), (16), (17), and (18) and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- (12)** If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §93.55. D. (16), (17), and (18) shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- (13)** Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §93.55. D. (15), (16), (17), and (18) shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to §93-55. J. (2). (e). Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

(14) A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to §93-55. D. of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with (13) above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with (13) above.

(15) Green Infrastructure Standards

- (a) This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
- (b) To satisfy the groundwater recharge and stormwater runoff quality standards at §93-55. D. (16) and (17) the design engineer shall utilize green infrastructure BMPs identified in Table 1 at §93-55. D. (5) and/or an alternative stormwater management measure approved in accordance with §93-55. D. (6) The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot
Small-scale	2.5 acres
Small-scale	2.5 acres
Small-scale Sand	2.5 acres

(c) To satisfy the stormwater runoff quantity standards at §93-55. D. (18) the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with §93-55. D. (7). If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §93-55. D. (4) is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with §93-55. D. (7). may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §93-55. D. (16), (17), and (18).

(d) For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at §93-55. D. (16), (17), and (18). unless the project is granted a waiver from strict compliance in accordance with §93-55. D. (4).

(16) Groundwater Recharge Standards

- (a) This subsection contains the minimum design and performance standards for groundwater recharge as follows:
- (b) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at §93-55. E. either:
 - [i] Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - [ii] Demonstrate through hydrologic and hydraulic analysis that the increase of

stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

(c) This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.

(d) The following types of stormwater shall not be recharged:

[i] Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

[ii] Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

(17) Stormwater Runoff Quality Standards

(a) This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.

(b) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

- [i] Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - [ii] If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
- (c) The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
- (d) The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

- (e) If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and

A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

- (f) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in §93-55. D. (16), (17), and (18).
- (g) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
- (h) The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
- (i) Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3. i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
- (j) This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development

or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

(18) Stormwater Runoff Quantity Standards

- (a)** This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
- (b)** In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at §93-55. E. complete one of the following:
 - [i]** Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - [ii]** Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - [iii]** Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - [iv]** In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (b) i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged

directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

- (c) The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

E. Calculation of Stormwater Runoff and Groundwater Recharge Standards

- (1) Stormwater runoff shall be calculated in accordance with the following:

- (a) The design engineer shall calculate runoff using one of the following methods:

- [i] The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

- https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

- or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or

- [ii] The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

- <http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.

- (b)** For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “runoff coefficient” applies to both the NRCS methodology above at §93-55. E. (1). (a). (i) and the Rational and Modified Rational Methods at §93-55. E. (1). (a). (ii). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
- (c)** In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts that may reduce pre-construction stormwater runoff rates and volumes.
- (d)** In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds or other methods may be employed.
- (e)** If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

(2) Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

F. Standards for Structural Stormwater Management Measures

(1) Standards for structural stormwater management measures are as follows:

- (a)** Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high-water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).
- (b)** Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than 1/3 the width of the diameter of the orifice or 1/3 the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of §93-55. (H).
- (c)** Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion-resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 5:21-7.4, and 5:21-7.5 shall be deemed to meet this requirement.
- (d)** At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of 2 1/2 inches in diameter.

- (e) Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at §93-55. (H).
- (2) Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by §93-55. D. of this chapter.
- (3) Manufactured treatment devices may be used to meet the requirements of §93-55. D. (10) of this chapter provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

G. Sources for Technical Guidance

- (1) Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:
http://www.nj.gov/dep/stormwater/bmp_manual2.htm.
- (a) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
- (b) Additional maintenance guidance is available on the Department's website at:
https://www.njstormwater.org/maintenance_guidance.htm.
- (2) Submissions required for review by the Department should be mailed to:
- (3) The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

H. Safety Standards for Stormwater Management Basins

- (1) This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- (2) The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet

one or more of the safety standards in §93-55. H. (3). (a), (b), and (c.) for trash racks, overflow grates, and escape provisions at outlet structures.

(3) Requirements for Trash Racks, Overflow Grates and Escape Provisions.

(a) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:

- [i]** The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
- [ii]** The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
- [iii]** The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
- [iv]** The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.

(b) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

- [i]** The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
- [ii]** The overflow grate spacing shall be no less than two inches across the smallest dimension.
- [iii]** The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

(c) Stormwater management BMPs shall include escape provisions as follows:

- [i]** If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible

means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to §93-55. H. (3). (c) a free-standing outlet structure may be exempted from this requirement;

[ii] Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See §93-55. H. (5) for an illustration of safety ledges in a stormwater management BMP; and

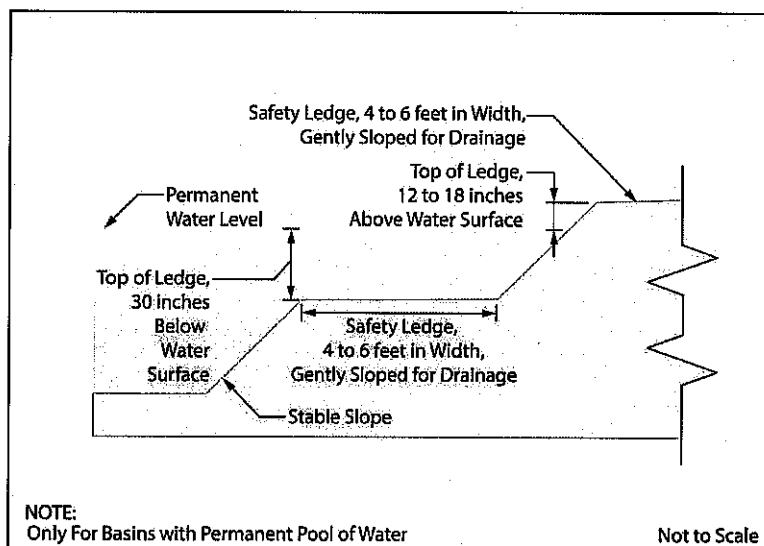
[iii] In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontals to one vertical.

(4) Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

(5) Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



I. Requirements for Site Development Stormwater Plan

(1) Submission of Site Development Stormwater Plan

- (a)** Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at §93-55. I. (3) below as part of the submission of the application for approval.
- (b)** The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
- (c)** The applicant shall submit seven copies of the materials listed in the checklist for site development stormwater plans in accordance with §93-55. I. (3) of this ordinance.

(2) Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

(3) Submission of Site Development Stormwater Plan

The following information shall be required:

(a) Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

(b) Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its

surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

(c) Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

(d) Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of §93-55. C. through §93-55. E. are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

(e) Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- [i]** Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

- [ii]** Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

(f) Calculations

- [i]** Comprehensive hydrologic and hydraulic design calculations for the pre-

development and post-development conditions for the design storms specified in §93-55. E. of this ordinance.

- [ii]** When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

(g) Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of §93-55. J.

(h) Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in §93-55. I. (1) through §93-55. I. (6) of this Ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

J. Maintenance and Repair

(1) Applicability

Projects subject to review as in §93-55 A. (c). of this ordinance shall comply with the requirements of §93-55. J. (2). and (3).

(2) General Maintenance

- (a)** The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
- (b)** The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP

Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

- (c) If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
- (d) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
- (e) If the party responsible for maintenance identified under §93-55. J. (2). (c). above is not a public agency, the maintenance plan and any future revisions based on §§93-55. J. (2). (g). below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
- (f) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
- (g) The party responsible for maintenance identified under §93-55. J. (2). (c). above shall perform all of the following requirements:

 - [i] maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;

- [ii]** evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
- [iii]** retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by §93-55. J. (2). (f). and (g) above.
- (h)** The requirements of §93-55. J. (2). (c). and (d) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.
- (i)** In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- (3)** Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

- B.** Except as set forth herein, all required improvements shall be subject to inspection and approval by the municipal engineer, who shall be notified by the developer at least 48-hours prior to the start of any construction.
- No underground utilities or other underground installation of improvements shall be covered until inspected and approved.
- C.** Fees to cover the cost of required inspections, including landscaping, shall be posted with the municipality in the amount of six percent (6%) of the engineer's estimate of required improvements, as established in § 93-77 of this Article. The requirement of such inspection and the payment of the required fees shall be included as a condition of final development approval. In the event that the developer elects to install improvements prior to final approval, the engineer's estimate shall be submitted for approval and inspection fees shall be posted upon preliminary approval and prior to any construction of improvements. Additionally, the requirements for a pre-construction conference and the conditions thereof shall apply in the event the developer so elects.
- D.** The standard specifications of Gloucester City, as presently or hereafter adopted or those otherwise set forth herein, shall govern the construction and installation of all required improvements. In the event that the particular specifications for any construction are not set forth in this ordinance, the standard specifications of the New Jersey Department of Transportation, as amended, shall govern such construction.

§ 93-57 Performance and Maintenance Guarantees

- 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 pursuant to N.J.S.A. 40:55D-65, the approving authority may require and shall accept in accordance with the standards adopted by ordinance for the purpose of assuring the installation and maintenance of on-tract improvements:
- (1)** The furnishing of a performance guarantee in favor of the municipality in an amount not to exceed 120% of the cost of installation, which cost shall be determined by the municipal engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4 for improvements which the approving authority may deem necessary

to appropriate including: street, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, as shown on the final map and required by the "Map Filing Law," water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping.

The Municipal engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

- (2) Provisions for maintenance guarantee to be posted with the governing body for a period not to exceed 2 years after the final acceptance of the improvement, in an amount not to exceed 15% of the cost of the improvement; which cost shall be determined by the municipal engineer according to the method of calculation set forth in N.J.S.A. 40:55D-53.4. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the other improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the municipality for such utilities or improvements.

- B.** The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as a part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of installation, which cost shall be determined by the municipal engineer according to the method of calculation- set forth in N.J.S.A. 40:55D-53.4 as of the time of passage of the resolution.
- C.** If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the municipality for the reasonable cost of the improvements not completed or corrected, and the municipality may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "local Public Contracts Law."

D.

- (1) Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the governing body in writing, by certified mail addressed in care of the municipal clerk, that the municipal engineer prepare, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection A of this section, a list of all uncompleted or unsatisfactory completed improvements. If such a request is made, the obligor shall send a copy of the request to the municipal engineer. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgement of the obligor. Thereupon the municipal engineer shall inspect all improvements covered by the obligor's request and shall file a detailed list and report, in writing, with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after the receipt of the obligor's request.
- (2) The list prepared by the municipal engineer shall state, in detail, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, or remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report prepared by the municipal engineer shall identify each improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory improvement, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection A of this section.

E.

- (1) The governing body, by resolution, shall either approve the improvements determined to be complete and satisfactory by the municipal engineer, or reject any or all these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the

itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection A of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the municipal engineer. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved improvements, except that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the performance guarantee posted may be retained to ensure completion and acceptability of all improvements.

(2) If the municipal engineer fails to send or provide the list and report as requested by the obligor pursuant to subsection D of this section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the municipal engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney fees, may be awarded to the prevailing party.

If the governing body fails to approve or reject the improvements determined by the municipal engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the municipal engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection A of this section; and the cost of applying to the court, including reasonable attorney fees, as may be awarded to the prevailing party.

(3) In the event that the obligor has made cash deposit with the municipality or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee.

- F.** If any portion of the required improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, 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 governing body or the municipal engineer.
- H.** The obligor shall reimburse the municipality for all reasonable inspection fees paid to the municipal engineer for the foregoing inspection of improvements; provided that the municipality may require of the developer a deposit for the inspection fees in an amount not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of improvements, which cost shall be determined pursuant to N.J.S.A. 40:55D-53.4. For those developments for which the reasonably anticipated fees are less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited by a developer shall be 50% of the reasonably anticipated fees. When the balance on deposit drops to 10% of the reasonably anticipated fees because the amount deposited by the developer has been reduced by the amount paid to the municipal engineer for inspection, the developer shall deposit the remaining 50% of the anticipated inspection fees. For those developments for which the reasonably anticipated fees are \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited by a developer shall be 25% of the reasonably anticipated fees. When the initial amount deposited by a developer drops to 10% of the reasonable anticipated fees because the amount deposited by the developer has been reduced by the amount paid to the municipal engineer for inspection, the developer shall make additional deposits of 25% of reasonably anticipated fees. The municipal engineer shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit.
- I.** In the event that final approval is by stages or sections of development pursuant to subsection (a) of N.J.S.A. 40:55D-38, the provisions of this section shall be applied by stage or section.
- J.** To the extent that any of the improvements have been dedicated to the municipality on the subdivision plat or site plan, the municipal governing body shall be deemed, upon the release of any performance guarantee required pursuant to subsection A of this

section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the municipal engineer.

§ 93-58 Application, Review and Inspection Fees

A. Payment of Fees

The processing of applications for development shall be subject to the payment of application fees, review fees for professional services and inspection fees pursuant to an ordinance adopted by the City Council.

B. Handling and Disbursement of Fees

The collection and disbursement of application, review and inspection fees shall be governed by the provisions of NJSA 40:55D-53 1.

C. Dispute of Charges

If an applicant disputes the charges by a professional for services rendered to the municipality, said dispute shall be resolved pursuant to the standards of NJSA 40:55D-53.2a.

§ 93-59 Uniform Affordable Housing Production Based Upon "Growth Share"

A. Residential Development - Except as otherwise provided below, any residential

development in any zoning district or redevelopment area in the City shall be required to produce one nonage-restricted affordable home meeting COAH's eligibility criteria for every eight (8) market rate lots or units constructed.

B. Nonresidential Development -All nonresidential development applications submitted to the Land Use Board shall be required to produce one nonage-restricted affordable home meeting COAH's eligibility criteria for every twenty-five (25) new jobs or employment opportunities created in the City as result of the proposed nonresidential development project. The calculation of the number of jobs and employment opportunities shall be in accordance with Appendix C to N.J.A.C. 5:94-1, et seq: entitled "UCC Use Groups

for Projecting and Implementing Nonresidential Components of Growth Share."

- C.** The applicant may seek to satisfy its affordable housing production obligation(s) through the mechanisms permitted in COAH's rules, including but not limited to, with Gloucester City's advanced written permission: (a) on-site housing production in connection with residential projects, (b) the purchase of an existing market rate home at another location in the community and its conversion to an affordable price-restricted home in accordance with COAH's criteria, regulations and policies, (c) participation in gut rehabilitation and/or buy-down/write-down, buy-down/ rent-down programs, and/or (d) the payment of a fee in lieu of construction, the amount of which shall be negotiated with the City.

Evidence of compliance shall be produced to the Land Use Board at the time of the filing of an application for final approval and shall be a condition of all "completeness" determinations. Thereafter evidence of satisfaction of affordable housing compliance shall be an automatic condition of all approvals that must be satisfied prior to the issuance of the project's first building permit.

- D.** Low and Moderate Income Split and Compliance with COAH's Rules - The affordable unit(s) to be produced pursuant to sections A, B and C (above) shall be available to a low income individual or household should only one affordable unit be required. Thereafter, each of the units shall be split evenly between low and moderate income individuals and households except in the event of an odd number in which event the unit shall be low income unit. All affordable units shall strictly comply with COAH's Rules and policies including, but not limited to, phasing, bedroom distribution, controls on affordability, range of affordability, affirmative marketing, income qualification, etc. It shall be the developer's responsibility, at its cost and expense, to arrange for COAH and City approved qualification service to ensure full COAH compliance and file such certifications, reports and/or monitoring forms as may be required by COAH or the Court to verify COAH compliance of each affordable unit.

Article VI – General Regulations

§ 93-60 General Provisions

- A.** No building shall hereafter be erected, and no existing building shall be moved, structurally altered, rebuilt, added to, or enlarged, and no land shall be used for any purpose other than those included among the uses listed as permitted uses in each zone by this Ordinance and meeting the requirements set forth by the schedule appended to this Ordinance in accordance with Article IV. No space contiguous to any building shall be encroached upon or reduced in any manner, except in conformity to the yard, lot area, building location, density, off-street parking and other regulations contained in the schedule in Article IV and the text of this ordinance as it applies to the zone in which the building or use is located. In the event of any such unlawful encroachment or reduction, such building shall be deemed to be in violation of this Ordinance.
- B.** Every principal building shall be built upon a lot with frontage upon a public street improved to meet city standards or of which such improvements have been insured by the posting of a performance guarantee pursuant to the subdivision regulations of the City. In the case of lots not comprising portions of a plan of lots approved pursuant to the subdivision regulations of the City, the minimum City standard of street improvement shall be thirty (30) foot roadway paved with a durable and permanent surface on a properly prepared subgrade, the construction of which shall be reviewed, inspected and then approved by the appropriate City authorities. These street improvements shall be made from the nearest public street to the furthestmost property line of the subject lot.
- C.** In the case of an irregular lot in which the side lot lines are not parallel, the average width of the lot may be substituted for the required minimum lot frontage, but the street lot frontage shall not be less than eighty (80) percent of the minimum required width prescribed by Article IV.
- D.** No yard or other open space provided about any buildings 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 space on another lot; shall be considered as providing a yard or open space for a building on any other lot.
- E.** Demolition of structures is hereby considered development. No structure on any lot or lots shall be demolished without first having had approval of a site plan for the lot or lots and/or the development thereon after demolition. Site Plan exemptions provided in Article V, § 93-

35, A., B., and D., for erection of residential buildings shall apply to demolition applications, with the following exceptions: No lot on which a structure proposed for demolition, which was previously a residential use, shall be exempted from Site Plan Approval if the lot is to be used for a non-residential purpose. Residential buildings adjacent or contiguous to non-residential uses and held in common ownership of the non-residential use shall not be exempt from Site Plan Approval prior to demolition.

§ 93-61 Prohibited Uses – All Districts

- A.** Any use which emits excessive or objectionable amounts of dust, fumes, noise, odor, smoke, vibrations or waste products.
- B.** Adult bookstores and related establishments.
- C.** Automotive salvage yards or outdoor storage of wrecked automobiles or parts thereof.
- D.** Occupied residential vehicles, travel trailer and/or boat trailers. Those parked or stored at private residences must be in rear or side yards in a manner so as to provide emergency access. In no case shall they be hooked-up to utility services. No such prohibited uses shall be stored in common parking areas of apartments.
- E.** Boats shall be occupied for no more than 48 hours and in no case shall they be hooked-up to permanent utility services.
- F.** The use of any mobile home, travel trailer, tractor trailer or similar mobile unit used for the sale of goods therefrom, while parked for any period of time adjacent to any building. The use of any mobile home, trailer, tractor trailer, travel trailer or similar mobile unit for storage purposes for a period in excess of one week while parked adjacent to a building.
- G.** Mobile, temporary or permanent signs of any kind not specified in §93-74, "Sign Controls".
- H.** Any temporary or permanent obstructions at intersections, including the sight triangle thereof.
- I.** Any use which includes the storage of gasoline or other petroleum product not permitted in any other section of the ordinance.
- J.** Any use which includes the manufacturing of acid, cement, lime, gypsum or plaster of Paris or other products that emit hazardous elements.
- K.** Any use which includes the manufacture or storage of explosives, fat, fertilizer, gas, glue, PCB's, asbestos, vinyl chloride or the reduction of garbage, offal or dead animals.
- L.** Any use which involves the smelting of tin, copper, zinc or iron ores.

- M.** Any uses which, by reason of emissions of odor, dust, gas, smoke or noise is detrimental to the health, safety or general welfare of the community.
 - N.** Any use which create vibrations or glare that goes beyond property lines.
 - O.** Storage of combustible materials for other than on-on-site use and/or refining of combustible materials.
 - P.** The outdoor storage of goods, articles, appliances, or vehicles shall be prohibited in all Commercial or Industrial districts unless items being stored are to be sold, are located behind the front setback line and are screened from visibility from any residential property. No outdoor storage of trash, junk or debris shall be permitted in any district unless it is contained in an enclosure conforming to the standards of § 93-45.C.1 of this Ordinance. Visible storage of any kind shall not be permitted on any premises in any Residential district.
- The prohibited uses outlined in this section are enforceable to all sections of this ordinance.

§ 93-62 Non - Conforming Uses and Structures

- A.** The otherwise lawful use of a building or land existing at the time of the adoption of this ordinance may be continued, although such use does not conform to the provisions of this ordinance, provided that:
 - (1)** Such use shall not be extended or enlarged without conforming to all regulations of the district in which it is located.
 - (2)** The existence of a non-conforming use on a part of a lot or tract shall not be construed to establish a non-conforming use on the entire tract or lot.
 - (3)** Whenever a non-conforming use is discontinued or changes to a conforming use it shall not thereafter be changed back to a non-conforming use.
 - (4)** Whenever a non-conforming structure has been damaged by fire or other causes to the extent of 75 percent (75%) of its market values, as determined by the Tax Assessor, it shall be rebuilt or repaired in conformity with the regulations of the district in which it is located.
 - (5)** If the non-conforming use or structure ceases operations for a period of one year or more, such discontinuance will be considered as evidence of an intent to abandon and any subsequent use shall conform to the regulations of the district in which it is located, unless adequate proof is established to the contrary.

- (6) Nothing in this Article shall be deemed to prevent normal maintenance and repair of any building or the carrying-out upon issuance of a building permit, of major structural alterations or demolitions necessary in the interest of public safety. In granting such a permit, the construction official shall state the precise-reason(s) to the Board of Adjustment why such alterations were deemed necessary.

§ 93-63 Unsafe Conditions

- A. If the construction official, upon inspection, determines that an unsafe condition exists with respect to building soundness, he shall notify the owner of his findings and state his reason and order the condition repaired or, in the case of signs and fences, removed within a reasonable time period.

§ 93-64 Approved Final Subdivision

- A. Any previously approved final subdivision, where the map has been filed and a bond been posted, and water and sewer are available, which has previously received approval from the Planning Board, shall be exempted from the operation of this ordinance for a period of two (2) years from the date of passage and final adoption, provided that all conditions of the approval are adhered to.
- B. Said exemption shall be granted predicated upon: payment in full of water and sewer fees; payment in full of taxes to date; posting of acceptable performance guarantees; and on the premise that the development causes no condition that will endanger the health, safety or welfare of Gloucester City.

§ 93-65 Undersized Lots of Record

- A. Any preexisting, non-conforming parcel of land with an area or width less than that prescribed for a lot in the zone in which such a lot is located, may be used as a lot for any purpose permitted in the zone other than multiple dwellings notwithstanding limitations imposed by other provisions of this chapter. Such lots must be in separate ownership and not of contiguous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area and width shall conform to the regulations for the district in which such lot

is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

- B.** If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage of amendment of this Article, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width of area below the requirements stated in this chapter.

§ 93-66 Buffer Landscaping Requirements

A. Purpose:

- (1) The following are the minimum required buffer areas between the following combinations of land uses. This, however, does not preclude the Planning Board from increasing or waiving these controls given the discovery of unique conditions.

B. Key of materials are listed in Table Article VI, Table A – Buffer Yard Standards.

- (1) The following serves as a key to the buffer components presented on Table A. Typical details of buffers and fencing are enclosed in § 93-67 **Fences, Walls, and Hedges, Subject to the Following Maximum Height Requirements** for examples to be used by applicants in preparation of as Subdivision/Site plan.

(a) Plant material / vegetation:

- [i] Evergreen Shrubs – 2-2.5 ft. at time of planting.
- [ii] Ornamental Shrubs – 1.5-2 ft. at time of planting.
- [iii] Evergreen Trees – 6-8 ft. at time of planting.
- [iv] Canopy Trees – 2.5-3 in. caliper, 12-15 ft. at time of planting.

(b) Fences

- [i] Security fence
- [ii] Decorative/ornamental fence
- [iii] Solid wood fence

§ 93-67 Fences, Walls, and Hedges, Subject to the Following Maximum Height Requirements

A. Residential Districts:

- (1) Solid fences shall be prohibited in any front yard;
- (2) Front yard and street side yard of corner lot
 - (a) All residential districts: Height – 4 ft.
 - (b) On a corner lot, any yard within a site triangle
 - (a) Height – 2.5 ft.
- (3) Side and rear yards adjacent to residential uses, except that this limitation shall not apply to living hedges;
 - (a) Height – 6 ft.
- (4) Side and rear yards adjacent to non-residential uses and arterials, except that this limitation shall not apply to living hedges;
 - (a) Height – 6 ft.
- (5) On a corner lot, any yard within the sight triangle.
 - (a) Height – 2.5 ft.
- (6) No barbed and/or coil wire

B. Non-Residential Districts

- (1) On a corner lot, any yard within the sight triangle;
 - (a) Height – 2.5 ft.
- (2) Side and rear yard;
 - (a) Height – 8 ft.
- (3) Front yard – not permitted.
 - (a) Height – 0 ft.

C. The use of barbed wire and coil wire is prohibited in all zoning districts of the City.

§ 93-68 Landscape Standards

A. All developments requiring site plan or major subdivision approval are required to submit a detailed landscape plan prepared by a professional landscape designer, or other person permitted under N.J.A.C. 13:41-4.3.

- (1) Landscaping Objectives and Uses of Plants - Landscape design is an important element in designing a development; accordingly, in site design it has a role greater than just screening and aesthetic functions. The following elements are set forth to identify the areas of landscaping design required as part of any development:

- (a) Architectural Uses** - Plants singly or in groups, form walks, canopies or floors of varying heights and densities creating walls: of privacy, plant canopies, plant floors and screening, guiding vehicular traffic, identifying entries, providing bases for signs and lights, providing breaks in building continuity, etc.
- (b) Engineering Uses** - Engineers are concerned with such items as glare, traffic, noise control, soil erosion, minimizing access to unauthorized areas, etc.
- (c) Climate Control Uses** - Shade trees, windbreak trees and snow fence plants are examples of plants used for climate control. Commercial uses include shading for walkways, sitting areas, storefronts, snowdrift control along parking lots, shading of handicap parking spaces, etc.
- (d) Aesthetic Uses** - Plants can be used to blend together various unrelated elements, such as buildings, utility structures or inharmonious land uses. Landscaping can be very effectively used to improve a building design by complementing a building's design through color, texture, seasonal configurations, highlighting areas of interest, using landscaping creatively with lighting and signage, etc.
- (e) Water As Landscape** - Water areas can be a handsome and often functional addition to a site design by utilizing detention basins serving engineering purposes as part of the landscaping element. Through creative engineering and good landscape design, such areas can add substantially to the quality of any commercial development by increasing the aesthetic interest, creating of moats for security purposes and recycling water for cooling and refrigeration.
- (f) Security Uses** - Plant material can be utilized to encourage security by using thorny plants as window bases, along security fences, etc.
- (g) Wildlife Habitat** - Wildlife habitat is not an element of commercial design; thus care must be taken to avoid plant material that may attract wildlife to commercial edges or provide supplemental habitat.

(2) Commercial Planting Requirements:

- (a)** All areas not covered by roadways, pedestrian walkways, parking areas, etc., shall be landscaped with natural materials according to a landscaping plan submitted as part of the site plan application process.
- (b) Canopy Trees** - The development of new commercial structures in the CRO and RC&S Districts or any application for site plan approval in the HC district shall

provide at least one (1) canopy tree (two (2) to three (3) inches in caliper measured six (6) inches from the top of the root ball) per thirty five (35) feet of street frontage, excluding canopy trees required in parking areas pursuant to § 93-69 **Parking Design Criteria, Off-Street Parking Schedule, Loading Space Schedule.**

(c) Shrubs, Ground Cover and Ornamental Plantings - 75% of all areas not covered by buildings, roadways, pedestrian walkways, parking areas, etc., shall be covered with a combination of evergreen shrubs, ground cover and ornamental planting. The intent, however, is to assure the proper uses of understory plant material along the edges of buildings, walkways, bases of signs and bases of street lights, creation of plant walls, highlighting entrance ways, screening trash enclosures, restricting entry by certain areas, ornamental planting, etc.

(d) Special Landscaping Emphasis - At a minimum, the applicant shall highlight the landscape plan with the projected treatment for the following areas and/or use relationships.

[i] Parking Lots - All parking lots in commercial developments shall be landscaped as required in § 93-69 **Parking Design Criteria, Off-Street Parking Schedule, Loading Space Schedule.**

Whenever an off-street parking area exceeds one hundred (100) spaces, the area shall be divided into four (4) sections with each section being separated by a concrete divided strip, a minimum of fifteen (15) feet wide, landscaped with canopy trees as provided in such divider strip to provide adequate and safe lighting for the site. Such divider strip shall also be designed with a pedestrian route similar to a sidewalk which will provide safe access from the off-street parking area to the principal buildings on the site.

[ii] Maintenance, Storage and Refuse Collection Areas - These areas shall be landscaped with buffer and screen planting to provide visual physical separation of such elements from contiguous areas.

[iii] Whenever the rear or side of buildings or sites may be viewed from a residential district or from an adjoining street, then a buffer landscape strip shall be provided pursuant to the standards of § 93-66 **Buffer Landscaping Requirements.**

[iv] The reviewing board may require special landscape treatment to initiate the objectives of section A of site conditions warrant.

(3) Industrial Landscaping Requirements:

At a minimum, all permitted uses shall landscape industrial sites so that:

- (a)** Landscaping shall be located to provide for climate control;
- (b)** Landscaping shall be utilized to compliment and accent buildings;
- (c)** Landscaping shall be provided in public areas, parking areas, recreational sites and adjacent to buildings;
- (d)** All areas not covered by buildings, roadways, parking areas and pedestrian walkways shall be landscaped with natural materials;
- (e)** Landscaped buffer areas shall be provided according to the following principles:
 - [i]** Buffers required at the site or parking perimeter pursuant to Note 1 shall consist of natural vegetation in combination with new deciduous and evergreen trees and shrubs. Such buffers shall be of sufficient height and density to minimize headlights or vehicles, noise and light from structures. Deciduous trees shall be a minimum 2 ½ in. to 3 inch caliper and 12 to 15 feet in height at the time of planting. Evergreen trees shall be 6-8 ft. in height at the time of planting.
 - [ii]** Similar buffers a minimum of 10 ft. shall be developed around garbage collection facilities.
 - [iii]** Landscaped buffers shall make use of berms and mounds as part of the overall landscape design.

(4) Residential Landscaping:

All areas not covered by roadways, pedestrian walkways, parking areas, etc., shall be landscaped with natural materials according to a landscaping plan submitted as part of the site plan application process. The minimum number of trees planted in lots as buffers or in parking areas shall be as follows:

- (a)** There shall be a minimum of 5 canopy trees per unit in the R-L District and 3 per unit in the R-M District. Canopy trees shall be 2 ½ to 3 inches in caliper (measured 6 inches from the top of the root ball) and 12 to 15 feet in height at the time of plating. [NOTE: Clump or flowering trees incapable of being measures 6 inches from the top of the root ball shall be at least 12 ft. high at the time of planting].
- (b)** Shrub and Ornamental Plantings- The minimum number of this type of plant material shall be 20 plants per dwelling unit for townhouses and single-family housing types and 15 plants per unit for garden apartments. The intent, however, is to assure the

proper uses of understory plant material along, the edges of buildings, walkways, bases of signs, bases of street lights, creation of plant walls, highlighting entranceways, restricting entry to certain areas, basic ornamental planting, etc.

(c) Special Landscaping Emphasis - The following standards shall be supplemental to those requirements of §93-68.A.(4) in cases where the approving authority determines that such requirements have not been met through the minimum standards set forth in this section.

[i] Parking Lots -All parking lots in a multi-family development shall be landscaped in the following fashion:

[1] At a minimum, every tenth parking space shall be interrupted with a canopy tree 2 ½ -3 inches in caliper measured 6 inches from the top of the root ball. Such tree shall be planted at least 4 ft. into an island perpendicular to the curb so that it is clear of vehicle overhang and opening doors. The tree shall be so positioned and the island designated that the landscaping will not interfere with pedestrian circulation.

[2] All overhang areas shall be designed with a hard surface from the outside edge of the wheel bumper [head of parking stall to a distance of 3 ft. beyond that point.

[ii] Dwelling Unit to Edge of Parking - The area extending be wall of a dwelling unit to the edge of any parking area shall be landscaped to achieve a visual separation with a combination of hedges, shrubs, bollards or other similar techniques.

[iii] Dwelling Unit to Edge of Street - The area extending between any dwelling unit and street edge shall be landscaped with screen, buffer or ornamental planting as required to provide an appropriate transition between the 2 elements.

[iv] Privacy areas - The patio and similar areas designated for privacy shall be landscaped with screen, canopy and ornamental planting.

[v] Maintenance, Storage and Refuse Collection Areas -These areas shall be landscaped with buffer and screen plantings to provide visual physical separation of such elements from contiguous areas.

[vi] Landscaping for Energy Conservation - Landscape planting generally throughout the site shall be utilized to provide buildings with summer shade canopies, maximum winter exposure to sun, windbreaks, etc.

[vii] Wildlife Habitat - The utilization of landscape planting to promote the creation and/or preservation of wildlife habitat must take form at two levels. The first effort is required in the areas referred to as "developed common open space". These include parks, playgrounds, backyards, walkways, etc., in which plant material selected to satisfy the needs of the human population can also have food and shelter value for bird and small game species. The second effort lies in the protection of the habitat value of the undeveloped open space and augmenting such habitat with plant material that further promotes food and shelter values.

[viii] Developed Common Open Spaces - The developed open spaces throughout any project area shall be landscaped according to an overall plan incorporating existing plant material and supplementing it.

[ix] Utility Fixtures - Such as transformers, heat pumps, etc., throughout the site shall be screened with a combination of fencing and landscaping.

(5) General Standards Applicable to All Districts:

(a) Maintenance of landscaped areas:

[i] All landscaped areas shall be maintained in a neat and professional manner throughout the life of the project, to include the replacement of plant material as required.

[ii] The agency, office or person charged with such responsibility shall be designated. All areas of the site plan to be under a common association responsibility shall be designated on the site plan.

(b) Retention of Native Plant Material - All efforts shall be made to retain natural plant material. Clearing shall be limited to roadways and buildings sites and areas essential for the development.

(c) Substitutions of existing plant material for required landscaping. Subsequent to construction of each project phase, the developer may request the reviewing board to verify the acceptability of existing native plant material and its suitability as a substitute for any proposed landscape plan.

(d) Location of Landscape Material - All landscape material shall be so located so as not to obstruct vision in parking areas, along roadways or in other areas accessible to motorized vehicles.

§ 93-69 **Parking Design Criteria, Off-Street Parking Schedule, Loading Space Schedule**

A. Purpose:

- (1) To provide safe, adequate off-street parking for commercial, professional and residential uses in Gloucester City while preserving the traditional aesthetic visual qualities associated with an historic community.

B. Applicability:

- (1) In all zones in connection with every industrial, business, institutional, recreational, residential excluding single-family residents or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking for automotive and other vehicles in accordance with the requirements set forth herein. Such facilities shall be completed prior to issuance of a certificate of occupancy. Applicant shall also meet the requirements of PL 1975, Chapter 221, requiring parking spaces for the handicapped.

C. Setbacks:

- (1) Unless otherwise permitted under the applicable zoning district regulations, no parking lot shall be located within the minimum buffer area established in § 93-66 **Buffer**

Landscaping Requirements.

D. Size of Parking Spaces:

- (1) All parking stalls shall be 9' x 18' in size except as specified below:
 - (a) Handicapped stalls – As required by A.D.A.
 - (b) Supermarkets – 10' x 20'
 - (c) Parallel parking – 8' x 22'
 - (d) Single unit truck/bus – 10' x 45'
 - (e) Articulating truck – 10' x 60'
 - (f) Convenience stores – 10' x 18'
 - (g) Compact parking – 9' x 15'
 - (h) Valet parking – 8 ½' x 18'

E. Schedule of Off-Street Parking Requirements:

(1) Motor Vehicle Parking Requirements

- (a) The minimum number of off-street parking spaces with proper access from a street, alley or driveway, for each use in alt districts shall be as follows:

[i] Assembly hall, auditorium, theater, church.

[1] 1 space for each 4 stadium seats, or 1 space for each 40 sq. ft. of assembly area if no fixed seating.

[ii] Automobile dealer, New and Used.

[1] 1 space per employee plus 5 spaces for customers

[iii] Automobile and gasoline service station.

[1] 1 space for each 4 stadium seats, or 1 space for each 40 sq. ft. of assembly area if no fixed seating.

[iv] Bank, financial institution.

[1] 4 spaces per each 1000 sq. ft. of gross floor area.

[v] Boarding, tourist or rooming house.

[1] 1 space for each rental room plus applicable dwelling unit requirement.

[vi] Day care, child nursery.

[1] 0.2 spaces per student licensed plus 1 per employee.

[vii] Dwelling: Age Restricted (Senior citizen).

[1] 0.5 spaces per unit.

[viii] Dwelling: multifamily.

[1] 1.5 spaces per unit plus 0.5 spaces for each bedroom above one in a unit.

[ix] Dwelling: single-family, attached.

[1] 2 spaces per unit exclusive of garage.

[x] Dwelling: single-family, detached.

[1] 2 spaces per unit exclusive of garage.

[xi] Dwelling, townhouse.

[1] 2 spaces per unit.

[xii] Dwelling: adult retirement community.

[1] 1 space per unit exclusive of garages.

[xiii] Fast food restaurant.

[1] 15 spaces per 1000 sq. ft. of gross floor area. Drive-thru restaurants shall have 6 stacking spaces from the menu board which do not block parking or aisles.

[xiv] Funeral homes.

[1] 1 space for each 60 sq. ft. of floor area available for seating accommodations, plus 1 space for each funeral vehicle to be housed at the site.

[xv] Hospitals.

[1] 1 space for 3 beds plus 1 space per staff or visiting doctor plus one space per 2 employees.

[xvi] Hotels, motels, inns.

[1] 1 space per room, plus 1 space per each 4 restaurant seats or conference room seats, plus 30 spaces for each 1000 sq. ft. of convention area.

[xvii] Life care/congregate care facilities.

[1] 1 /2 space for each bed or unit.

[xviii] Manufacturing.

[1] 1 space for each 1000 sq. ft. of gross floor area.

[xix] Marinas.

[1] 0.6 spaces for each slip, excluding short term (dropoff/pickup) parking.

[xx] Nursing homes.

[1] 1 space for each 3 beds. 1 space for each staff doctor. 1 space for each 3 nurses or other full-time employees.

[xxi] Offices.

[1] 4 spaces per 1000 sq. ft. of gross floor area of general office space. 5 spaces per 1000 sq. ft. of gross floor area of medical space.

[xxii] Public or private schools.

[1] 2 spaces per classroom, but not less than 1 per employee plus additional parking at the high school level and above of 1 space per 50 students.

[xxiii] Recreation centers.

[1] 1 space for each 500 sq. ft. of gross floor area.

[xxiv] Restaurant, tavern.

[1] 1 space for each 3 seats.

[xxv] Retail business.

[1] 4 spaces per 1000 sq. ft. of gross floor area.

[xxvi] Shopping center.

[1] 4.5 spaces for each 1000 sq. ft. of gross floor area under 600,000 sq. ft.

Centers over 600,000 sq. ft. of gross floor area shall have 5 spaces per 1000 sq. ft.

[xxvii] Sports Club/Health Spa.

[1] 4.5 spaces per 1000 sq. ft. of gross floor area.

[xxviii] Supermarket.

[1] 5 spaces for each 1000 sq. ft. of gross floor area.

[xxix] Swimming clubs.

[1] 1 space per 3 memberships.

[xxx] Warehousing.

[1] 1 space for each 5000 sq. ft. of gross floor area.

[xxxi] Uses not specified.

[1] As determined by the reviewing board.

F. Schedule of Off-Street Loading Requirements:

(1) For retail stores, shopping centers, hotels, restaurants, and general retail service:

(a) Up to 50,000 sq. ft. - 1 loading area.

(b) Over 50,000 sq. ft., and for each 50,000 sq. ft. or fraction thereof - 1 loading area.

(2) For office buildings, schools, places-of public assembly, multi-family units; 1 "drop off" loading area for each building directly in front of the main entrance, designed not to be confused with a parking space and not to block other parking or aisles plus 1 loading area for deliveries.

(3) For industrial sites, unless the user can demonstrate specific needs - 1 berth for each 20,000 sq. ft. up to 60,000 sq. ft., thence 1 space for each 50,000 sq. ft. or fraction thereof.

G. Supplementary Space Requirements Applying to Motor Vehicle Parking and Off-Street Loading:

(1) Off-Site Parking.

(a) Where a proposed use is unable to meet the parking requirements as set forth in this article, an applicant may petition the approving authority to accept either of the following alternatives:

[i] The applicant can fulfill the parking requirements on a site within 200 feet of the applicant's site where the applicant can meet all of the following conditions:

[1] Ownership control of the alternate parking area;

[2] The proper number of cars can be accommodated;

[3] A detailed site plan for the alternative parking area meeting all requirements of this ordinance has been prepared and approved by the approving authority;

[4] Any and all parking for a commercial or industrial use is located in a commercial or industrial zone and not in a residential zone;

[5] No negative impact will occur to any adjacent use;

[6] The best interests of the city would be served by this waiver;

(b) Where all of the above conditions are met, the approving authority may, at its discretion, grant a waiver of the on-site parking requirements to the applicant in exchange for the off-site parking lot;

[i] Where the approving authority has adopted a public parking plan identifying proposed public parking facilities for inclusion on an Official Map; and where such an Official Map has been adopted by the Governing Body of the City, the approving authority may accept a payment in lieu of the parking spaces which cannot be provided on the applicants site if all of the following conditions are met;

[1] The proposed public parking area is within 600 feet, measured over the walkway between the two sites;

[2] The proposed number of cars can be accommodated on the proposed public parking lot;

[3] No negative impact to any adjacent uses will occur;

[4] Parking areas required for neighboring residential uses will not be sacrificed;

[5] Commercial use parking will be permitted only in a commercially zoned area; and industrial use parking will only be permitted in industrially zoned areas;

[6] The best interests of the city would be served by this payment-in-lieu-of parking;

[7] The payment per parking space shall cover the total cost of providing such parking including land acquisition, engineering and construction as determined by the City Engineer; but shall not be less than \$900 per parking space.

[8] The city agrees, in writing, to acquire the land and construct the parking facility within nine (9) months of the date of the approval of the application.

(c) Such funds shall be deposited in a separate interest-bearing parking trust fund maintained by the city to acquire and construct such facilities.

- (d) The approving authority shall be responsible for designating in writing to the Governing Body the public parking area which is to be developed in conjunction with a particular application.

(2) Shared Parking

- (a) Along the Broadway commercial corridor (RS&C District) new and existing commercial uses may organize and develop shared parking lots. The total capacity of the lot shall equal the sum of the individual uses are required to be provided unless the applicant can demonstrate to the board a shared parking supply in accordance with the Urban Land Institute's Shared Parking standards.
- (b) When mixed uses are provided on the same site, the sum of the individual uses are required to be provided unless the applicant can demonstrate to the board a shared parking supply in accordance with the Urban Land Institute's Shared Parking standards.

(3) Compact Car Parking

- (a) Parking for compact cars may be provided at office buildings, industrial sites and other employee parking areas at up to 25% of the required parking supply. All compact parking stalls must be grouped and appropriated signed.

(4) Waiver of Parking and Off-Street and Unloading Requirements

(a) Excess Space.

- [i] Where it can be demonstrated, at the time of reviewing board review, the parking and/or loading and unloading requirements of this article will result in more parking spaces than actual needs require, the approving authority may permit a portion of the proposed parking and/or loading areas to remain unpaved, but landscaped. Such unpaved area shall remain reserved for such future facilities needs and, if conditions in use or actual operation of the proposed use vary, the approving authority may require such unpaved space to be paved.

(5) Use Change Affecting Parking Needs

- (a) 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 of off-street parking

facilities shall be provided within a reasonable time not to exceed 120 days on the basis of the adjusted needs.

H. Landscaping Elements:

(1) General

- (a) A minimum of 15% of all parking areas shall be landscaped. Landscaping shall be located in protected areas, along walkways, in center and end islands, and in all irregular spaces not used for parking.
- (b) All overhang areas shall be designed with a hard surface extending the outside edge of the wheel bumper to a distance 3 feet beyond that point.

(2) Buffer Strips

- (a) A buffer" strip shall be provided between all parking areas and adjacent land uses. The width of the buffer shall be as prescribed in §93-66 **Buffer Landscaping Requirements**.
- (b) Buffer strips may consist of native plant materials, or a combination of native plant materials and structural materials, installed in a fashion that improves the aesthetics of the parking area, and reduces glare, air and noise pollution and soil erosion.

(3) Islands

- (a) Landscaped islands shall be placed at a minimum between every tenth (10th) parking stall. Islands shall also be placed at the end of every row of parking stalls as a traffic control device.
- (b) Islands shall be a minimum of 10 feet in width and curbed.
- (c) Islands shall be landscaped and contain one canopy tree 2-3 inches in caliper, 15 feet from the head (interior edge) of the adjacent parking stall. Where an island adjoins 2 stalls placed head to head, a canopy tree (2-3 inch caliper) shall be placed along the centerline between the stalls. The balance of the island shall be landscaped using a combination of shrubs (not to exceed 3 feet in height) and ground cover materials.

(4) Entry/Exit Plantings

- (a) Within the sight triangle of all points of entry or exit from a parking area, shrubbery, not to exceed 3 ft. in height, shall be planted and maintained.

I. Lighting

- (1) Lighting standards for parking lots shall be as follows:

- (a) All lighting shall be designed, oriented and selected to prevent glare upon surrounding properties or roadways.
- (b) The maximum height for light standards in any residential district or in the commercial districts on Broadway or King Street shall not exceed 25 feet.
- (c) Pedestrian oriented lighting shall be low or mushroom type standards located along pedestrian routes, bike paths, recreation areas, etc.
 - [i] Lighting intensity standards shall be as follows:
 - [ii] Parking areas 1.5 foot candles throughout.
 - [iii] At property lines, maximum intensity 1.0 foot candles.
 - [iv] All other lighting shall be based upon acceptable industry standards or the recommendation of the City Engineer.

J. Signs

- (1) Directional signs indicating access and egress points are permitted, provided that:
 - (a) Only one entrance freestanding sign may be erected at each driveway which provides a means of ingress for the off-street parking facilities on the premises.
 - (b) Such entrance signs shall relay only the name of the use or facility and appropriate traffic instructions shall not exceed 10 sq. ft. in area for each two faces and shall be mounted so as not to obstruct vision for a height of 5 ft. above ground level and shall not exceed 11 ft. in height.
 - (c) In such cases as directional entrance signs are located within a buffer area, said signs shall not exceed 15 sq. ft. for each of two faces.
 - (d) Such exit signs shall not exceed 10 ft. in area; shall not obstruct vision for a height of 3 ft. above ground level; and shall not exceed 11 ft. in height.
 - (e) Not more than one exit sign shall be erected in conjunction with each drive way which provides egress from the premises which is located within the required buffer area.

§ 93-70 Private Swimming Pools

- A. Where permitted on the Schedule of District Regulations as an accessory use private swimming pool, intended for use of the building residents, shall comply with the following:
 - (1) That the fenced edge of the pool apron shall be at a minimum of:
 - (a) Five (5) feet from the side or rear property lines in the R-L District;

- (b) Adjacent to the side or rear property line in the R-M District;
- (c) No pools or pool aprons shall be permitted in the front yard area of any residential district.
- (2) That adequate fencing, with lock, shall be utilized to prevent unauthorized use. Such fencing shall surround the pool itself shall be at a four (4) foot minimum height, or fencing along the side and rear property line of the yard-in which a pool is located shall be six (6) feet high and;
- (3) That pool lighting shall be designed and located to prevent glare on contiguous properties.

§ 93-71 Satellite Dish Antennas

A. Purpose:

- (1) The purpose of this section is to establish guidelines governing the placement of satellite dish antennas as an accessory use in all zoning districts of Gloucester City. These regulations are intended to promote the general welfare through placement of satellite dish antennas in a manner that minimizes the visual impact on the aesthetic character of the community in general and particularly the character of the Gloucester City Historic District.

B. Definitions:

- (1) As used in this section, the following terms shall have the meanings indicated:
 - (a) SATELLITE DISH ANTENNA- An apparatus capable of receiving communications or other signals from a transmitter or transmitter relay located in planetary orbit.
 - (b) USABLE SATELLITE SIGNAL- A satellite signal that, when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or cable television.

C. Regulations:

(1) Permits.

- (a) The installation of a satellite dish antenna shall require a permit from the Gloucester City Zoning Officer, verifying compliance with the standards of this section, in addition to construction and electrical permits required under the local construction code.

(2) Location.

- (a) Satellite dish antennas shall not be installed as a sole structure on a lot.

- (b) Small satellite dish antennas, with a diameter of one meter or less, may be installed in any residential, commercial or industrial zoning district. Satellite dishes with a diameter larger than one meter may be installed only in a commercial or industrial district.
 - (c) In all zoning districts, satellite dish antennas shall be located in rear yard areas.
 - (d) If a usable satellite signal cannot be received in a rear yard area, the satellite dish antenna shall be mounted on the roof or otherwise attached to an existing principal or accessory structure on site in a manner that minimizes visibility of the satellite dish antenna from the adjacent street, or in a side yard area with screening, as required in subsection 3 below, installed in the line of sight between the antenna and the front yard area.
 - (e) A waiver shall be required to install a satellite dish antenna in any front yard area. The application for a front yard waiver shall be accompanied by an affidavit from a qualified installer of satellite dish antennas stating the reasons why installation in a rear or side yard area or on a rooftop is not feasible.
- (3) Setbacks for ground installation shall be:
- (a) Five (5) feet from any side or rear lot line in a residential district.
 - (b) Twenty (20) feet from any side or rear lot line in a commercial or industrial district, except that a satellite dish antenna may not be located in a buffer area required pursuant to § 93-66 **Buffer Landscaping Requirements**.
- (4) Screening.
- (a) In industrial and commercial districts, satellite dish antennas placed at ground level shall be screened from adjacent roads by either an evergreen buffer, six (6) feet in height at time of planting, or a solid wood fence, six (6) feet in height, landscaped at its base with ground cover plantings.
 - (b) In all districts, roof mounted satellite dish antennas shall be placed where possible without interfering with the useable signal, in an unobtrusive location.
- (5) Other regulations
- (a) Satellite dish antennas shall be installed in compliance with the manufacturer's installation standards and local Building and Electrical Codes.
 - (b) Satellite dish antennas shall be erected in a secure, wind resistant manner, to the satisfaction of the appropriate municipal officials.

- (c) Satellite dish antennas may not be installed on the roof or in the front yard of any building located in the Historic District without the express endorsement of the Historic Preservation Commission.

§ 93-72 Schools

A. Notwithstanding any other provision contained in this ordinance, schools, whether public, private, or trade shall be permitted in all districts.

- (1) Any school permitted under this subsection shall be a non-profit organization within the meaning of the Internal Revenue Act and registered effectively as such thereunder.
- (2) Such school shall have as its prime purpose the general education of students in the arts and sciences and shall be licensed by the New Jersey State Board of Education, if license for its operation is required by law.
- (3) The minimum lot area shall be five (5) acres, plus one (1) acre for each one hundred (100) pupils for whom the school is designed.
- (4) Any other provision contained in this ordinance notwithstanding, no school building or part thereof shall be erected nearer than a distance equal to three times the height of such building to any property line other than a street line.
- (5) All accessory buildings shall be located on the same lot as the principal buildings and the sum of all areas covered by all principal and accessory buildings shall not exceed thirty percent (30%) of the area of the lot.
- (6) No school permitted hereunder shall be a trade school except to the extent that it is part of the public education process.

§ 93-73 Sexually Oriented Businesses

A. Statutory Authorization: Findings of Fact; Purpose and Objectives

(1) Statutory Authorization

- (a) The Legislature of the State of New Jersey has delegated the responsibility to the local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the City Council of Gloucester City and the State of New Jersey does ordain as follows.

(2) Findings of Fact

- (a) Sexually oriented business have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them: causing increased crime, especially prostitution; adversely affecting property values; creating an atmosphere which is inimical to the values of a significant segment of the city's population; and encouraging residents and businesses to move elsewhere. It is further recognized that sexually oriented business, when located in close proximity to each other, contribute to urban blight and downgrade the quality of life in the adjacent areas.

(3) Purpose and Objectives

- (a) It is the purpose of this section-to regulate sexually oriented business to minimize and control the adverse effects recognized in subsection (2) and to promote the public health, safety and general welfare of the citizens of the city. It is not the purpose of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, nor will this chapter have the effect of restricting or denying such access.

B. Definitions - as used in this section, the following terms shall have the meanings indicated.

(1) Adult Arcade

- (a) Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still- or motion-picture machines, projectors or other image producing devices are maintained to show images to one (1) person per machine at any one (1) time and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

(2) Adult Bookstore or Adult Video Store

- (a) A commercial establishment, which; as one (1) of its principal business purposes, offers for sale or for rental for any form of consideration any one (1) or more of the following:
 - [i] Books, magazines, periodicals or other printed materials or photographs, films, motion pictures, videocassette or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or

- [ii] Instruments, devices or paraphernalia, which are designed for use in connection with specified sexual activities.

(3) Adult Cabaret

- (a) A nightclub, bar, restaurant or similar commercial establishment, which regularly features:

- [i] Persons who appear in a state of nudity; or
 - [ii] Live performances, which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

(4) Adult Motel

- (a) A hotel, motel or similar commercial establishment, which offers accommodations to the public for any form of consideration and which:

- [i] Provides patrons with closed-circuit television transmissions, films, motion pictures, videocassette, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from a public right-of-way which advertises the availability of these adult types of photographic reproductions;
 - [ii] Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - [iii] Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

(5) Adult Motion Picture Theater

- (a) A commercial establishment where, for any form of consideration; films, motion pictures, videocassette, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. "Adult motion picture theaters" shall meet the seating criteria established for adult theaters (below).

(6) Adult Theater

- (a) A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities. Seating shall be provided in a design consistent with traditional movie theaters. All sitting areas shall be visible and unobstructed.

(7) Commercial Display

- (a)** The exhibition to the senses of another person for valuable consideration, whether the valuable consideration is paid by the recipient of the exhibition or by another and whether the exhibition occurs at the exhibitor's place of business or elsewhere.

(8) Nudity or A State of Nudity

- (a)** The appearance of a human bare buttocks, anus, male genitals, female genitals or female breasts.

(9) Obscene Materials

- (a)** The definition of obscene materials set for in P.L 1978, c. 95, as amended by P.L. 1982, c. 211, Sec. 1 (effective- December .23, 1982, as N.J..S.A. 2C:34-2), as the same shall be from time to time amended or supplemented, as well as in accordance with and not more strictly than judicial interpretations thereof pursuant to the Constitutions of the United States and of the State of New Jersey finally concluded in courts of jurisdiction sufficient to render decisions on constitutional questions of general application.

(10) Person

- (a)** An individual, proprietorship, partnership, corporation, association or other legal entity.

(11) Sexually Oriented Business

- (a)** A commercial establishment which as one of its principal business purposes offers for sale, rental or display any of the following: Books, magazines, periodicals or other printed material, or photographs, films motion pictures, video cassettes, slides or other visual representations which depict or describe a "specified sexual activity" or "specified anatomical area"; or still or motion picture machines, projectors or other image-producing devices which show images to one person per machine at any time, and where the images so displayed are characterized by the depiction of a "specified sexual activity" or specified anatomical area"; or instruments, devices, or paraphernalia which are designed for use in connection with a "specified sexual activity; or
- (b)** A commercial establishment which regularly features live performances characterized by the exposure of a "specified anatomical area" or by a "specified sexual activity" or which regularly shows films, motion pictures, video cassettes, slides, or other

photographic representations which depict or describe a "specified sexual activity" or specified anatomical area".

- (c) Sexually oriented businesses include, but are not limited to, adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion-picture theater or adult theater.

(12) Specified Anatomical Areas

- (a) Less than completely and opaquely covered human genitals, pubic region, buttocks or female breasts below the point immediately above the top of areola; or
- (b) Human male genitals in a discernable turgid state, even if completely and opaquely covered.

(13) Specified sexual activities - Includes any of the following:

- (a) The fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts;
- (b) Any actual or simulated act of human masturbation, sexual intercourse or deviate sexual intercourse.

C. Location of Sexually Oriented Businesses

- (1) A person commits an offense if he operates or causes to be operated a sexually oriented business:
 - (a) within one thousand. feet (1,000 ft.) of a place of worship;
 - (b) within one thousand feet (1,000 ft.) of any elementary or secondary school, whether public or private or within one thousand feet (1,000 ft.) of any school bus stop;
 - (c) within one thousand feet (1,000 ft.) of a munidpal or county playground or place of public resort and recreation;
 - (d) within one thousand feet (1000 ft.) of any area zoned for residential use;
 - (e) within one thousand feet (1,000 ft.) of any existing sexually oriented business;
 - (f) within one thousand feet (1,000 ft.) of a residential use.
 - (g) within one thousand feet (1,000 ft.) of any premises licensed for the sale of alcoholic beverages, either consumption, distribution, or club licensees. [Amended 09-03-98 by Ord. No. 20-98].
- (2) Measurement shall be made in a straight line, without regard to intervening structures or objects from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted to the nearest property line of the

premises of a place of worship, a school, a boundary of a residential district, a public area, a lot devoted to residential use or another sexually oriented business.

- (3) A sexually oriented business, lawfully operating as a conforming use, is not rendered a non-conforming use by the location, subsequent to the establishment of the sexually oriented business, of a place of worship, school, public area, residential district or residential to within one thousand feet (1,000 ft.) of the sexually oriented business.

D. Development Standards for Sexually Oriented Businesses.

- (1) Sexually oriented businesses shall conform to the location and development requirements established in the Gloucester City Development Ordinance and with the following:

- (a) Every sexually oriented business shall be surrounded by a perimeter buffer of at least fifty (50) feet in width with plantings, fence, or other physical divider along the outside of the perimeter sufficient to impede the view of the interior of the premises in which the business is located. This subsection shall not apply to a sexually oriented business already lawfully operating on the effective date of this ordinance.
- (b) No sexually oriented business shall display more than two (2) exterior signs, consisting of one (1) identification sign and one sign giving notice that the premises are off limits to minors. The identification sign shall be no more than forty (40) square feet in size.
- (c) No private booths shall be permitted. Video screens may be shielded by the placement of a covering enclosure around the viewing screen only. The screening enclosure shall be constructed in a manner which precludes patrons of adjacent or adjoining video machines from engaging in anonymous sexual activity.
- (d) The interior of any adult arcade, adult bookstore or adult video store shall be adequately lighted and constructed so that every portion thereof is readily visible to the clerk or other supervisory personnel at the counter or other regular station.

E. Prohibition against commercial display of obscene materials or acts.

- (1) A person is in violation of this ordinance if he knowingly conducts or maintains any premises, place or resort as a place where obscene materials, as defined in N.J.S.A. 2C:34-2 and N.J.S.A. 2C:34-3, is sold, photographed, manufactured, exhibited or otherwise prepared or shown in violation of N.J.S.A. 2C:34-2, N.J.S.A. 2C:34-3 AND N.J.S.A. 2C:34-4.

F. Enforcement

- (1) Any person violating any provision of this section, upon conviction, is punishable by a fine not to exceed one thousand dollars (\$1,000) or a term of imprisonment not to exceed ninety (90) days, or both. In no event shall any person violating this section, upon conviction, receive a fine below the amount of one hundred dollars (\$100).
- (2) Each day a sexually oriented business is operating in violation of subsections C or D of this section shall constitute a separate offense under this section.
- (3) Each separate film, videocassette or other visual reproduction or each showing of live entertainment, which is displayed to another in violation of subsection D of this section, is a separate offense under this section.

§ 93-74 Sign Controls

A. Purpose - It is the intent of these regulations to provide attractive, coordinated, informative, and efficient signing for uses in the city. Each site plan application shall include a sign plan showing the specific design, location, size, construction and illumination in compliance with the following regulations.

B. General Regulations

The following regulations shall apply to all permitted and pre-existing nonconforming signs:

- (1) Only those signs identifying the name, business, occupant, service, address or product offered or sold on the premises shall be permitted to be erected. Coming events, community bulletin boards and time and temperature signs shall also be permitted.
- (2) Signs within the interior of a structure, designed to be seen and read from the exterior, shall be considered as part of any maximum signs area.
- (3) Signs attached to a principal structure shall not extend above the roof line of the parapet.
- (4) Electronic or digital advertising signs with changeable messages may be permitted, however no animation, flashing, or flickering of lighting shall be permitted;
- (5) Electronic or digital advertising signs with changeable messages shall have a minimum message duration of eight (8) seconds per message;
- (6) Unless otherwise stipulated in this ordinance, the top of free-standing signs shall not exceed the height limit of principal structures in the zone where located or 25 feet; whichever is less.

- (7) With the exception of awning or canopy signs in the CRO and RC&S districts, no sign, whether permanent or temporary, other than municipal, county or state signs, shall be erected within the right-of-way of any street or approved sight easements nor shall any sign be located to constitute a traffic hazard. No sign, be it of a political, educational, charitable, civic, professional, religious or like nature, or of personal nature, shall be erected upon any utility pole, tree, light standard, or monument located within the right-of-way of any street or on any public property.
- (8) All temporary signs, excluding banner signs for business or commercial establishments, announcing or advertising any political, educational, charitable, civic, professional, religious or like campaign or event, shall be removed by the advertiser within five days after the event shall have taken place. No permit shall be required for such temporary signs, provided that:
- (a) Only one sign is permitted per lot or parcel held under common ownership;
 - (b) The area of an individual sign does not exceed 16 sq. ft. in a residential district and 64 sq. ft. in a commercial or industrial district;
 - (c) The height from the ground to the top of the sign shall not exceed 6ft in a residential district;
 - (d) The minimum setback for signs in a residential district shall be 5 ft. from a right-of-way line or side property line provided that no sign shall be placed in a sight triangle.
- (9) Advertising signs shall not be permitted in any zoning district in the city, except for the Port Cargo Holding (PCH) District
- (10) Whenever a sign shall become structurally unsafe or endangers the safety of the building or the public, the building inspector shall order such sign be made safe or removed. Such order shall be complied with within ten (10) days of the receipt of such order by the person owning or using the sign, or the owner of the building or premises on which such sign is affixed or erected.
- (11) Freestanding signs shall not be located closer than the following distances to the street rights-of- way:

<u>Area of Sign</u>	<u>Minimum Distance</u>
Less than 25 square feet	20 feet
26 - 75 square feet	25 feet
76 or more square feet	30 feet

The Planning Board shall be authorized to waive the strict application of this paragraph if, because of local site conditions, strict adherence would cause inconvenience to the public or constitute a hazard or be inconsistent with acceptable landscaping design.

- (12) The area surrounding ground signs shall be kept neat clean, free of litter and landscaped. The tenant; owner or occupant to which the sign applies, shall be responsible for maintaining the condition of the area.
- (13) Directional signs having areas of less than four and one-half square feet (4.5 sq. ft.) are exempt from area and location regulations, but shall be shown on an approved site plan and further providing they do not constitute a hazard to the traveling public.
- (14) All signs shall be kept in good repair, which shall include replacement or repair of broken structural elements, casings or faces, maintenance of legibility, and all lighting elements working. Whenever a sign shall become structurally unsound or a hazard to the public or a building, the building inspector shall order the sign to be made safe or removed. Such order shall be complied with within ten (10) days of the receipt thereof by the building owner or the occupant to which the sign applies.
- (15) Any location where business goods are no longer sold or produced or where services are no longer provided shall have 90 days to remove any remaining or derelict on premises signs following notification by the city and at the expense of the owner of such property. Where due written notification has been given by the city and compliance has not been made within the required 90 day period, the city may cause removal of such sign and charge the cost of such removal to the owner.
- (16) Applicants shall also comply with all applicable county, state and federal sign regulations.
- (17) No sign shall be erected containing information on it which states or implies that a property may be used for any purpose not permitted under the provisions of the City's Zoning Ordinance as it applies to the property on which the sign is located.
- (18) No sign shall be illuminated between the hours of 10 p.m. and 7 a.m. the following morning, unless the business or use so advertised is Open to the public later than 10 p.m. in which case the establishment may keep its sign illuminated until the business closes, but not after.

- (19) Portable signs shall be permitted only in the RC&S. and CRO districts subject to compliance with the regulations in section H. Portable signs shall not be permitted in any other zoning district of the city. All signs shall be appropriately anchored.
- (20) Banner signs shall be permitted at business or commercial establishments provided that: there shall be no more than one (1) banner signs per establishment at one time up to a maximum four(4) signs per year; such signs shall be erected for no longer than thirty (30) days per sign; the text of these signs shall not be repeated during any calendar year (January 1st to December 31st) at each establishment; the total area of banner signs per establishment shall not exceed thirty (30) square feet; and banner signs shall be affixed to the building facades only. The permit number and expiration date of the sign shall be written in two (2) inch high black letters and located in the lower right-hand corner of the sign. Prior to erection of banner signs, the owners of each establishment must file an application form, prepared and provided by the Building Inspector, and application fee of \$10.00 per sign with the Building Inspector. Failure to submit the required application and fee, or failure to remove a banner sign by the expiration date may result in a fine of \$50.00 per day for each day that the sign is erected illegally.

C. Name Plate and Identification Signs for Single-Family Dwellings

- (1) Signs indicating the name or address of the occupant may be permitted, provided that the sign shall be no larger than two square feet (2 sq. ft.). A permitted home occupation may be included with the name of the occupant. Only one sign per dwelling unit is permitted in addition to a mailbox identification sign.

D. Sales or Rental Signs

- (1) Signs advertising the sale or rental of the premises upon which they are located may be permitted, provided that:
- (a) The size of any such sale or rental sign shall not exceed eight square feet (8 sq. ft.)
The height of any such sign shall not exceed six feet (6 ft.);
 - (b) Not more than one sign is placed upon any property;
 - (c) Such signs shall be promptly removed when premises are sold or rented;
 - (d) Developments with four or more homes for sale or industrial or commercial properties may be advertised on a sign not to exceed 32 square feet (32 sq. ft.) in an area eight feet (8 ft.) in height. One such sign shall be permitted on each frontage, if

the development fronts on more than one street. All development signs shall be removed with 96 percent (95%) of the lots have been initially sold.

E. Institutional Signs

- (1) Signs of schools, colleges, churches and other institutions of a similar public or semi-public nature may be erected and maintained, provided that:
- (2) The size of any free-standing sign shall not exceed 30 sq. ft, the height no more than 8 ft., and not more than one such sign is to be placed on a property, unless such property fronts upon more than one street, in which instance a sign may be erected on each frontage.
- (3) Signs affixed to the facade of the structure shall be permitted, provided the sign shall not exceed five percent (5%) of the building facade.

F. Signs in Non-Residential Districts, Excluding the CRO and RS&C Districts, for Single-Tenant and Single-Structure Developments

- (1) Business signs may be erected and maintained when in compliance with the following provisions:
 - (a) The total gross advertising area of all signs, other than free-standing signs, on any one property shall not be greater than five percent (5%) of the area of the building face fronting on the street. The maximum area of all signs, except free-standing signs, shall not exceed 100 sq. ft.
 - (b) One free-standing sign shall be permitted on any property. The total advertising area shall not exceed five percent (5%) of the building face fronting on the street, but in no event shall it be greater than 1 00 sq. ft.

G. Signs for Planned Developments, Shopping Centers or Industrial Parks

- (1) Shopping centers, industrial parks, planned developments, multi-tenant structures or multi-structure uses shall be governed by the following regulations:
 - (a) Each such development shall submit a signing plan to the Planning Board for approval. Such signing plan shall include details on:
 - [i] letter style,
 - [ii] lighting,
 - [iii] color,
 - [iv] construction and materials,
 - [v] height of sign,
 - [vi] height above grade or below roofline,

[vii] locations; and

[viii] standards

- (b) The signing plan shall be based on an integrated design theme to include all of the elements of [i] through [viii] above. All of the above elements shall be designed to be in harmony and consistent with each other, the architectural and materials of principal structures and the landscaping plan.
- (c) The Planning Board shall determine if a proposed signing plan meets the goals and objectives of this subsection.
- (d) The total area of all signs affixed to a structure shall not exceed five percent (5%) of the building facade of the structure. The Planning Board may permit total sign area up to seven percent (7%) of the building facade if, in the Planning Board's judgment, such additional area shall assist in developing a harmonious and integrated sign plan in accordance with the goals and objectives of this subsection.
- (e) Only one free-standing sign shall be permitted on any single property, regardless of the number of establishments on the property, except that the Planning Board may authorize an additional free- standing sign if the property has access from more than one public street.

H. Sign Control Applicable in the CRO and RC&S Districts

- (1) The total area of all building mounted signs, including, but not limited to wall, projecting and window signs shall not exceed 5% of the facade of the building that faces the street.
- (2) Wall signs shall be placed below the window on the second floor but no higher than 15 feet above the sidewalk.
- (3) Awning or canopy signs may be installed provided that:
 - (a) The style of awning or canopy is compatible with the architectural character of the building.
 - (b) The maximum size of the lettering on the awning or canopy shall be 1 foot.
 - (c) There shall be a minimum vertical clearance of 7.5 feet between the bottom of the awning or canopy and the sidewalk.
 - (d) Awning or canopy signs may extend up to 4 ft. into the street right-of-way.
- (4) Sandwich board signs or easel signs advertising daily specials for cafes and restaurants shall be permitted provided that:

- (a) The maximum height of the sign shall not exceed 4 ft. and the maximum area shall not exceed 12 sq. ft.
- (b) The signs do not block public access.
- (c) The signs are placed adjacent to the building.
- (d) The signs are removed nightly.

I. Sign Control Applicable to Advertising Signs in the PCH District

- (1) Advertising signs shall be freestanding signs only. No advertising sign shall be permitted to be a roof-mounted sign, banner sign, awning, canopy, or wall sign;
- (2) The maximum sign area of any advertising sign face shall be six-hundred seventy-two (672) square feet;
- (3) No advertising sign structure shall have more than two (2) sign faces;
- (4) The maximum height of any advertising sign shall be 75 feet above the grade of the roadway on the Walt Whitman Bridge. The height measurement shall be from the roadway's centerline at grade directly perpendicular to the sign;
- (5) Electronic or digital advertising signs with changeable messages may be permitted, however no animation, flashing, or flickering of lighting shall be permitted;
- (6) Electronic or digital advertising signs with changeable messages shall have a minimum message duration of eight (8) seconds per message;
- (7) Non electronic and non-digital advertising sign faces may be externally illuminated provided that all lighting is designed to be directed towards the advertising sign and minimize any potential light spillover onto adjoining properties;
- (8) Advertising signs may overhang Passaic Street.

§ 93-75 Tree Preservation Techniques

- A.** The preservation of existing trees on a development site shall be a primary component of the landscape plan submitted for that project.
- B.** The enclosed drawings indicate the methods to be incorporated for protecting designated trees during and after construction.
- C.** The developer shall clearly mark on the site plan and landscape plan trees which are to be preserved.
- D.** The developer shall mark trees to be preserved on the site with blaze orange engineering tape on the trunk. Snow fencing shall be placed around the trees to be preserved prior to clearing

and grading the site. Snow fencing shall be placed at the canopy drip line or six feet (6 ft.) from the tree trunk, whichever is greater, in order to minimize damage to the tree root system.

Table A
Buffer Yard Standards

Key

Plant material/Vegetation

1. Evergreen shrubs
2. Ornamental shrubs
3. Evergreen trees
4. Canopy trees

Fences

- C. Security fence
- D. Decorative/ornamental fence
- S. Solid wood fence

Use	Location	Width	Plant Materials	Fence Height	Fence Type	Comments
Neighborhood parking lot	Street edge	5 ft.	1,2	3 – 4 ft.	D	
Neighborhood parking lot	Side and Rear Yards	5 ft.	1,2	4 ft.	S	
Parking Lot - Commercial District	Street Edge – Broadway or King Street	5 ft.	1,2	3 – 4 ft.	D	
Parking Lot - Commercial District	Street Edge Route 130	10 ft.	1,2,4			
Parking Lot - Commercial District	Rear and Side Yards	5 ft.	1	6 ft.	S	
Port / Cargo Handling excluding Container storage area	Street edge	25 ft.	1,3,4	8 ft.	C	Buffer area to include 4 ft, berm(s) in planting scheme
Port / Cargo Handling excluding Container storage area	Side Yard excluding another port/cargo handling facility	25 ft.	1,3,4	8 ft.	C or S	

Port / Cargo Handling Container storage area	Street edge and Side Yard excluding another port/cargo handling facility	50 ft.	1,3,4	8 ft.	C	Buffer area to include 4 ft, berm(s) in planting scheme
Industrial Building	Street edge facing industrial or commercial use	25 ft.	4			
Industrial Building	Street edge facing a residential use or zone	25 ft.	2,3,4			
Industrial Storage Yard	Street edge facing an industrial or commercial use or zone	25 ft.	1,3,4	8 ft.	C	
Industrial Storage Yard	Street edge facing a residential use or zone	50 ft.	1,3,4	8 ft.	C	May be reduced to 25 ft. with 4 ft. high landscaped berm(s)
Industrial Storage Yard	Side or rear yard facing a residential use or zone	50 ft.	3	8 ft.	C	May be reduced to 25 ft. with 4 ft. high landscaped berm(s)

Article VII – Administration and Enforcement

§ 93-76 Enforcement

- A. The provisions of this Ordinance shall be administered and enforced by the Building Inspector of the City of Gloucester City.

§ 93-77 Duties of the Building Inspector

- A. It shall be the duty of the Building Inspector or his designee to ascertain whether the proposed building, alteration or condition complies with the provisions of this Ordinance, issue such permits only for the construction, alteration, additions or uses which are in accordance with the provisions and requirements of this Ordinance; to keep a record of all applications for permits and a record of an permits issued, with a notation of an special conditions involved; shall file and safely keep copies of all plans submitted; prepare a monthly report from the Mayor and Members of City Council summarized for the period since his last previous report all building permits and certificates issued by him and all complaints of violations and the action taken by him consequently thereon; and to inspect and examine any building or structure and to order in writing the rem dying of any condition found to exist in violation of any provisions or requirements of this Ordinance.

§ 93-78 Right of Entry

- A. The Building Inspector or his designee shall have the right to enter any building or premises during the daytime in the course of his duties.

§ 93-79 Permits

- A. A permit shall be required prior to the erection, conversion or structural alteration of any building, structure or portion thereof, and prior to the use or change in use of any building or land. Applications for a permit shall be made in writing on the form supplied by the City of Gloucester and the same shall be filled out by the owner or his duly, authorized agent. Said form shall then be filed with the Building Inspector or his designee together with a plot plan drawn to scale, showing the actual dimensions, radius and angles of the lot to be built upon, the exact size and the location of the building or line. Where the average front yard depth of

the existing buildings do not comply with the district regulation then the existing building in the same block front with two hundred (200) feet on either side of the side lot lines of the premises of the applicant shall be shown. The application above mentioned shall be in such form as the Governing Body shall prescribe and shall contain the name and address of the owner of the land, the exact nature of the work to be done, the name of the contractor or builder, the cost of the work and such other pertinent information, as the said Governing Body shall by resolution from time to time designate. The said application shall then be approved and endorsed by the Building Inspector or his designee, Zoning Officer, and the Health Inspector prior to the issuance of a permit. A permit shall be granted or refused within thirty (30) days after the written application has been filed with the building Inspector.

§ 93-80 Certificate of Occupancy

- A.** No building or structure hereinafter erected, constructed or structurally altered shall be permitted by the person, firm, or corporation who erected, constructed or structurally altered the same to be used or changed in any use until a Certificate of Occupancy shall have been issued by the Building Inspector or his designee stating that the building or the proposed use thereof complies with the provisions of the Ordinance and any other ordinances or Statutes of the State of New Jersey. Prior to the issuance of such a Certificate the building must also be inspected and approved by the Plumbing Inspector.
- B.** A Certificate of Occupancy, if required, shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or structural alteration of such building shall have been completed in conformity with the provisions of this Ordinance. In case the Building Inspector or his designee shall decline to issue a Certificate of Occupancy a copy of the application stating the reasons for the declination shall be returned to the applicant. A record of all Certificates shall be kept on file by the owner or builder, the City Assessor, the City Tax Collector and the City Clerk.

§ 93-81 Fees

- A.** The Building Inspector shall require the payment of fees for all Certificates of Occupancy

§ 93-82 Temporary Use Permit

- B.** It is recognized that it may be in accordance with the purpose of this Ordinance to permit temporary activity for a limited period of time which uses may be prohibited by other

provisions of the Ordinance. Such uses are of such a nature and are so located that at the time of petition. they will:

- (1) In no way exert a detrimental effect upon the use of land and activities normally permitted in the zone.
- (2) Contribute materially to the welfare of the City of Gloucester City particularly in a state of emergency, under conditions peculiar to the time and place involved.
- (3) The Mayor and Members of City Council may by resolution after written application, issue a permit for a period not to exceed three (3) months. Such a period may be extended not more than once for an additional period of three (3) months.

Article VIII – Violations, Penalties, and Remedies

§ 93-83 Violation

- A.** Failure to secure a special exception or variance previous to the erection, construction, extension or addition to a building or failure to secure an occupancy permit shall be a violation of this ordinance.

§ 93-84 Notice of Violation

- A.** When written notice of a violation has been served by the Building Inspector or his designee upon the owner, lessee; agent, architect, contractor or builder, such violation shall be discontinued immediately.

§ 93-85 Fines and Penalties

- A.** Any person or persons, firm or corporation who shall violate any of the provisions of this Ordinance shall, upon conviction, be punished by a fine not exceeding two thousand dollars (\$2,000.00) or by imprisonment in the county jail for a period not exceeding 90 days or a period of community service not exceeding 90 days, or by both such fine and imprisonment, and each violation of any provisions of this ordinance and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

Article IX – Severability and Repeal

§ 93-86 Severability

- A.** If the provisions of any Article, Section, subsection, paragraph, subdivision or clause of this Development Ordinance shall be judged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any Article, Section; subsection, paragraph; subdivision or clause of this Development Ordinance; and, to this end, the provision of each Article, Section, subsection, paragraph, subdivision or clause of this ordinance are hereby declared to be severable.

§ 93-87 Repeal

- A.** Any ordinance or portion thereof inconsistent with provisions of this ordinance is hereby repealed to extent of such inconsistency.

§ 93-88 When Effective

- A.** This Development Ordinance shall take effect immediately upon final passage and publication according to law.