

## Chapter 224

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[HISTORY: Adopted by the Council of the City of Absecon City 6-10-1993. Amendments noted where applicable.]

GENERAL REFERENCES

Notice of zone district changes — See Ch. 55, Art. I.  
Planning Board — See Ch. 65.  
Numbering of buildings — See Ch. 144.  
Excavations — See Ch. 184.

Flood damage prevention — See Ch. 195.  
Sewers — See Ch. 282.  
Signs — See Ch. 290.  
Streets and sidewalks — See Ch. 304.

## ORDINANCE 11-2009

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON, CHAPTER 224,  
LAND USE AND DEVELOPMENT, ARTICLE XVIII, REGULATIONS APPLICABLE TO ALL  
ZONING DISTRICTS, REVISING SECTION 224-107, PROHIBITED USES IN ALL DISTRICTS**

**NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON CITY, NEW JERSEY** that Chapter 224, Article XVIII, Section 224-107, be amended to revise the following:

**SECTION 224-107: Prohibited Uses In All Districts:**

(2) Revise to read: Buses, 25 feet or less in length, travel trailers, mobile homes, boat trailers, campers, house trailers or self-propelled recreational vehicles, hereinafter referred to as Permitted Vehicles, stored at private residences must be in the side or rear yards or in the driveway and no closer than three feet from all rear and side property lines. The Permitted Vehicles stored at private residences must be owned by individuals who reside at the private residence. None of the aforementioned Permitted Vehicles shall be used for occupancy at any time while parked pursuant to this chapter, nor shall they be hooked up to any utility service. No such Permitted Vehicles shall be stored in the common parking area of apartments, high-rises or townhouses. No such Permitted Vehicles may be stored so as to block any sidewalk or obstruct the ability of others to see oncoming traffic, thereby creating a hazard.

(14) Added: Buses over 25 feet in length stored at private residences must be in the side or rear yards and no closer than three feet from all rear and side property lines. Buses over 25 feet in length stored at private residences must be owned by individuals who reside at the private residence. Buses over 25 feet shall not be used for occupancy at any time while parked pursuant to this chapter, nor shall they be hooked up to any utility service. Buses over 25 feet shall not be stored in the common parking area of apartments, high-rises or townhouses. Buses over 25 feet shall not be stored so as to block any sidewalk or obstruct the ability of others to see oncoming traffic, thereby creating a hazard.

**BE IT FURTHER ORDAINED** that:

1. Any Ordinance or parts of ordinances, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of any such inconsistency.
2. This ordinance shall take effect upon final adoption and publication as required by Law.

**DATED:** December 17, 2009

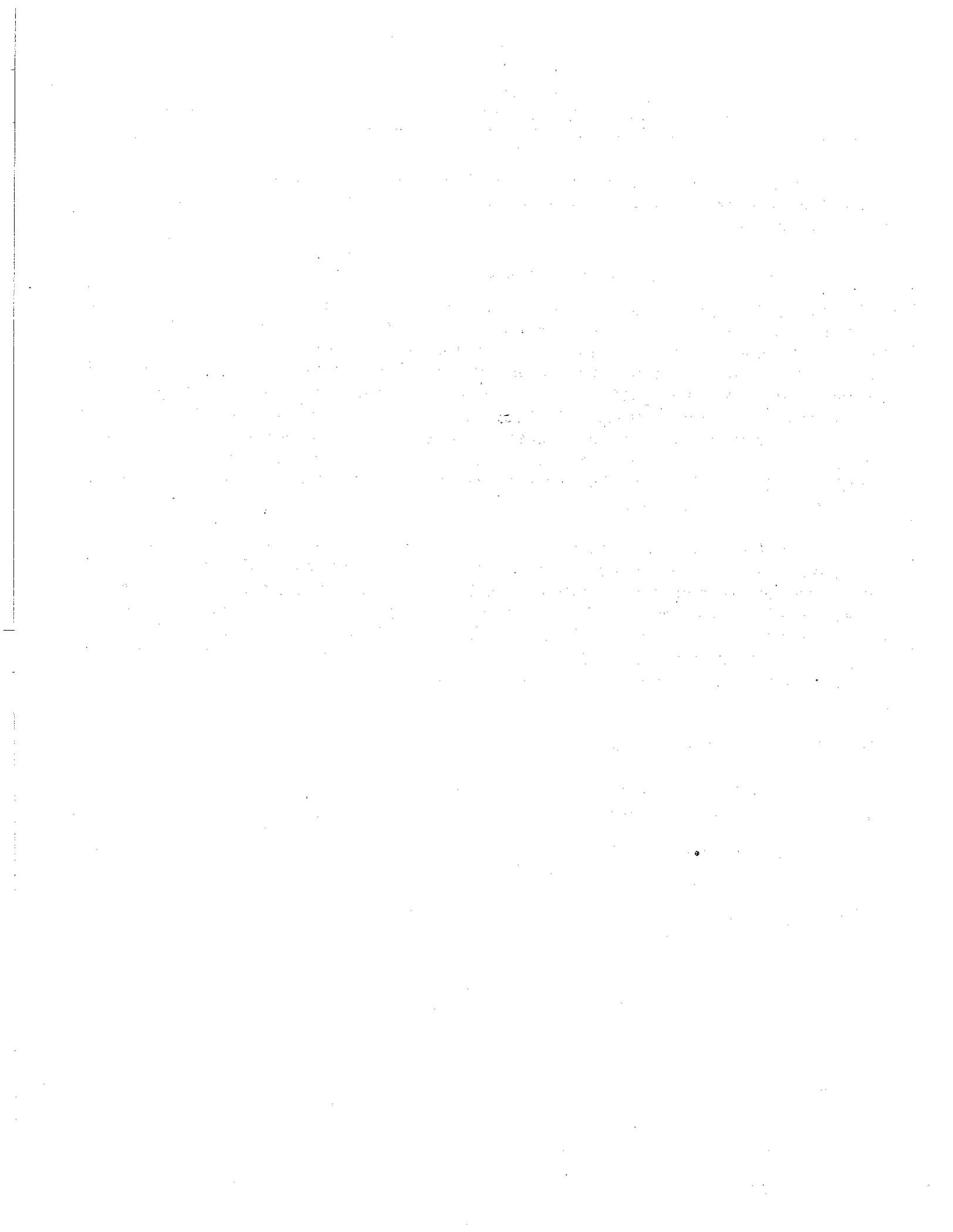
**SIGNED:** \_\_\_\_\_

*Peter C. Elco*  
Peter C. Elco, Mayor

**ATTEST:** \_\_\_\_\_

*Carie A. Crone, RMC*  
Carie A. Crone, RMC, Municipal Clerk

Passed on first reading at a work and regular meeting of the Municipal Council held on December 3, 2009. Laid over and advertised for public hearing and final adoption on December 17, 2009. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a work and regular meeting held on December 17<sup>th</sup>, 2009.



CITY OF ABSECON

ORDINANCE 10-2008

AN ORDINANCE AMENDING CHAPTER 224, SECTION 129,  
LANDSCAPE DESIGN CRITERIA

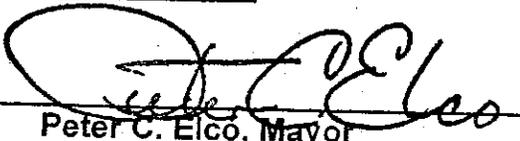
NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON CITY, NEW JERSEY that Chapter 224, Section 129, Landscape Design Criteria is hereby amended as follows:

Addition of paragraph (c): No property in any commercial district that adjoins an existing single-family use or residential district may be cleared of trees or natural vegetation within twenty-five feet of the property line that adjoins the existing single-family or residential district without prior planning or zoning board approval.

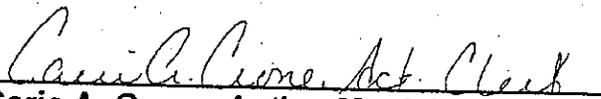
BE IT FURTHER ORDAINED that:

1. Any Ordinance or parts of ordinances, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of any such inconsistency.
2. This ordinance shall take effect upon final adoption and publication as required by Law.

DATED: October 2<sup>nd</sup>, 2008

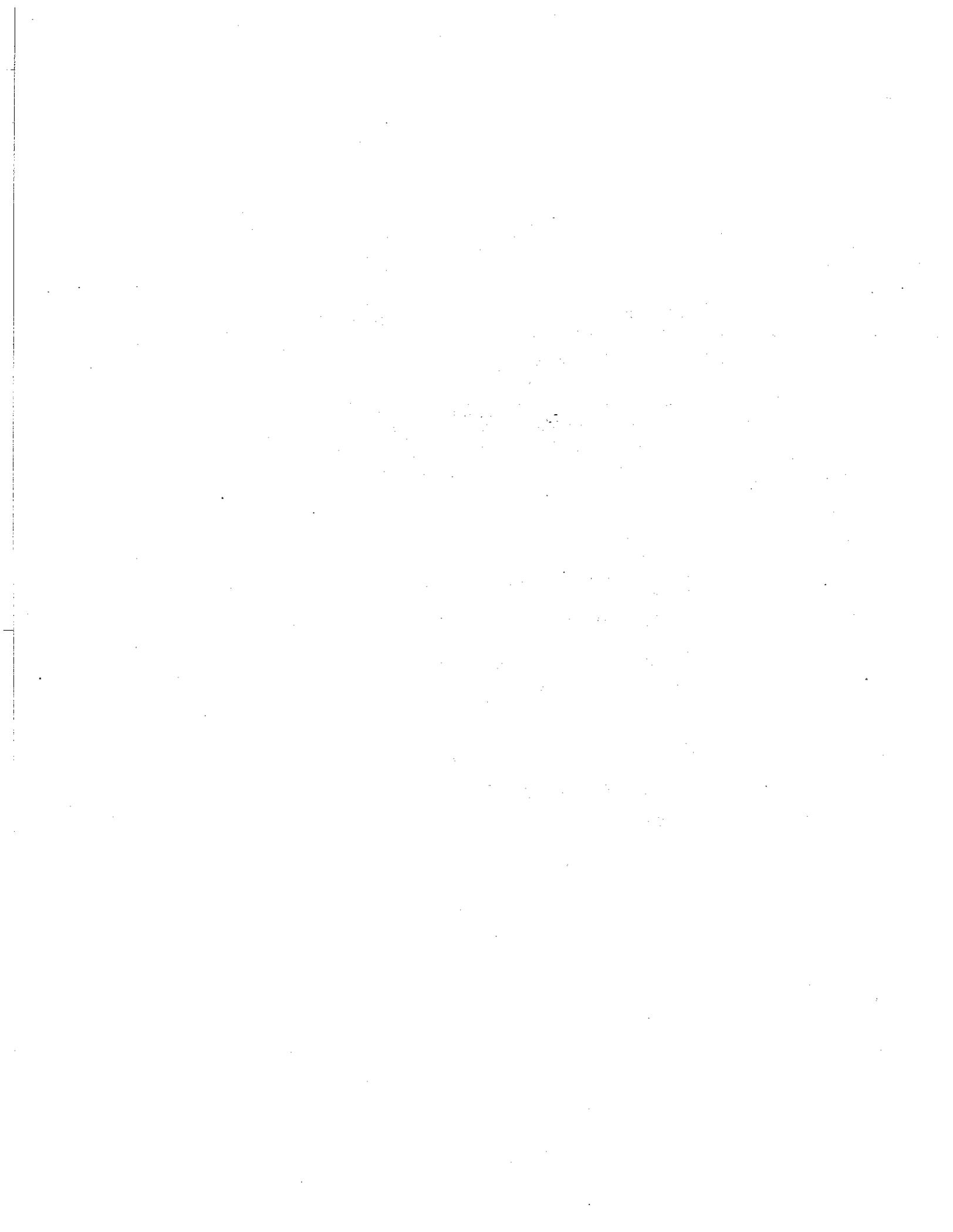
SIGNED: 

Peter C. Elco, Mayor

ATTEST: 

Carie A. Crone, Acting Municipal Clerk

Passed on first reading at a work and regular meeting of the Municipal Council held on September 4<sup>th</sup>, 2008. Laid over and advertised for public hearing and final adoption on October 2<sup>nd</sup>, 2008. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a work and regular meeting held on October 4<sup>th</sup>, 2008.



## ORDINANCE 23-2007

### AMENDING THE LAND USE AND DEVELOPMENT ORDINANCE OF THE CITY OF ABSECON (CITY CODE CHAPTER 224) AND ADOPTING A NEW ZONING MAP FOR THE CITY

**WHEREAS**, the State of New Jersey, by enacting the Municipal Land Use Law (N.J.S.A. 40:55d-1 et seq.), permits municipalities to adopt and subsequently amend a zoning ordinance governing the nature and extent of the uses of land, buildings and structures within a municipality (N.J.S.A. 40:55d-62); and

**WHEREAS**, section 62 of the Municipal Land Use Law requires that a municipal zoning ordinance and zone plan be drawn "with reasonable consideration to the character of each district and its peculiar suitability for particular uses and to encourage the most appropriate use of land" within the municipality; and

**WHEREAS**, on November 28, 1989, the City adopted Ordinance No. 11-1989, thereby adopting an amended Zoning Map for the City; which Zoning Map has been further amended from time-to-time; and

**WHEREAS**, on June 10, 1993, the City adopted Ordinance No. 3-1993, thereby enacting Chapter 224 (Land Use and Development) as part of the City Code for the City of Absecon ("Chapter 224"); and

**WHEREAS**, Chapter 224, which has been amended from time-to-time, remains the current body of development regulations for the City; and

**WHEREAS**, section 89 of the *Municipal Land Use Law* provides that "The governing body shall, at least every six years, provide for a general reexamination of its master plan and development regulations by the planning board... The reexamination report shall state [in pertinent part]... [t]he specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared"; and

**WHEREAS**, the Absecon Planning Board ("Planning Board") commenced such a general re-examination of its Master Plan in 2005. Such process resulted in a document entitled 2005 Reexamination Report, City of Absecon, which was adopted by the Planning Board on May 23, 2006 ("2005 Reexamination"); and

**WHEREAS**, the 2005 Reexamination contained specific recommendations for modifications to the City's Zone Plan, which recommendations require modifications to Chapter 224 and the Zoning Map; and

**WHEREAS**, the City, in April 2005, commissioned the City Engineer to prepare new and updated Tax Maps utilizing current digital / electronic technology and reflecting the most recent lot geometry. While such process was required as part of a pending tax revaluation in the City, it is the City's intention to utilize such new mapping as a base map for all future City mapping projects. Such maps were completed and approved for use by the State's Division of Taxation, Department of Treasury, in December 2006.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ABSECON:**

**SECTION 1**

Article II, Section 2 of Chapter 224 of the Absecon City Code (Land Use and Development ~ "§224-2") is herewith modified to include the following Zoning Districts, which districts are included on the City's official Zoning Map:

- A. SPB Schools and Public Buildings
  - B. PK Parkland
  - C. SPB/PK Schools and Public Buildings/Parkland
2. The Planning Board is herewith directed to formulate Use and Space, Bulk and Yard standards for such Zoning Districts and to submit the same to City Council for consideration and inclusion in §224 of the City Code.

**SECTION 2**

**AMENDING ARTICLE II, §224-3 (A) OF THE CODE OF THE CITY OF ABSECON.**

The City of Absecon Zoning Map is herewith modified as follows:

1. To rezone the following Block and Lot from R-2 Moderate Density Residential Zoning District to School Public Building/Park Zoning. The existing privately owned parcels within the zone change area at the time of the adoption of this ordinance will retain their rights to develop their properties in accordance with permitted uses and bulk and area requirements of the existing R 2 District without the requirement to seek relief from the Zoning Board of Adjustment.

<u>Block</u>	<u>Lot</u>
297	23

2. To re-zone the following Blocks and Lots from the R-2 Moderate Density Residential Zoning District to the Parklands Zoning District.

<u>Block</u>	<u>Lot</u>
1.01	25 and 27
43	1
102	1
106	1
108	1
116	1
150	1

3. To re-zone Block 203 Lot 2 from the Highway Commercial District to the Schools and Public Buildings Zoning District. The existing privately owned parcel within the zone change area at the time of the adoption of this ordinance will retain their rights to develop their properties in accordance with permitted uses and bulk and area requirements of the existing Highway Commercial District without the requirement to seek relief from the Zoning Board of Adjustment.

### **SECTION 3 - To Create the Train Station Overlay District**

The Absecon Train Station Area is divided into two subsections:

- 1) A train station platform area for commuter business south of State Highway Route 30;
- 2) And the New Jersey Avenue area north of State Highway Route 30 for downtown neighborhood commercial uses.

The following parcels are included in the Absecon Train Station Area Overlay District:

Block 158, Lots 1.01, 1.02, 2, 3, 4, 5, 6, 7.

Block 159, Lots 1, 2, 3, 4, 5, 5.02.

Block 160, Lots 1.01, 1.02, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21.

Block 161, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11.

Block 213, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16.

Block 214, Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17.

Block 215, Lots 1.01, 1.02.

Block 800, lots 3, 4

**SECITON 3.1 - Purpose, Use, Space, Bulk and Yard requirements and design standards for the Train Station Area Overlay District**

#### **§ 224-265. PURPOSE**

The purpose of the Absecon Train Station Area Overlay is to revitalize the area by developing mixed uses, which will add more pedestrian activity, increase trade in the Absecon Central Business District, to encourage pedestrian oriented uses to replace existing vehicle oriented uses, encourage pedestrian links, transit ridership and the development of housing to meet our constitutional obligation to provide for affordable housing. The development of Absecon Train Station Area is intended to create a stronger sense of community in the area, by using the Train Station as a focus; redevelop the old Downtown Central Business District; and connect the Absecon Train Station to New Jersey Avenue.

Nothing contained in this Train Station Overlay section shall supersede in any way Ordinance 4-2004 of the City of Absecon adopting a Redevelopment Plan for Redevelopment Area 1. Further nothing contained in this Train Station Overlay will supersede the area designated as "In need of Redevelopment" by City of Absecon Council Resolution 209-2000 dated November 16, 2000. If there are any conflicts between the Train Station Overlay regulations and regulations pursuant to Ordinance 4-2004 or Resolution 209-2000 the regulations pursuant to Ordinance 4-2004 and Resolution 209-2000 shall prevail.

## **§ 224-268. PERMITTED USES**

In order to further the purposes of the Absecon Train Station Area, only the uses set forth in the following sections are permitted when development is pursuant to the requirements of the overlay. A mix of a minimum of 65% residential and maximum of 35% commercial is required as described in Sections 224-268A and 224-268B.

The permitted uses below are also permitted on lands currently owned by NJ Transit, its successors and assigns. The developer is encouraged to include the NJ Transit property in the proposed development. The City Administrator, with approval of the Mayor and Council, may assist with coordination with the NJ Transit and the developer to possibly enter into a joint-venture to construct a shared parking garage, pedestrian access walks and bridges, commercial uses at the platform level and residential units above.

### **A. Permitted Principal Commercial Uses**

The following commercial uses are permitted provided commercial uses do not exceed 35% of the gross floor area of the proposed development, not including the floor area for enclosed parking garage providing parking for the development.

- a. Commuter parking facilities and passenger drop-off and pick-up areas;
- b. Retail sales and other uses generating pedestrian activity, serving neighborhood residential and commuters, but excluding sale of building materials, plumbing supplies, motor vehicles, boats or swimming pools, large appliances;
- c. Personal and household services and business services; but excluding vehicle maintenance, repair, auto body, gas stations and similar uses;
- d. Restaurants and similar establishments selling food and / or beverages, but excluding drive-through windows;
- e. Day care centers, including nursery schools;
- f. Public buildings such as municipal offices, police station, library, post office, museum, and similar uses that directly serve the public, but excluding facilities such as public works garage, water treatment plant, electric transformer station, and uses of similar nature;
- g. Banks and savings and loan institutions including drive troughs.
- h. Public Parks;
- i. Train Stations;
- j. General Business Offices, Offices for professionals such as architects, attorneys, doctors, engineers, planners and landscape architects.

### **B. Permitted Residential Uses**

The following residential uses are permitted provided residential uses represent a minimum of 65% of the gross floor area of the proposed development, excluding parking garage area.

- a. Residential units in apartment buildings for rent or for sale as condominium units above commercial uses on ground floor and / or enclosed parking garages. The permitted by-right density shall not exceed six (6) dwelling units per acre without the inclusion of affordable housing. The permitted density is 35 units per acre with the inclusion of 25% affordable housing units as described in §224-194. With affordable housing, the density, size, location and number of dwelling units to be determined by market conditions, New Jersey Uniform Construction Code (NJUCC) requirements and the development's conformity with use mix set forth in Section 224-268 and the bulk requirements set forth with Section 224-269.

The lawfully existing uses within the proposed Absecon Train Station Area Overlay at the time of the adoption of this ordinance will retain their rights to develop / expand their facilities in accordance with the permitted uses and bulk area requirements of the existing underlying zoning districts without seeking relief of the Zoning Board of Adjustment.

### §224-269. AREA, YARD AND BULK REQUIREMENTS

- |    |  |  |
|----|--|--|
| A. | Minimum Lot Size:  | 7,500 sq. ft.  |
| B. | Minimum Lot Width:   | 75'  |
| C. | Maximum Building Coverage:   | 65% with the inclusion of affordable housing,<br>50% without affordable housing.   |
| D. | Maximum Impervious Coverage:   | 80% with the inclusion of affordable housing;<br>60% without affordable housing  |
| E. | Minimum Front Yard Setback:  |  |
|    | Open porches, open balconies,  | 0 feet.  |
| 1  | open pedestrian walkways<br>(covered or uncovered)   |  |
| 2  | Building face:   | 8 feet   |
| F. | Minimum Side and Rear Yard<br>Setback:   |  |
|    | Open porches, open balconies,  | 3 feet.  |
| 1  | open pedestrian walkways<br>(covered or uncovered):  |  |
|    | Building face:   | 10 feet  |
| 2  |  |  |
| 3  | Between Structures on adjoining<br>lots: (including open porches,<br>open balconies, open<br>pedestrian walkways, covered or<br>uncovered) | 10 feet  |
| G. | Maximum Building Height:   |  |
| 1  | New Jersey Avenue Area:  | Two (2) stories or 28 feet maximum with<br>commercial units at the ground level, offices<br>and or residential units at the second level<br>without the inclusion of affordable housing<br>units;<br><br>Three (3) stories or 35 feet maximum with<br>commercial units at the ground level, offices<br>and or residential units at the second level<br>and residential units at the third level with the<br>inclusion of affordable housing units. |

- 2 Train Station Platform Area: Three (3) stories or 35 feet maximum with ground level commercial units, Train Station platform level (or second level) commercial units and residential units at the third level without the inclusion of affordable housing units;
- Four (4) stories or 45 feet maximum with ground level commercial units, Train Station platform level (or second level) commercial units and residential units at the third and fourth levels with the inclusion of affordable housing units.
- 3 Train Station Platform Area with ground level enclosed parking: Four (4) stories or 45 feet maximum with ground level enclosed parking, commercial units at the Train Station Platform Level and residential units at the third and fourth levels without the inclusion of affordable housing units.
- Five (5) stories or 55 feet maximum with ground level enclosed parking, commercial units at the Train Station Platform Level and residential units at the third, fourth and fifth levels with the inclusion of affordable housing units;
- 4 For all buildings the top floor shall be a gable roof design with gable roof dormers with windows.  
The minimum slope of the gable roof shall be 6" in height for every 12" of width.
- 5 Roof height shall be measured from the average finish grade around the building
- 6 to the mean height of the highest gable roof.
- 7 Variable roof heights are required. A minimum 30% of the building must be below the maximum building height.

## **§224-270. DESIGN STANDARDS**

- A. Within the Train station platform area, incentives should be provided to attract commuter-serving retail and service stores at the train station platform level with apartments conveniently located above the commercial units.
- B. Site and building design and layout will encourage residences, commuters, visitors and other travelers to use the Absecon Train Station with the help of a visible point of identity;
- C. Site and building design and layout shall provide for easy access to the transportation center; continuous and safe sidewalks and pathways that make pedestrian access easy; bike paths and storage location that encourage bicycle access; safe and comfortable places to wait and meet others;

- D. Overall site and building design shall include an environment that is active, human scaled, and visually safe, well lit, attractive areas for parking, drop-off and pick-up; and a sense of safety, security and predictability.
- E. In the New Jersey Avenue area, improvements to all street-front facades shall be required as part of any second floor expansion to include apartments or offices above the commercial units at street level.
- F. Architectural Requirements:
1. The traditional / historical character of Absecon shall be maintained. An example would be the early 20<sup>th</sup> century train station or the Absecon Manor at the corner of Ohio Avenue and Station Avenue.
  2. Natural wood siding, (common 2 2/3" height) brick, stone or similar or compatible building materials shall be utilized.
  3. Traditional late 19<sup>th</sup> century to early 20<sup>th</sup> century architectural design is encouraged for all in new construction. Examples of architectural styles that are encouraged include Georgian, Federal, Creek Revival, and Victorian.
- G. In addition to above standards Design standards shall conform to 224-77 (where applicable).

#### **§224-271 LANDSCAPING AND BUFFERS**

Landscaping and buffers shall conform to 224-71, 224-129 and 224-159 (where applicable).

#### **§224-272 PARKING**

Parking requirements: Parking shall be determined by the requirements of §224-128. The actual parking need shall be determined by the number of employees intended to occupy the facility and the number of residents anticipated to occupy the Units at peak periods. It is the obligation of the applicant to demonstrate to the Board actual need for parking by the presentation of parking generation studies from authorities on the subject of parking generation. The parking generation study shall include all commercial and residential units proposed at the site and what percentage will use public transportation. The parking generation study shall include a time schedule matrix of uses that will share on-site parking. Publications by the Institute of Transportation Engineers (ITE) or the American Planning Association (APA) or other professional associations will be considered. The planning board may consider permitting up to a 30% reduction in required parking pursuant to §224-128 for a mix use commercial / residential development with affordable housing units proposed in the Train Station Platform Area within the Absecon Train Station Area Overlay provided the applicant can demonstrate with a parking generation study that patrons and residents will utilize the public transportation. Requests beyond such 30% reduction shall require variance relief.

The planning board may consider permitting a 20% reduction in required parking pursuant to §224-128 provided an area is reserved for expansion in the event the parking is determined to be necessary by the planning board or by the applicant at a future date. If the additional parking is pre-engineered and reviewed by the planning board and planning board's professionals at the time of the original approval is granted, the additional parking can be constructed without returning to the planning board provided the additional parking is completed within five years of the original approval being granted. The construction of the additional parking is permitted provided the applicant informs the City Engineer in writing and posts an inspection escrow prior to actual construction taking place.

The New Jersey Residential Site Improvement Standards (RSIS) parking requirements apply to all proposed residential uses. Parking generation can include a shared parking arrangement for accessory uses. In the case were the applicant demonstrates that a reduction in parking is warranted, the planning board will support an application to NJ DCA for a waiver from the parking RSIS parking requirements.

### **§224-273 LIGHTING**

Lighting shall conform to 224-80 and 224-130, which includes the requirement to design lighting to prevent glare upon surrounding properties.

### **§ 224-252 - Intent. Age-Restricted Housing Overlay District**

- A. Intent. The intent of the Age-Restricted Housing Overlay District is to permit a residential community designed for active 55 year old and older individuals which contains independent living residential dwelling units, neighborhood commercial uses, nursing facilities, assisted living facilities, health spas, wellness centers, medical facilities, active and passive recreation open space, as well as a community center for social and cultural activities.
- B. Regulations in district. The use, height and area regulations of §224-254 to §224 -255 inclusive, and those regulations set forth elsewhere in this chapter, where applicable to these sections, and the general regulations of Article XVIII are the regulations in the Age-Restricted Housing Overlay District.

### **§ 224-253 - District Location**

The following properties in the HD-1 Highway Development District are included in the Age-Restricted Housing Overlay District age-restricted overlay district:

Block 224, Lots 1,2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21,22, 23, 24, 25, 26.

Block 225, Lot 1.

### **§ 224-254 - Permitted uses.**

In order to further the purposes of the Age-Restricted Housing Overlay District, only the uses set forth in the following sections are permitted when development is pursuant to the requirements of the overlay. Age-Restricted Housing Overlay District may include the following principal use:

- A. Age-restricted independent living dwelling units in multi-story, multi-unit buildings as principal structures.
- B. Age-restricted independent living dwelling units in multi-story, multi-unit buildings with attached ground level parking garages and commercial uses as one principal structure.
- C. Age-restricted independent living dwelling units in townhouse units.
- D. Accessory uses and buildings. Accessory uses and buildings shall be uses and buildings customarily incidental to the principal uses listed as permitted. They shall include but not be limited to:

Assisted Living Facilities; Nursing Facilities; Medical Facilities; Adult Day Care Facilities; Child daycare for the convenience of employees; Healthcare / Wellness Centers; Health Spas; Active Indoor & Outdoor Recreation, Social and Cultural Facilities; Open Space; restaurants, coffee shops, gift shops, barber shops, beauty salons, gatehouses, detached garages, carports, guardhouses and storage facilities for maintenance and equipment; recreational structures;

The Assisted Living and Nursing Facilities are permitted provided the residents can contract for a lifetime or lesser duration use of a unit and may receive healthcare and supportive care including but not limited to food services; housekeeping, maintenance, utilities and the use of recreational facilities. Healthcare / wellness facilities, food service and the use of recreational facilities may also be offered on a contract basis to nonresidents of the on-site facilities. Access to on-site commercial uses shall also be opened to the public.

#### § 224-255 Bulk and Area Requirements.

- A. Minimum Lot Area: 2 Acres
- B. Maximum Impervious Coverage: 80% with the inclusion of affordable housing; 60% without affordable housing
- C. Minimum Front Yard Setback: 50' with the inclusion of affordable housing; 75' without affordable housing
- D. Minimum Side Yard Setback: 35', (70' window wall to window wall) with the inclusion of affordable housing; 50' (100' window wall to window wall) Side Yard without affordable housing
- E. Minimum Rear Yard Setback: 50', (60' window wall to window wall) with the inclusion of affordable housing; 75' (80' window wall to window wall) Side Yard without affordable housing.
- F. Maximum Building Height: 65' or six (6) stories with the inclusion of affordable housing; 55' (5) stories without affordable housing.

Setback Exceptions with the inclusion of affordable housing

**Setbacks adjoining railroad right of way exception** - Setbacks may be reduced by the Planning Board at the time of Site Plan review to a minimum of 35' provided the building is a minimum of 125' from the centerline of the existing railroad tracks.

**Setbacks adjoining State regulated wetlands exception** – Setbacks may be reduced to a minimum of 20' from the side or rear property line by the Planning Board at the time of Site Plan review provided the property line adjoins a property with State regulated wetlands with a minimum 50' buffer and as a result no other development can be proposed on the adjoining lot.

G. Lot Width 200 ft min.

Buffer Strip is required along all side and rear lot lines that adjoin an existing use. The purpose of this buffer is to screen the view of automobiles and parking areas, reduce noise and the glare of the automobile headlights. The buffer strip adjoining parking areas shall be at least 25 ft. in width as measured from the property line and shall consist of any/or a combination of the following: existing trees and shrubs, and new landscaping. The preservation of natural vegetation as part of the buffer strip is encouraged. Additional plantings of trees and shrubs shall be required to insure an effective buffer. The buffer strip shall have sufficient materials to obscure any glare of automobile headlights year round. The maintenance of the buffer shall be the responsibility of the property owner. The Board may grant a reduction in the 25' wide buffer strip provided the applicant can demonstrate to the Board and the Board's landscape architect that the reduced buffer can adequately satisfy the purpose described above.

Parking space perimeter setback: 25 ft. min. from property lines.

Pedestrian circulation and vehicle circulation: subject to Planning Board review.

- K. Permitted density: The permitted by-right density shall not exceed twelve (12) dwelling units per acre without the inclusion of affordable housing. With the inclusion of affordable housing, the permitted density is 35 dwelling units per acre for nursing facilities, assisted living facilities or independent living residential units. Independent living units are for 55 year old or older individuals only and shall not exceed three bedrooms per unit. The intensity of the site is controlled by the site coverage, setbacks and building height requirements of this section. The inclusion of one affordable housing unit for each eight market rate units shall be provided or the developer may make a contribution in lieu of the construction of the affordable housing units.
- L. Physical characteristics of buildings. A maximum length of 150 feet per freestanding building shall be permitted. The Planning Board may extend a maximum building length provided building façade includes offsets of at least 10' along with the inclusion of affordable housing.

A maximum of three such 150-foot maximum length buildings may be attached, provided that an angle of at least 30 degrees exists between adjacent buildings. However, there can be no continuous roofline or continuous front, and/or rear building line of more than 80 linear feet. It is the purpose of this section to provide for both broken rooflines and different setbacks and to break up a straight linear configuration. Buildings connected by party or common walls shall not be considered separate buildings for the purposes of this section. Buildings connected

by open walkways may be considered separate buildings for the purposes of Subsection N dealing with space between buildings.

- M. Bedroom Count. The applicant shall furnish as part of the project submittal data indicating the proposed mix of bedrooms of structures included within the development. Independent living units shall not exceed three bedrooms.
- N. Space between buildings. No building shall be closer than 30 feet to any other building (windowless wall to windowless wall), 60' window wall to window wall.
- O. Floor area of independent living residential units. A studio-efficiency type unit shall contain not less than 600 square feet; one-bedroom design, shall contain not less than 700 square feet; a unit with two bedrooms shall contain not less than 850 square feet and a unit with three bedrooms shall contain not less than 1,100 square feet.
- P. Social and recreational facilities shall reflect, insofar as possible, preferences of the anticipated residents. Indoor facilities shall include hobby or craft facilities, lounging areas which may also be used for meetings and group activities, card rooms, lavatories and a swimming pool, or similar facilities. Outdoor facilities shall include walks, shuffleboard and horseshoe courts, or similar facilities.
- Q. The architectural design of all buildings and the site location and recreational facilities must be consistent with the ultimate purpose of achieving independent, self-reliant and pleasant living arrangements and shall take into account the desires and needs of active 55 year old and older persons for privacy, participating in social community activities and access to community activities. The architectural design as aforesaid shall be a matter of review by the Planning Board, and failure to comply or provide for the criteria as aforesaid without good and sufficient cause or without proposing acceptable alternatives may be a reason for denial. The use of natural materials, such as wood, brick or stone, is encouraged.
- R. Laundry facilities, either located in individual units or in common areas, shall be provided for the use of residents.

#### **§ 224-256 Design Standards**

Design standards shall conform to Article XXII of the Absecon Developmental Ordinance (where applicable).

#### **§ 224-257 Landscaping and Buffers**

Landscaping shall conform to § 224-78 and § 224-129. Buffers shall conform to § 224-255H.

## § 224-258 Parking

Parking requirements-Guidelines offered for provided parking are as follows:

### Minimum Spaces Recommended

Independent Living Unit:		RSIS Requires
Three bedroom	2/unit	2.1 spaces
Two bedroom	2/unit	2 spaces
One bedroom	1.3/unit	1.8 spaces
Efficiency or Studio	1/unit	1 space
Nursing Bed:	0.3/bed	.5 spaces
Assisted Living Bed:	0.3/bed	.5 spaces

NOTE ALSO THAT CAFRA REQUIRES 2 SPACES FOR RESID UNITS

In addition to the parking requirements listed above, 0.5 parking spaces shall be provided for each employee in the peak shift.

Parking shall be determined by the requirements of §224-128 The actual parking need shall be determined by the number of employees intended to occupy the facility and the number of residents anticipated to occupy the units at peak periods. It is the obligation of the applicant to demonstrate to the planning board the actual need for parking by the presentation of parking generation studies from authorities on the subject of parking generation. The parking generation study shall include all accessory uses proposed at the site in addition to the age-restricted independent living structure(s) as the principal use. The parking generation study shall include a time schedule matrix of anticipated activities, events in the principal use and the accessory uses that will share on-site parking. Publications by the Institute of Transportation Engineers (ITE) or the American Planning Association (APA) or other professional associations will be considered.

The Planning Board may consider permitting a 20% reduction in required parking, pursuant to §224-128 provided an area is reserved for expansion in the event the parking is determined to be necessary by the applicant or the Planning Board at a future date. If the additional parking is pre-engineered and reviewed by the Planning Board and the Planning Board's professionals at the time the original approval is granted, the additional parking can be constructed at the time the original approval is granted, or the additional parking can be constructed by the applicant at their discretion without returning to the Planning Board. The applicant must inform the Planning Board and the City Engineer in writing and post an inspection escrow prior to the actual construction of the parking area occurs.

The New Jersey Residential Site Improvement Standards (RSIS) parking requirements apply to all proposed residential uses. Parking generation can include a shared parking arrangement for accessory uses. In the case were the applicant demonstrates that a reduction in parking is warranted, the planning board will support an application to NJ DCA for a waiver from the parking RSIS parking requirements.

§ 224-259 Lighting.

Lighting shall conform to § 224-130, which includes the requirement to design lighting to prevent glare upon surrounding properties.

**SECTION 4**

1. The City Engineer is herewith directed to create an amended Zoning Map, based on the City's state-approved tax mapping, to include the revisions to the City's Zone Plan adopted by this instant Ordinance, which Zoning Map shall be the official Zoning Map of the City of Absecon.
2. Article II, Section 3 of Chapter 224 of the Absecon City Code (Land Use and Development ~ "§224-3") is herewith modified to reflect the date of adoption of this Ordinance and the Zoning Map.

**INCONSISTENCY**

Any part of parts of any Ordinances, which are found to be inconsistent with this Ordinance, shall be deemed to have been repealed to the extent of such inconsistency.

**EFFECTIVE DATE**

This Ordinance shall take effect upon passage and publication according to law and the filing of same with the County Planning Board in accordance with N.J.S.A. 40:55D

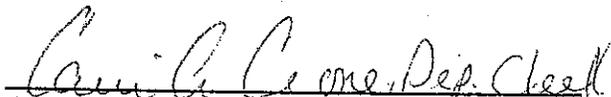
**DATED: December 20, 2007**

**SIGNED:**

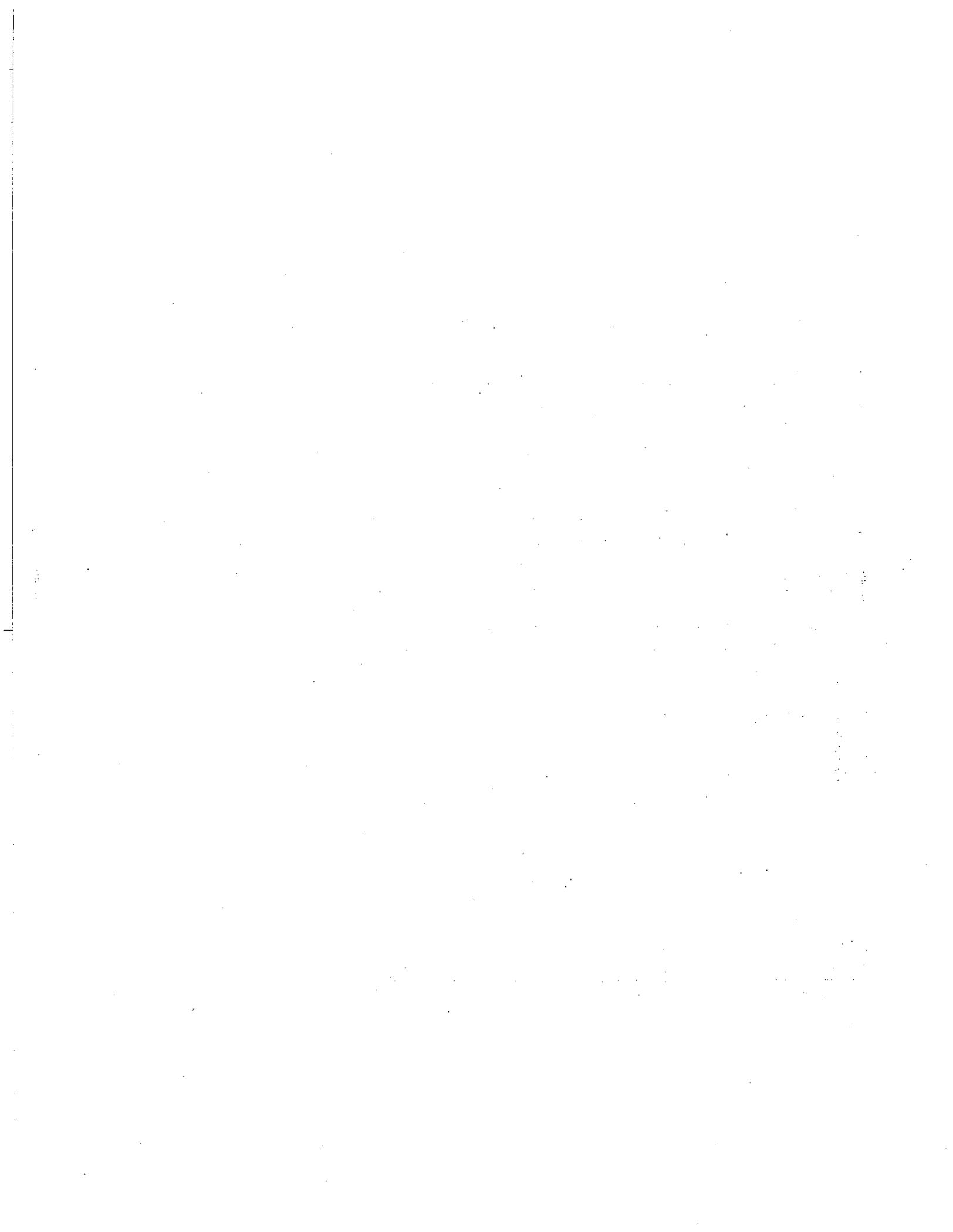


**Peter C. Elco, Mayor**

**ATTEST:**

  
**Carie Crone, Deputy Municipal Clerk**

Passed on first reading at a work and regular meeting of the Municipal Council held on December 6, 2007. Laid over and advertised for public hearing and final adoption on December 20, 2007. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a work and regular meeting held on December 20, 2007.



## ORDINANCE 05-2007

### CITY OF ABSECON

#### AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON, CHAPTER 224, LAND USE AND DEVELOPMENT, ADDING XXXII – STORMWATER CONTROL.

WHEREAS, It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for major development.

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON CITY, NEW JERSEY that Chapter 224, Article XXXII be added as follows:

#### Section 1: Scope and Purpose

##### A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural BMPs. Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans 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.

##### B. Purpose

It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for “major development,” as defined in Section 2.

##### C. Applicability

1. This ordinance shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:
  - a. Non-residential major developments; and
  - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by the City of Absecon.

##### D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued for subdivisions and site plans pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process 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.

## Section 2: Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. 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.

“CAFRA Planning Map” means the geographic depiction of the boundaries for Coastal Planning Areas, CAFRA Centers, CAFRA Cores and CAFRA Nodes pursuant to N.J.A.C. 7:7E-5B.3.

“CAFRA Centers, Cores or Nodes” means those areas within boundaries accepted by the Department pursuant to N.J.A.C. 7:8E-5B.

“Compaction” means the increase in soil bulk density.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“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 county planning agency; or

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.

“Department” means the New Jersey Department of Environmental Protection.

“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.

“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.

“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, by any person, 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 lands, 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.

“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.

“Environmentally critical areas” means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat 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.

“Empowerment Neighborhood” means a neighborhood 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.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Major development” means any “development” that provides for ultimately disturbing one or more acres of land. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

“Municipality” means any city, borough, town, township, or village.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Person” means any individual, corporation, company, partnership, firm, association, City of Absecon, or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law , N.J.S.A. 40:55D-1 et seq.

“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.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“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.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“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.

“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.

“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.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

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

“Stormwater management measure” means any structural or nonstructural strategy, 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.

“Tidal Flood Hazard Area” means a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“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.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

- (1) Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
- (2) Designated as CAFRA Centers, Cores or Nodes;
- (3) Designated as Urban Enterprise Zones; and
- (4) Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“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.

### **Section 3: General Standards**

#### **A. Design and Performance Standards for Stormwater Management Measures**

1. Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in Section 4. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.
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.

### **Section 4: Stormwater Management Requirements for Major Development**

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’ 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 muhlnebergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 4.F and 4.G:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
3. 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.

D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 4.F and 4.G 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:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
2. The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Sections 4.F and 4.G to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements of Sections 4.F and 4.G, existing structures currently in use, such as homes and buildings, would need to be condemned; and
4. 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 D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Sections 4.F and 4.G that were not achievable on-site.

#### E. Nonstructural Stormwater Management Strategies

1. To the maximum extent practicable, the standards in Sections 4.F and 4.G shall be met by incorporating nonstructural stormwater management strategies set forth at Section 4.E into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Paragraph 2 below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.
2. Nonstructural stormwater management strategies incorporated into site design shall:
  - a. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
  - b. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
  - c. Maximize the protection of natural drainage features and vegetation;
  - d. Minimize the decrease in the "time of concentration" from pre-construction to post construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;
  - e. Minimize land disturbance including clearing and grading;
  - f. Minimize soil compaction;

- g. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
  - h. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;
  - i. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:
    - (1) Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy Section 4.E.3. below;
    - (2) Site design features that help to prevent discharge of trash and debris from drainage systems;
    - (3) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
    - (4) When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.
3. Site design features identified under Section 4.E.2.i.(2) above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settle able solids. For exemptions to this standard see Section 4.E.3.c below.
- a. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
    - (1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
    - (2) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

- b. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
- c. This standard does not apply:
  - (1) Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
  - (2) Where flows from the water quality design storm as specified in Section 4.G.1 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is

designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

- (a) A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
  - (b) A bar screen having a bar spacing of 0.5 inches.
- (3) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in Section 4.G.1; or
  - (4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.
4. Any land area used as a nonstructural stormwater management measure to meet the performance standards in Sections 4.F and 4.G shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.
  5. Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 7, or found on the Department's website at [www.njstormwater.org](http://www.njstormwater.org).

#### F. Erosion Control, Groundwater Recharge and Runoff Quantity Standards

1. This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.
  - a. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.
  - b. The minimum design and performance standards for groundwater recharge are as follows:
    - (1) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 5, either:
      - (a) 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
      - (b) 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.
    - (2) This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to (3) below.
    - (3) The following types of stormwater shall not be recharged:
      - (a) 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

- (b) landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
  - (b) 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.
- (4) 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 and other subsurface structures in the vicinity or down gradient of the groundwater recharge area.
- c. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 5, complete one of the following:
- (1) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two, 10, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
  - (2) 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 two, 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;
  - (3) 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. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or
  - (4) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (1), (2) and (3) above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.
2. Any application for a new agricultural development that meets the definition of major development at Section 2 shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, "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 manufacturing of agriculturally related products.

#### G. Stormwater Runoff Quality Standards

1. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80 percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4-acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any

storm water runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. 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 1. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

- For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 7, or found on the Department's website at [www.njstormwater.org](http://www.njstormwater.org). The BMP Manual and other sources of technical guidance are listed in Section 7. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, New Jersey, 08625-0418.
- 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:

$$R = A + B - (AXB)/100$$

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

Table 2: TSS Removal Rates for BMPs	
Best Management Practice	TSS Percent Removal Rate
Bioretention Systems	90
Constructed Stormwater Wetland	90
Extended Detention Basin	40-60
Infiltration Structure	80
Manufactured Treatment Device	See Section 6.C
Sand Filter	80
Vegetative Filter Strip	60-80
Wet Pond	50-90

4. If there is more than one onsite drainage area, the 80 percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.
5. 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 nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in Sections 4.F and 4.G.
6. Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in Section 7.
7. 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.
8. Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:
  - a. The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:

- (1) A 300-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided. (2) Encroachment within the designated special water resource protection area under Subsection (1) above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured perpendicular to the top of bank of the waterway or centerline of the waterway where the bank is undefined. All encroachments proposed under this subparagraph shall be subject to review and approval by the Department.
- b. All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard for Off-Site Stability in the "Standards For Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.
- c. If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard For Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:
  - (1) Stabilization measures shall not be placed within 150 feet of the Category One waterway;
  - (2) Stormwater associated with discharges allowed by this section shall achieve a 95 percent TSS post-construction removal rate;
  - (3) Temperature shall be addressed to ensure no impact on the receiving waterway;
  - (4) The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;
  - (5) A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and
  - (6) All encroachments proposed under this section shall be subject to review and approval by the Department.
- d. A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to Section 4.G(8) has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to G.8 shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in G.8.a. (1) above. In no case shall a stream corridor protection plan allow the reduction of the Special Water Resource Protection Area to less than 150 feet as measured perpendicular to the waterway subject to this subsection.
- e. Paragraph G.8 does not apply to the construction of one individual single family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004, provided that the construction begins on or before February 2, 2009.

## **Section 5: Calculation of Stormwater Runoff and Groundwater Recharge**

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one of the following methods:

a. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds; or

b. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.

2. 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 at Section 5.A.1.a and the Rational and Modified Rational Methods at Section 5.A.1.b. 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 have 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).
3. 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.
4. 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 and other methods may be employed.
5. 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 tail water in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

1. The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water 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 <http://www.state.nj.us/dep/njgs/>; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427 Trenton, New Jersey 08625-0427; (609) 984-6587.

## **Section 6: Standards for Structural Stormwater Management Measures**

A. Standards for structural stormwater management measures are as follows:

1. 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).
  2. 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 (1") 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 (1/3) the width of the diameter of the orifice or one-third (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 Section 8.D.
  3. 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, 7.4, and 7.5 shall be deemed to meet this requirement.
  4. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half inches in diameter.
  5. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at Section 8.
- B. 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 Section 4 of this ordinance.
- C. Manufactured treatment devices may be used to meet the requirements of Section 4 of this ordinance, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

## **Section 7: Sources for Technical Guidance**

- A. Technical guidance for stormwater management measures can be found in the documents listed at 1 and 2 below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.
1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.
  2. The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.
- B. Additional technical guidance for stormwater management measures can be obtained from the following:
1. The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a) 4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;

2. The Rutgers Cooperative Extension Service, 732-932-9306; and
3. The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a) 4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625, (609) 292-5540.

## **Section 8: Safety Standards for Stormwater Management Basins**

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.

### **B. Requirements for Trash Racks, Overflow Grates and Escape Provisions**

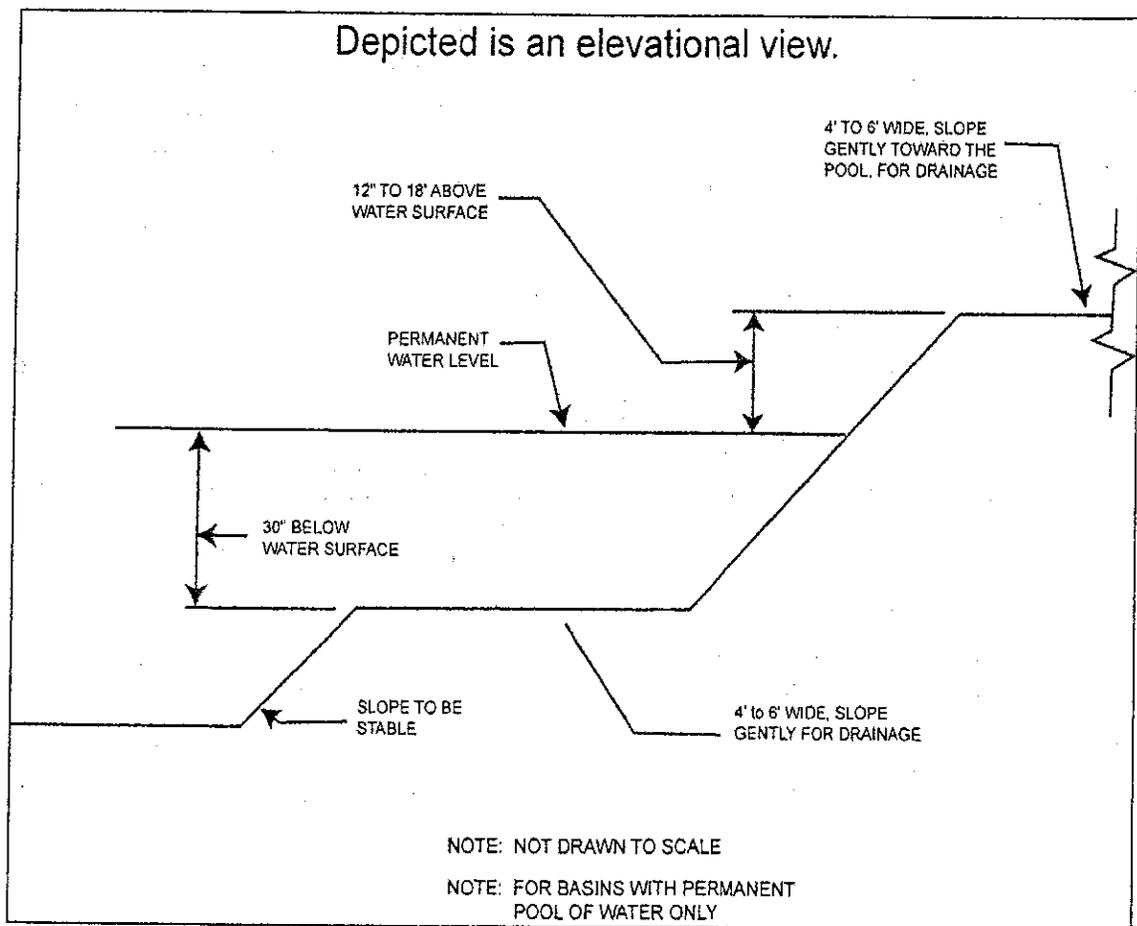
1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:
  - a. The trash rack shall have parallel bars, with no greater than six inch spacing between the bars.
  - b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.
  - c. 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.
  - d. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs/ft sq.
2. 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:
  - a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
  - b. The overflow grate spacing shall be no less than two inches across the smallest dimension.
  - c. 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 lbs./ft sq.
3. For purposes of this paragraph 3, escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:
  - a. If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in Section 8.C a freestanding outlet structure may be exempted from this requirement.
  - c. Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half feet. Such 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

- d. second step shall be located one to one and one-half feet above the permanent water surface. See Section 8.D for an illustration of safety ledges in a stormwater management basin.
- c. In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

C. Variance or Exemption from Safety Standards

- i. A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.

D. Illustration of Safety Ledges in a New Stormwater Management Basin



**Section 9: Requirements for a Site Development Stormwater Plan**

A. Submission of Site Development Stormwater Plan

1. 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 Section 9.C below as part of the submission of the applicant's application for subdivision or site plan approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

3. The applicant shall submit three copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 9.C of this ordinance.

#### B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from whom municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) 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.

#### C. Checklist Requirements

The following information shall be required:

##### 1. 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.

##### 2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its environs. 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.

##### 3. Project Description and Site Plan(s)

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 occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

##### 4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 3 through 6 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.

##### 5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- a. Total area to be 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.

- b. 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.

## 6. Calculations

- a. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 4 of this ordinance.
- b. When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, 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.

## 7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 10.

## 8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipal engineer, waive submission of any of the requirements in Sections 9.C.1 through 9.C.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.

## **Section 10: Maintenance and Repair**

### A. Applicability

1. Projects subject to review as in Section 1.C of this ordinance shall comply with the requirements of Sections 10.B and 10.C.

### B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. 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). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
3. 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.

4. If the person responsible for maintenance identified under Section 10.B.2 above is not a public agency, the maintenance plan and any future revisions based on Section 10.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
5. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including 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.
6. The person responsible for maintenance identified under Section 10.B.2 above shall 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.
7. The person responsible for maintenance identified under Section 10.B.2 above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
8. The person responsible for maintenance identified under Section 10.B.2 above shall 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 Sections 10.B.6 and 10.B.7 above.
9. The requirements of Sections 10.B.3 and 10.B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.
10. 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.

B. Nothing in this section 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.

### **Section 11: Penalties**

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties: A fine, not in excess of \$500.00. Each day that a violation shall continue shall constitute a separate violation.

### **Section 12: Effective Date**

This ordinance shall take effect immediately upon the approval by the county review agency, or sixty (60) days from the receipt of the ordinance by the county review agency if the county review agency should fail to act.

**Section 13: Severability**

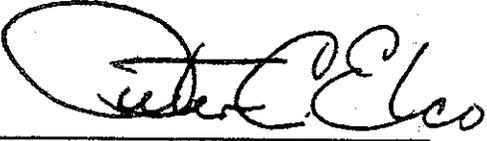
If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

**BE IT FURTHER ORDAINED** that:

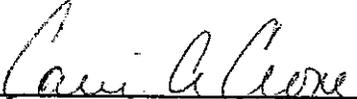
1. Any prior Ordinances or part thereof, which is inconsistent with the provisions of this Ordinance, is hereby repealed to the extent of the inconsistency.
  
3. This Ordinance shall take effect upon final adoption and publication as required by Law.

Dated: April 19, 2007

APPROVED: \_\_\_\_\_

  
Peter C. Elco, Mayor

ATTEST: \_\_\_\_\_

  
Carie A. Crone, Acting Municipal Clerk

Passed on first reading at a work and regular meeting of the Municipal Council held on April 4, 2007. Laid over and advertised for public hearing and final adoption on April 19, 2007. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a work and regular meeting held on April 19, 2007.



CITY OF ABSECON

ORDINANCE 13-2005

AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON, CHAPTER 224, LAND USE AND DEVELOPMENT, ARTICLE XXIV, PERFORMANCE GUARANTIES AND IMPROVEMENT COSTS, SECTION 176, PERFORMANCE GUARANTIES, PARAGRAPH B AND C.

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON CITY, NEW JERSEY that Chapter 224, be amended as follows:

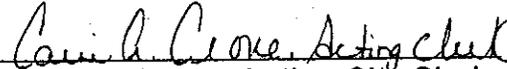
- (b) Performance guaranties shall be submitted in favor of the City of Absecon in an amount not to exceed 120% of the cost of installation of improvements it may deem necessary or appropriate, including streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, 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, other on-site improvements and landscaping. Ten percent of the total performance guaranty shall be in cash, deposited with the Chief Financial Officer of the City and the remaining 110% shall be in a form acceptable to the City Attorney. In the event the cost of improvements, as determined by the City Engineer, exceed \$2,000,000, the entire Performance Guaranty may be in the form of a bond or other security, at the discretion of the City Council. The form and content of the bond must be acceptable to the City Attorney. Such guaranties may be usable at any point by the City for the nonperformance of the applicant. Such guaranties shall run for a period of 18 months, subject to extension by the City Council for additional periods of 18 months as deemed necessary by the City.
- (c) If the required improvements are not completed or corrected in accordance with the performance guaranties within the time limit or extension, the obligor and surety shall be liable thereon to the city for all reasonable costs of improvements not installed and upon receipt of the proceeds thereof, the City shall install such improvements. In the event the performance guaranty has no cash on deposit with the City due to the total cost of improvements exceeding \$2,000,000 pursuant to paragraph (B) above, the city will have the right to charge the applicant all fees incurred by the City in pursuit of the surety for performance under the bond.

**BE IT FURTHER ORDAINED that:**

1. Any Ordinance or parts of ordinances that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of any such inconsistency.
2. This ordinance shall take effect upon final adoption and publication as required by Law.

**DATED: October 6, 2005**

**SIGNED:**   
**Peter C. Elco, Mayor**

**ATTEST:**   
**Carie A. Crone, Acting City Clerk**

Passed on first reading at a work and regular meeting of the Municipal Council held on September 15, 2005. Laid over and advertised for public hearing and final adoption on October 6, 2005. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a work and regular meeting held on October 6, 2005.

CITY OF ABSECON

ORDINANCE 05-2005

AN ORDINANCE AMENDING THE CODE OF THE CITY OF  
ABSECON, CHAPTER 304, STREETS AND SIDEWALKS, ARTICLE II,  
CONSTRUCTION REPAIR, SECTION 14. PAYMENT OF COSTS.

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE  
CITY OF ABSECON CITY, NEW JERSEY that Chapter 304, Article II be amended to add  
sections 14(a) and 14(b) as follows:

Add: 304-14(a). Waiver of Sidewalk and/or Curbing

A. The requirement to install sidewalks and/or curbs may be waived by the City Council, upon application from the owner/applicant, where the owner/applicant has:

- 1) Provided for pedestrian movement through an equally acceptable open space, at or near where sidewalk would traditionally be located, and
- 2) Demonstrated that sidewalks and/or curbs are not prevalent on the street frontage of the block where the subject property exists.

B. Each application shall be reviewed by the City Engineer and City Construction Official and a recommendation forwarded to the Road Committee of the City Council. The Public Works Committee shall review each recommendation to determine if:

- 1) There is no reasonable likelihood of connecting sidewalks and/or curbs being constructed in the foreseeable future, or
- 2) Sidewalks are not required for adequate pedestrian safety, or
- 3) Curbs are not required for surface drainage.

C. Based on the review of the Public Works Committee, a recommendation will be forwarded to the City Council either supporting or denying the application for waiver.

Add: 304-14(b). Inspection Fee

A. All applications for waiver, pursuant to 304-14(a), of sidewalk and/or curb installation require a \$200 inspection fee for each property. This inspection fee is non-refundable regardless of whether the City approves or denies the request for a waiver

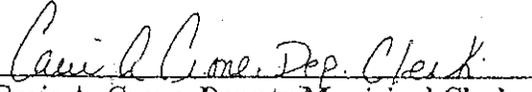
BE IT FURTHER ORDAINED that:

1. Any Ordinance or parts of ordinances, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of any such inconsistency.
2. This ordinance shall take effect upon final adoption and publication as required by Law.

DATED: May 19, 2005

SIGNED: 

Peter C. Elco, Mayor

ATTEST: 

Carie A. Crone, Deputy Municipal Clerk

Passed on first reading at a work and regular meeting of the Municipal Council held on May 5, 2005. Laid over and advertised for public hearing and final adoption on May 19, 2005. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a work and regular meeting held on May 19, 2005.

CITY OF ABSECON

ORDINANCE 10-2004

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE CITY OF ABSECON, CHAPTER 224, LAND USE AND DEVELOPMENT, ARTICLE XVIII, AMENDING SECTION 108. NON-CONFORMING USES AND STRUCTURES.

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON CITY, NEW JERSEY that Chapter 224, Section 108 be amended and supplemented to add section (1) as follows:

Add: 224-108.A. (1): Exception: An existing single family dwelling on a lot with pre-existing non-conforming lot area, lot width or lot depth may be expanded provided the proposed building expansion does not increase the pre-existing non-conforming setbacks and provided that the proposed building expansion conforms to the required building setbacks, building and site coverage requirements and height requirements of the district.

BE IT FURTHER ORDAINED that:

1. Any Ordinance or parts of ordinances, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of any such inconsistency.
2. This ordinance shall take effect upon final adoption and publication as required by Law.

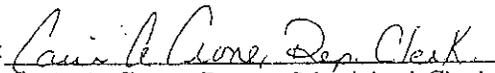
DATED: November 4, 2004

SIGNED:



Peter C. Elco, Mayor

ATTEST:



Carie A. Crone, Deputy Municipal Clerk

Passed on first reading at a work and regular meeting of the Municipal Council held on October 7, 2004. Amended at the work and regular meeting of October 21, 2004. Laid over and advertised for public hearing and final adoption on November 4, 2004. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a work and regular meeting held on November 4, 2004.



Amending/Supplementing underlined in bold

CITY OF ABSECON

ORDINANCE 05-2004

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE CITY OF ABSECON, CHAPTER 224, LAND USE AND DEVELOPMENT, ARTICLE III. DEFINITIONS AND WORD USAGE, SECTION 224-5, ARTICLE IV. R-1 LOW-DENSITY RESIDENTIAL DISTRICT, SECTION 224-8 AND 224-11, ARTICLE V. R2 MODERATE-DENSITY RESIDENTIAL DISTRICT, SECTION 224-15, ARTICLE VI. R3 MEDIUM-DENSITY RESIDENTIAL DISTRICT, SECTION 224-22

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON CITY, NEW JERSEY that the Code of the City of Absecon, Chapter 224 be amended and supplemented as follows:

ARTICLE III. DEFINITIONS AND WORD USAGE.  
SECTION 224-5. Definitions

Deck – A porch without a roof.

Porch – A roofed open structure projecting from the exterior of the wall and having at least 70% of the total area of the vertical planes forming its perimeter unobstructed in any manner between floor and ceiling. Sunrooms and similar structures would not apply. (No windows allowed). Insect screening is allowed on rear and side setback porches only.

ARTICLE IV. R-1 LOW-DENSITY RESIDENTIAL DISTRICT

SECTION 224-8. Area, yard and bulk regulations

H. A porch or deck may protrude into any setback a maximum of 8 feet.

SECTION 224-11. Landscaping, buffers and fences.

G. Fences or walls shall be permitted, provided that:

(2) No portion of any fence or wall shall be more than 4 feet from natural grade, except that privacy fences shall be allowed, provided that they are limited to the rear and side property line and do not extend beyond the front building line of the principal structure. Such fences shall not exceed 6 feet in height from the natural grade. A corner lot may also be allowed to have a 6 feet fence to the front property line of the established rear yard, with a 10 feet setback from the property line.

ARTICLE V. R-2 MODERATE-DENSITY RESIDENTIAL DISTRICT

SECTION 224-15. Area, yard and bulk regulations.

E. Front yard setback: 25 feet minimum, principal and accessory buildings. In the case of corner lots, all yards fronting on a street will be considered front yards, and one site yard will be considered a rear yard. A porch or deck may protrude into a setback of maximum of 8 feet.

F. Side yard setback: 10 feet minimum each for principal and accessory buildings, except storage sheds, which must have a four-foot minimum setback. A porch or deck may protrude into a setback of maximum of 4 feet.

G. Rear yard setback: 15 feet minimum for principal buildings; 10 feet minimum for accessory buildings, except for storage sheds, which must have a three-foot minimum setback. A porch or deck may protrude into a setback of maximum of 5 feet.

ARTICLE VI. R-3 MEDIUM-DENSITY RESIDENTIAL DISTRICT

SECTION 224-22. Area, yard and bulk regulations.

E. Front yard setback: 20 feet minimum, principal and accessory buildings. In the case of corner lots, all yards fronting on a street will be considered front yards and one side yard will be considered a rear yard. A porch or deck may protrude into a setback of maximum of 8 feet.

G. Rear yard setback: 15 feet minimum for principal buildings, five feet minimum for accessory buildings and three feet minimum for storage sheds. A porch or deck may protrude into a setback of maximum of 5 feet.

Dated: March 18, 2004

Approved:   
Peter C. Elco, Mayor

Attest:   
Barbara J. Virden, RMC, Municipal Clerk

Passed on first reading at a work and regular meeting of the Municipal Council held on March 18, 2004. Laid over and advertised for public hearing and final adoption on April 1, 2004. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a work and regular meeting held on April 1, 2004.

CITY OF ABSECON

ORDINANCE 4 – 2004

AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR THE  
CENTRAL BUSINESS DISTRICT

**WHEREAS**, pursuant to the provisions of N.J.S.A. 40A:12A-1 et seq., the Council of the City of Absecon by Resolution No. 117-2003, commissioned Remington, Vernick & Walberg Engineers, licensed Professional Planners in the State of New Jersey, to prepare a Redevelopment Plan for an area of the City generally bounded by Church Street to the north, the eastern boundary line of Block/Lot 161-1, Block/Lot 160/8 and Station Avenue to the east, the southern line of New Jersey Avenue to the south and the western line of School Street to the west (specifically Block/Lot 161/1, Block/Lot 161/1, Block/Lot 160/8 and portions of Church Street, School Street, New Jersey Avenue and Mechanic Street); said area being known as "Area 1" of a larger area which was determined by the Governing Body via Resolution No. 209-2000, dated November 16, 2000, to be "An Area in Need of Redevelopment" pursuant to the New Jersey Local Redevelopment and housing law and referred to herein as the "CBD Redevelopment Area"; and

**WHEREAS**, Remington, Vernick and Walberg, Engineers, prepared a document entitled Redevelopment Plan: Redevelopment Area #1, CBD Redevelopment Area, Absecon, New Jersey and did submit same to the Planning Board; and

**WHEREAS**, at its duly noticed meeting of October 14, 2003 the Planning Board heard a presentation of the Redevelopment Plan; and

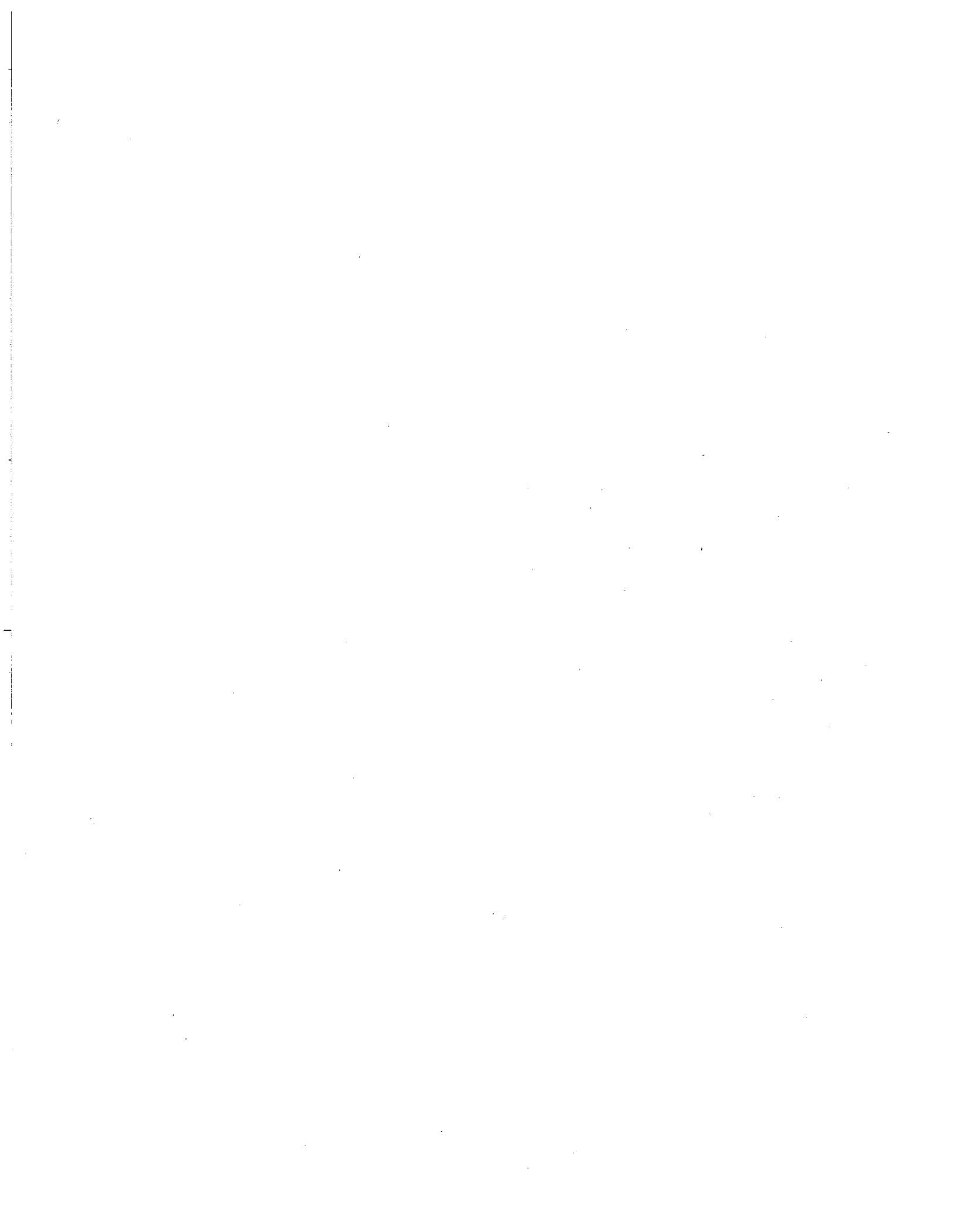
**WHEREAS**, the Planning Board held a public hearing on the Redevelopment Plan on November 25, 2003; which public hearing included receiving comments from those members of the general public in attendance; and

**WHEREAS**, after full discussion and consideration of the contents of the Redevelopment Plan, which consideration included the comments from those members of the general public, the Planning Board issued a Review of the Redevelopment Plan, the review was dated November 21, 2003; and

**WHEREAS**, the Municipal Council received the Review of the Redevelopment Plan and on February 5, 2004 did determine and declare the Redevelopment Plan to be consistent with the City's Master Plan.

**NOW, THEREFORE BE IT RESOLVED**, the Municipal Council of the City of Absecon ordains:

Section 1. That pursuant to N.J.S.A. 40A:12A-4 (a)(3) and N.J.S.A. 40A:12A-7, the Redevelopment Plan for the Central Business District is hereby adopted.



Section 2. It is hereby found that the above referenced Redevelopment Plan meets the criteria for adoption of a Redevelopment Plan as set forth in N.J.S.A. 40A:12A-7, and as further specified in the Redevelopment Plan itself.

Section 3. It is hereby found that the above referenced Redevelopment Plan is consistent with the City of Absecon Master Plan.

Section 4. The Absecon City Zoning Map, is hereby amended to incorporate the Redevelopment Area, which shall be designated thereon as the Downtown Redevelopment Area.

Section 5. The provisions of the Redevelopment Plan shall supersede the provisions of the development regulation of the City of Absecon to the extent set forth in the Redevelopment Plan.

Section 6. All Ordinances or part of this Ordinance, which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

Section 7. Should any section, sentence, clause, phrase, provision or application of this Ordinance be declared unconstitutional, or invalid by a Court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

Section 8. This Ordinance shall take effect upon final passage, adoption and publication on a manner prescribed by law.

Section 9. The complete Redevelopment Plan will be filed and available for inspection in the office of the City Clerk in the City of Absecon.

Dated: February 19, 2004

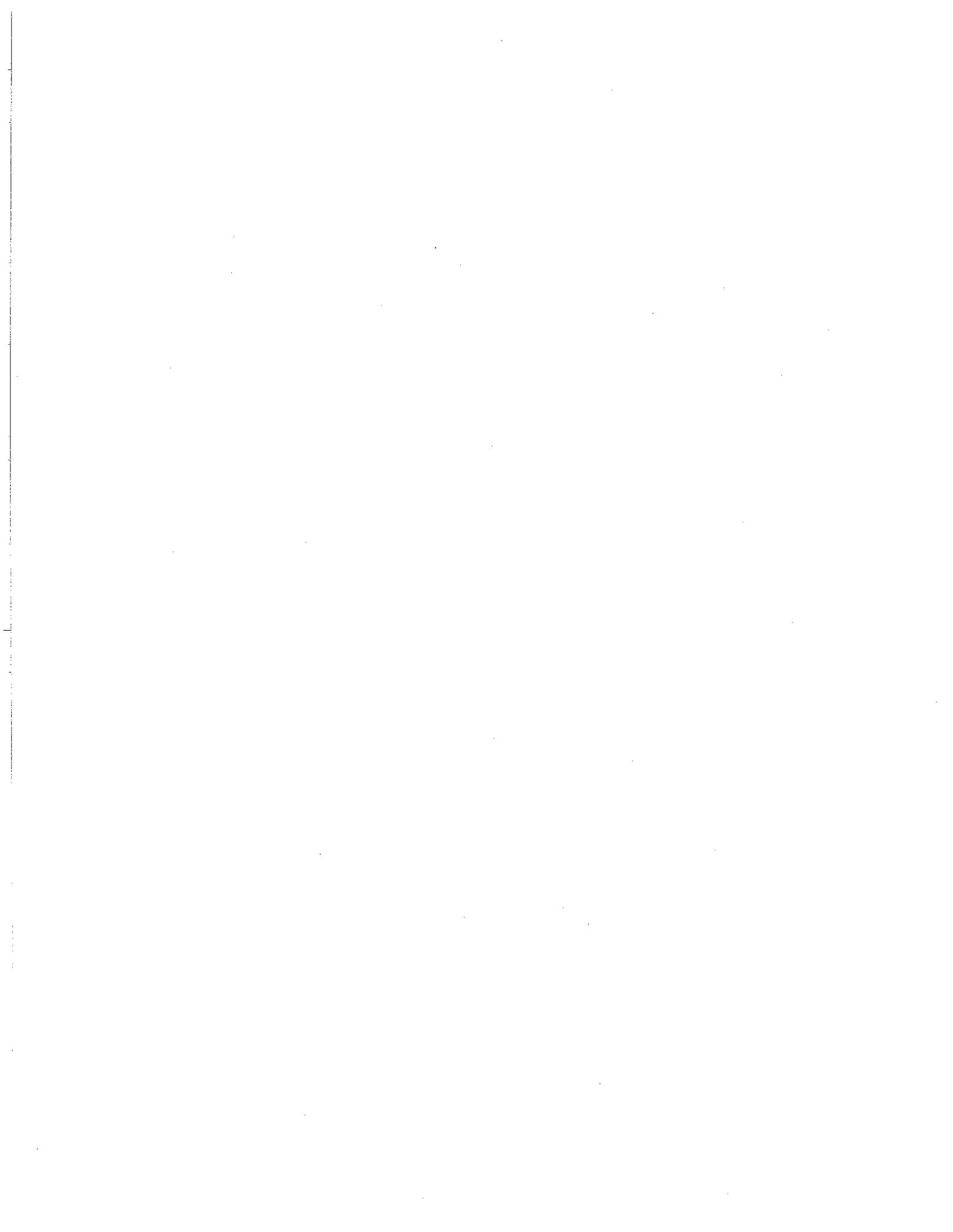
Signed:

  
Peter C. Elco, Mayor

Attest:

  
Carie A. Crone, Deputy Clerk

Passed on first reading at a work and regular meeting of the Municipal Council held on February 19, 2004. Laid over and advertised for public hearing and final adoption on March 4, 2004. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a work and regular meeting held on March 4, 2004.



Additions are bolded.

CITY OF ABSECON

ORDINANCE 20-2003

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE CITY OF ABSECON, CHAPTER 224, LAND USE AND DEVELOPMENT, ARTICLE XXVI, SECTION 195. FEES AND ESCROWS, TO ADD PARAGRAPHS K AND L

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON CITY, NEW JERSEY that Chapter 224, be amended and supplemented to add paragraphs K and L as follows:

- K. Special meetings requested by the applicant : \$50.00 plus actual costs incurred by the Planning Board.
- L. Zoning permit application fee for fence erection or utility sheds less than 100 square feet in area: \$15.00.

BE IT FURTHER ORDAINED that:

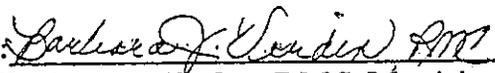
1. Any Ordinance or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of any such inconsistency.
2. This ordinance shall take effect upon final adoption and publication as required by Law.

DATED: October 16, 2003

SIGNED: \_\_\_\_\_

  
Peter C. Elco, Mayor

ATTEST: \_\_\_\_\_

  
Barbara J. Virden, RMC, Municipal Clerk

Passed on first reading at a work and regular meeting of the Municipal Council held on October 16, 2003.  
Laid over and advertised for public hearing and final adoption on November 20, 2003.  
Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a work and regular meeting held on November 20, 2003.



Additions are bolded.

AMENDED DELETIONS ARE STRIKE THROUGH

CITY OF ABSECON

ORDINANCE 14 - 2003

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE CITY OF ABSECON, CHAPTER 224, LAND USE AND DEVELOPMENT, ARTICLE III DEFINITIONS AND WORD USAGE, SECTION 5. DEFINITIONS.

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON CITY, NEW JERSEY that Chapter 224, Article III, Section 5 be amended and supplemented as follows:

ACCESSORY BUILDING – A building detached from and subordinate to the principal building on the same lot, the use of which is customarily incidental to that of the principal building, other than a storage shed as defined below. For R-1, R-2 and R-3 Zones the maximum gross floor area of all accessory buildings shall not exceed:

For R-1: 10% of lot coverage or 1250 s.f. whichever is less

For R-2: 10% of lot coverage or 1,000 s.f. whichever is less

For R-3: 12% of lot coverage or 780 s.f. whichever is less

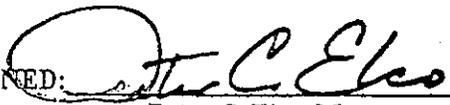
And in no instance shall the gross floor area of all accessory Buildings on the site exceed ~~75%~~ of the gross floor area of the principal building at the ground floor level and in no instance shall the Accessory Building exceed the height of the principal building.

GARAGE, PRIVATE – An accessory building to a dwelling unit which is used to house up to three motor vehicles. It must meet the specifications of the size for any other Accessory Building.

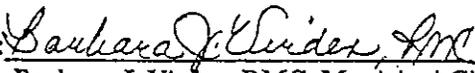
BE IT FURTHER ORDAINED that:

1. Any Ordinance or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of any such inconsistency.
2. This ordinance shall take effect upon final adoption and publication as required by Law.

DATED: November 20, 2003

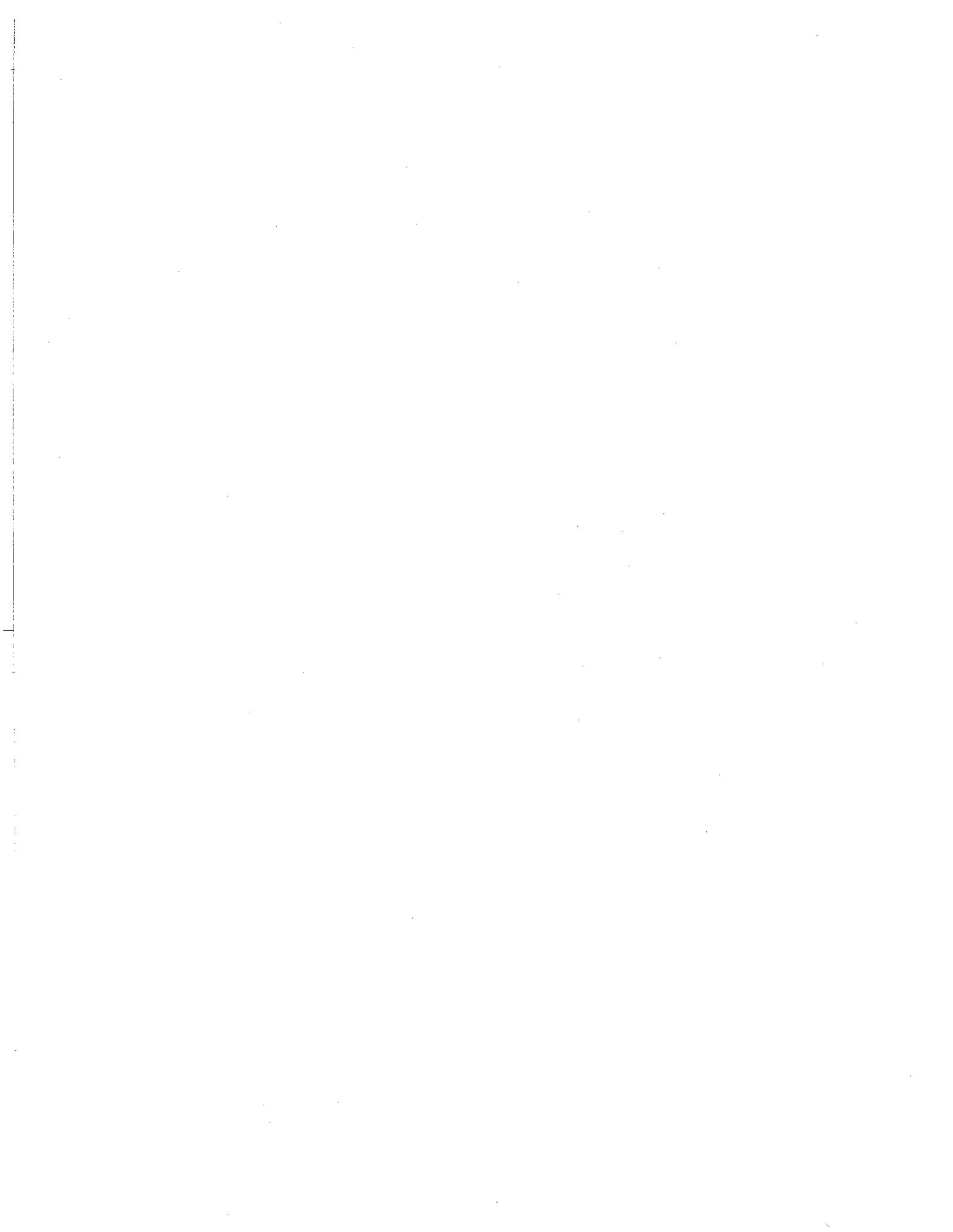
SIGNED: 

Peter C. Elco, Mayor

ATTEST: 

Barbara J. Virden, RMC, Municipal Clerk

Passed on first reading at a work and regular meeting of the Municipal Council held on November 20, 2003.  
Laid over and advertised for public hearing and final adoption AS AMENDED on December 18, 2003.  
Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at regular meeting held on December 18, 2003.



CITY OF ABSECON

ORDINANCE 01-2003

AN ORDINANCE TO VACATE A PORTION OF PLAZA PLACE  
WITHIN THE CITY OF ABSECON, COUNTY OF ATLANTIC

BE IT ORDAINED by the Council of the City of Absecon, County of Atlantic and State of New Jersey:

SECTION 1. ALL THAT CERTAIN piece or parcel of land situate, lying and being in the City of Absecon, County of Atlantic, New Jersey and being more particularly described as follows:

PLAZA PLACE

BEGINNING at a point formed by the intersection of the Easterly Right of Way line of Highland Boulevard (80 feet wide) with the Northeasterly Right of Way line of Plaza Place (60 feet wide); thence extending

1. Along the Northeasterly Right of Way line of Plaza Place, South 48 degrees 15 minutes 46 seconds East, a distance of 830.45 feet to a point in the Northwesterly Right of Way line of 15<sup>th</sup> Street (50 feet wide); thence
2. Along the Northwesterly Right of way line of 15<sup>th</sup> Street, South 41 degrees 44 minutes 14 seconds West, a distance of 60.00 feet to a point in the Southwesterly Right of Way line of Plaza Place; thence
3. Along the Southwesterly Right of Way line of Plaza Place, North 48 degrees 15 minutes 46 seconds West, a distance of 727.97 feet to a point of curvature; thence
4. Along the arc of a curve to the left having a radius of 15.00 feet, an arc length of 35.87 feet to a point of tangency in the aforementioned Easterly Right of Way line of Highland Boulevard; thence
5. Along the Easterly Right of Way line of Highland Boulevard, North 05 degrees 16 minutes 50 seconds West, a distance of 126.10 feet to the point and place of beginning.

Containing within said bounds 48,198 square feet (1.106 Acres) of land.

Subject to conditions, restrictions and easements of record, if any, except those that may have expired by their own limitations.

SECTION 2. That every person whose land may be affected by the ordinance be notified according to law.



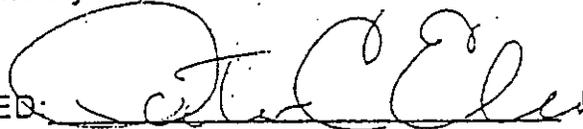
SECTION 3. That the public rights arising from any dedication of the Clerk of the City of Absecon and described above, so vacated as aforesaid, be and the same are hereby released and extinguished.

SECTION 4. That all ordinances or parts of ordinances inconsistent with the provision hereof, be and the same are hereby repealed and that this ordinance shall take effect immediately after final passage and publication.

SECTION 5. That the City Clerk shall immediately after final passage and publication of this Ordinance, make and file in the Office of the Clerk of the County of Atlantic, a copy of this Ordinance, together with a copy of the Proof of Publication, duly certified by her, under the corporate seal of the City of Absecon, for record, as required by law.

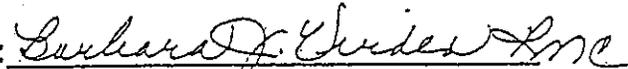
Dated: January 16, 2003

APPROVED:



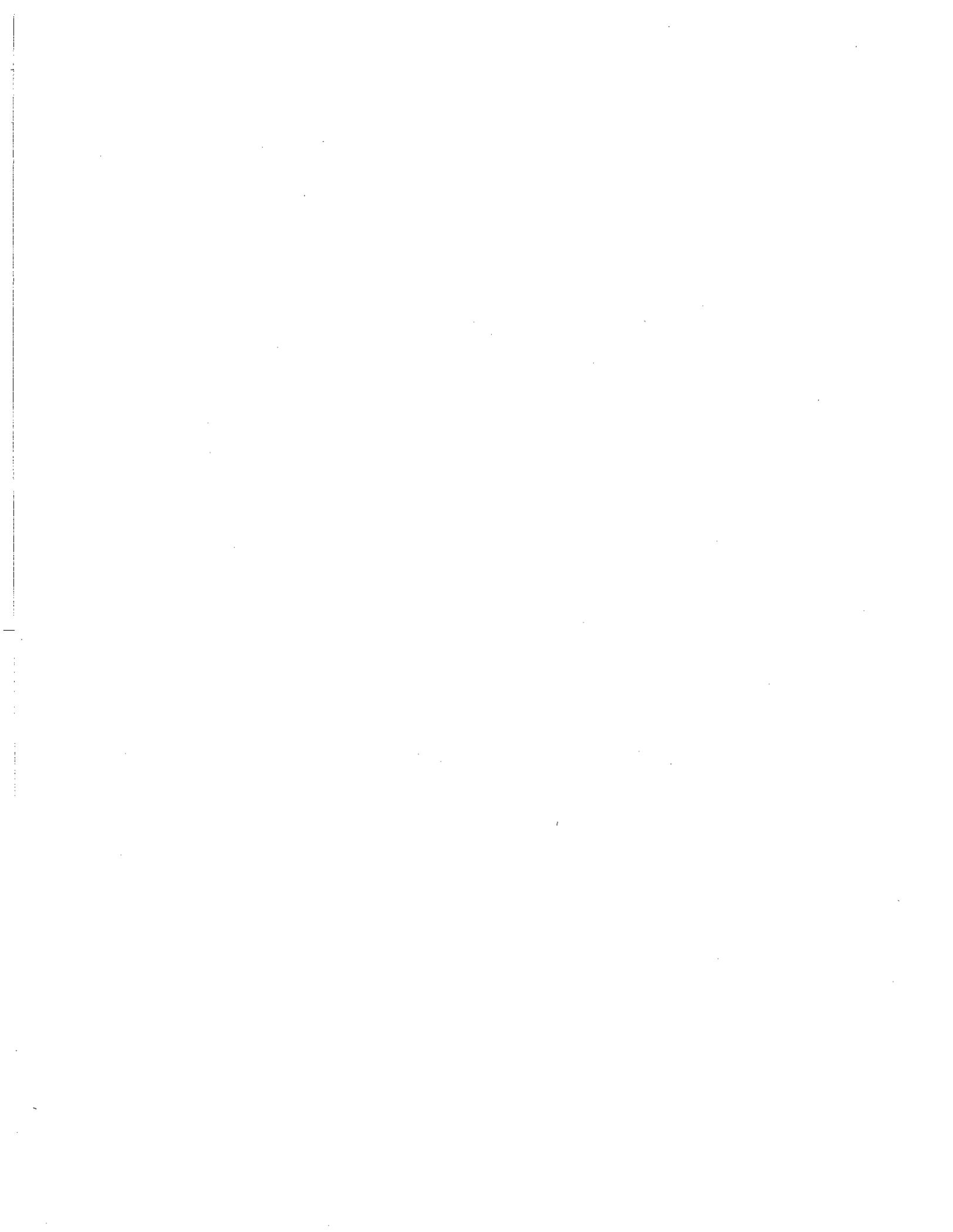
Peter C. Elco, Mayor

ATTEST:



Barbara J. Virden, RMC, City Clerk

Passed on first reading at a regular meeting of the Municipal Council held January 16, 2003. Laid over and advertised for public hearing and final adoption on February 6, 2003. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a regular meeting held on February 6, 2003.



CITY OF ABSECON

ORDINANCE 08-2002

AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON, CHAPTER 224, LAND USE AND DEVELOPMENT, ARTICLE IX, C1 CENTRAL BUSINESS COMMERCIAL DISTRICT. LAND USE, SECTION 224-43 INTENT, 44 PERMITTED USES, 45 AREA, YARD, AND BULK REGULATIONS, AND 47 OTHER REGULATIONS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ABSECON CITY, NEW JERSEY that Chapter 224, Article IX, C1 Central Business Commercial District Land Use, Section 224-43 Intent, 44 Permitted uses, 45 Area, yard, and bulk regulations, and 47 Other regulations shall read as follows:

Article IX

Section 224-43. Intent

- A. Intent. The purpose of the Commercial District C1 is to provide for a viable central business district along New Jersey Avenue dedicated to traditional downtown commercial establishments and encourage pedestrian activity, and encourage major commercial development along US Route 30 with sufficient controls.

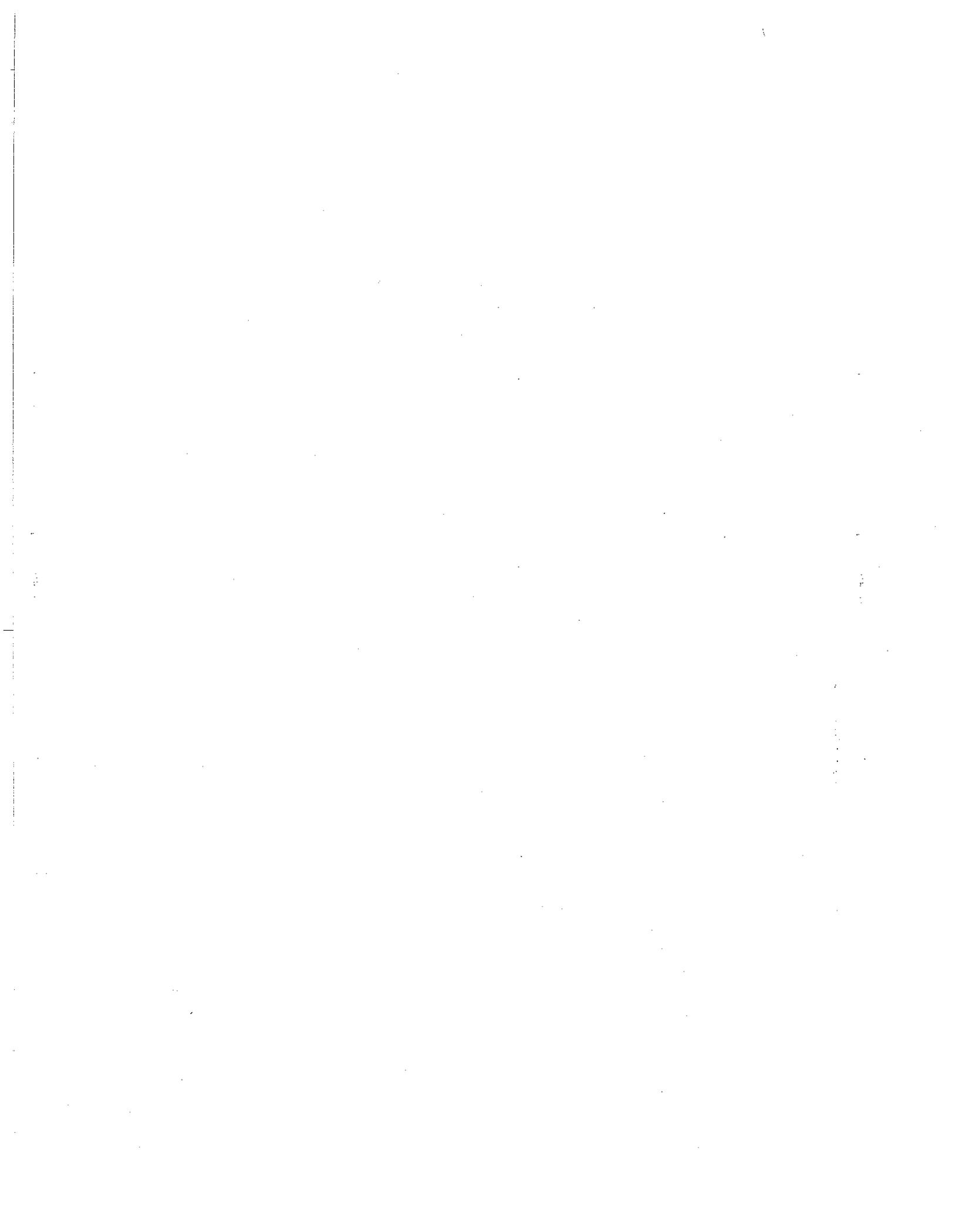
Section 224-44. Permitted Uses

- A. (5.) Commercial uses included in sections 224-68, 224-74, 224-83 exclusively for those properties that have lot frontage on both US Route 30 and New Jersey Avenue, with a minimum lot area of 5 acres and site access on US Route 30. This does not prohibit site access from other adjoining streets.

Section 224-45. Area, yard and bulk regulations

K. Permitted uses set forth above in section 224-44 A (5) shall comply with the following regulations:

- (1) Commercial uses listed in 224-68, shall comply with 224-69, 224-70, 224-71, 224-72
- (2) Commercial uses listed in 224-74, shall comply with 224-75, 224-76, 224-77, 224-78, 224-79, 224-80, 224-81
- (3) Commercial uses listed in 224-83, shall comply with 224-84, 224-85, 224-86, 224-87, 224-88



L. Permitted uses set forth above in section 224-44 A (5) shall comply with the following setback requirements:

- (1) One story structure with pedestrian access and storefront – 8' min. (minimum)
- (2) One story structure without pedestrian access and storefront – 25' min. landscaped buffer.
- (3) Two story structure with pedestrian access and storefront – 25' min., with 10' min. landscape strip.
- (4) Two story structure without pedestrian access and storefront – 40' min. with 25' min. landscaped buffer.
- (5) Three story structure or greater with pedestrian access and storefront – 35' min., with 20' min. landscape buffer.
- (6) Three story structure or greater without pedestrian access and storefront – 60' min., with 40' min. landscape buffer.

Section 224-47 Other Regulations

- F. All properties with frontage on New Jersey Avenue are encouraged to have pedestrian access from street to structure to encourage pedestrian activity along New Jersey Avenue.
- G. All uses proposed within 60' of New Jersey Avenue shall be compatible in terms of height and mass with surrounding land uses.
- H. Proposed commercial development that is designed to promote pedestrian activity along New Jersey Avenue by providing pedestrian access and storefronts along New Jersey Avenue the permitted site coverage shall be increased to 80%.

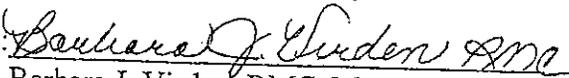
**BE IT FURTHER ORDAINED** that:

1. Any Ordinance or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of any such inconsistency.
2. This ordinance shall take effect upon final adoption and publication as required by Law.

DATED: June 20, 2002

SIGNED: 

Peter C. Elco, Mayor

ATTEST: 

Barbara J. Virden, RMC, Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held on June 20, 2002. Laid over and advertised for public hearing and final adoption at a Special Meeting on July 11, 2002. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a Special meeting held July 18, 2002.



*Introduced by Councilman Glenn Hayden*

**CITY OF ABSECON**

**ORDINANCE 09-98**

**AN ORDINANCE AMENDING SECTION 224.7(B), OF THE ABSECON CITY CODE, AND CREATING A NEW SECTION SUB-PART (2)(c) (Permitted Uses, Accessory Uses and Buildings) (Fencing)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON, NEW JERSEY AS FOLLOWS:**

1. 224.7(B) of the Absecon Developmental Ordinance is hereby amended to add paragraph (2)(c) as follows:

In the case of a corner lot where the placement of a pool is only practical in the side yard opposite the street intersection, a fence not more than 5 feet in height shall be permitted in the said side yard provided the fence does not extend beyond the front building line of the principal structure.

2. Any Ordinance or part thereof which is inconsistent with the provisions contained herein is hereby repealed to the extent of said inconsistency.
3. This Ordinance shall take effect upon final passage and publication as required by law.

**Dated:** May 21, 1998

**Approved:**

  
Peter C. Elco, Mayor

**Attest:**

  
Barbara J. Virden, RMC, Municipal Clerk

Passed on first reading at a regular meeting held on May 21, 1998. Laid over and advertised for public hearing and final adoption June 18, 1998.

Adopted on second, third and final readings at a regular meeting of the Municipal Council on May 21, 1998.



CITY OF ABSECON

ORDINANCE 25-97

AN ORDINANCE AMENDING THE CODES OF THE CITY  
OF ABSECON CHAPTER 224 LAND USE AND DEVELOPMENT,  
SECTION 224-118; APPLICABILITY

Introduced by: Councilwoman Caterson

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ABSECON, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY that Chapter 224, Land Use and Development, be amended by adding to the text the following:

**224-118. Applicability**

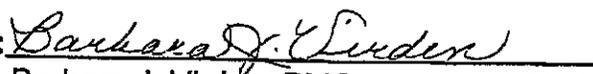
In the absence of a change in use, neither site plan review nor site plan waiver application is required solely because of a change in ownership or occupancy or because of alterations to a building or structure which would not increase its size and which would not materially alter its exterior.

This ordinance shall take effect upon final passage and publication according to law.

Dated: October 16, 1997

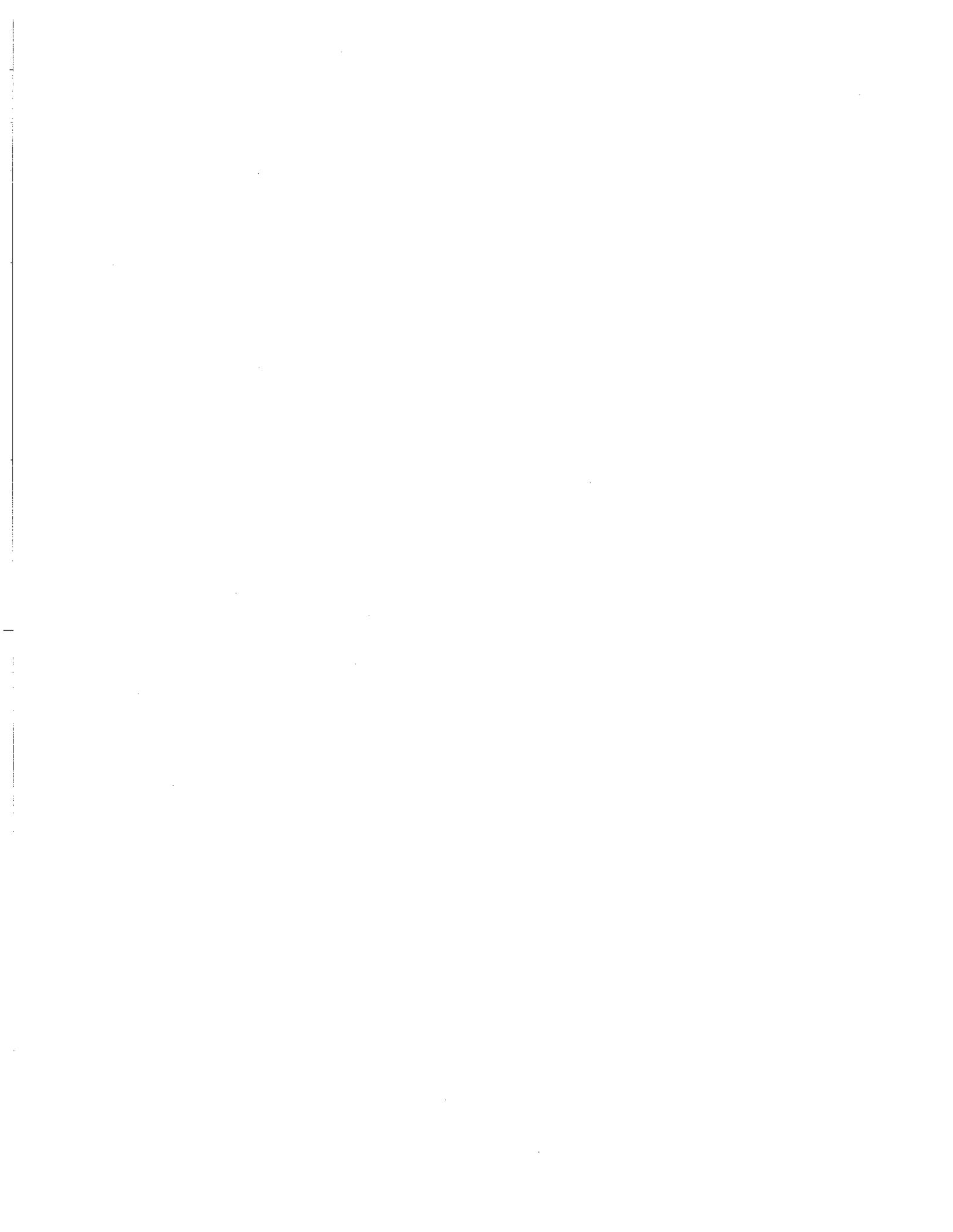
APPROVED: 

Peter C. Elco, Mayor

ATTEST: 

Barbara J. Virden, RMC, Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held October 16, 1997. Laid over and advertised for final adoption and a Public Hearing to be held November 20, 1997.  
Adopted on second, third and final readings at a regular meeting of City Council held November 20, 1997.



ARTICLE I  
General Provisions

**§ 224-1. Intent; title; establishment of controls.**

A. General intent.

- (1) The Development Ordinance which follows was developed by Absecon's Planning Board to promote the public health, safety, morals, general welfare and all other purposes enumerated in the New Jersey Municipal Land Use Law, Chapter 291 of the Laws of 1975.<sup>1</sup> The regulations and districts appearing here are consistent with the land use element of Absecon's Master Plan.
- (2) It is the intent and purpose of this chapter:
  - (a) To encourage municipal action to guide the appropriate use or development of all lands in this state in a manner which will promote the public health, safety, morals and general welfare.
  - (b) To secure safety from fire, flood, panic and other natural and man-made disasters.
  - (c) To provide adequate light, air and open space.
  - (d) 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.
  - (e) To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and the preservation of the environment.
  - (f) To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.
  - (g) To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, 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.
  - (h) 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.
  - (i) To promote a desirable visual environment through creative development techniques and good civic design and arrangements.
  - (j) 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 improper use of land.

- (k) 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.
- (l) To encourage senior citizen community housing construction consistent with provisions permitting other residential uses of a similar density in the same zoning district.

- (m) 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 to the more efficient use of land.
- (n) To promote the conservation of energy through the use of planning practices designed to reduce energy consumption and to provide for maximum utilization of renewable energy sources.
- (o) 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 compliment municipal recycling programs.

B. Title.

- (1) Long title: "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 and height and to divide the city into zoning districts each with specific regulations, in accordance with provisions of the New Jersey Municipal Land Use Law."
- (2) Short title. This chapter will be known and may be cited as the "Absecon Developmental Ordinance."

C. Establishment of controls. The regulations established by this chapter shall be held to be the minimum requirements and shall apply uniformly to each class or kind of structure or land. It is not the intention of this chapter to interfere with, abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction with regard to use, height or open space, the provisions of this chapter shall govern.

- (1) Use of land; construction of buildings. On and after the effective date of this chapter, no land or building shall be used, constructed, located, altered, rebuilt or enlarged for any purpose within Absecon City except in conformity with the restrictions and regulations established by this chapter for the district in which such land or building is located and in conformity with all other pertinent terms and provisions of this chapter.
- (2) Existing uses and structures. In all districts, after the effective date of this chapter, any existing building or structure and all tracts of land, the use of which is not in conformity with the regulations for the district in which it is located, shall be deemed as nonconforming and subject to the appropriate regulations of this chapter governing such nonconforming lots, uses and structures.
- (3) Failure to comply. Any building constructed, rebuilt, altered or located on or after the effective date of this chapter 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 chapter 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 to all provisions of this chapter. Such change, alteration, correction or relocation shall be made within 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 or by certified or registered mail, return receipt requested, to the last known address of those to be served.

## ARTICLE II Districts

### § 224-2. Districts established.

The following districts are hereby established:

#### A. Residential:

- R1 Low-Density Residential District
- R2 Moderate-Density Residential District
- R3 Medium-Density Residential District
- R4 High-Density Residential District
- R-FSH Residential Fair-Share Housing District
- PSCC – Planned Senior Citizen Community

#### B. Commercial:

- C1 Central Business Commercial District
- C2 Community Business District
- C3 Marine Commercial District
- HC Highway Commercial District
- DC Design Commercial District
- HD Highway Development District

#### C. Other:

- I/PI Industrial/Planned Industrial Area
- CR Conservation – Recreation District
- CH/I Church/Institution District

### § 224-3. Zoning Map; interpretation of boundaries.

- A. Zoning Map and boundaries. All areas within boundaries of Absecon City have been assigned to a zoning district. Zoning district boundaries established by this chapter are shown upon the Zoning Map (as amended November 28, 1989), attached hereto and made a part of hereof, which together with all explanatory matter thereon is declared or be a part of this chapter.

- B. Boundary lines. Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map (as amended November 28, 1989), which is part of this chapter, 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 the 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 lines, and where the districts designated on the Zoning Map are bounded approximately by the rear or sides lines, the rear or side lines shall be construed to be this district unless the boundaries are otherwise indicated on the Zoning Map (as amended November 28, 1989).
  - (3) In the event of subdivided property or a question on the exact location of any boundary line, the determination of the Planning Board shall prevail. The Board members will be guided by a narrative description of district boundaries on file in the City Clerk's office.

### ARTICLE III Definitions and Word Usage

#### § 224-4. Word usage and interpretation.

- A. Word usage. Words and phrases shall be presumed to have their ordinary meanings, unless specifically defined or interpreted differently in the section following. Disputes concerning definition or interpretation of a word shall be resolved by the Board of Adjustment or the Planning Board.
- B. Interpretation. For the purpose of this chapter, certain words and terms are defined as follows: words used in the present include the future; words used in the singular include the plural number, and words in the plural include the singular number; the word "person" includes an individual, corporation or partnership; the word "building" shall include the word "structure"; the term "used" shall include words "arranged, designed or intended to be used"; the term "occupied" shall include the words "arranged, designed or intended to be occupied"; the word "lot" includes the word "plot"; the word "zone" includes the word "district"; the word "premises" includes "vacant land"; and the term "shall" indicates a mandatory requirement and the term "may" indicates a permissive action.

**§ 224-5. Definitions.**

All words defined in the Municipal Land Use Law, Chapter 291 of the Laws of 1975,<sup>2</sup> if not contained in this section, are incorporated herein and declared to be a part of this chapter. The following words and phrases shall have the meanings given in this section, as follows:

**ACCESSORY BUILDING** — A building detached from and subordinate to the principal building on the same lot, the use of which is customarily incidental to that of the principal building, other than a storage shed as defined below. [Amended 4-17-1997]

**ACCESSORY RESIDENTIAL USE** — A use customarily carried on within a dwelling by the inhabitants thereof, which use is incidental and subordinate to the residential use. Accessory residential uses shall not be interpreted to include the following: barber- and beauty shops, barber and beauty schools, tearooms, convalescent homes, kennels and repair of vehicles. Accessory residential uses will be limited to those specified in the zoning districts of this chapter, subject to the standards therein.

**ACCESSORY USE** — A use customarily incidental and subordinate to the main use conducted on a lot, whether such accessory use shall be conducted in the main or an accessory building.

**ADMINISTRATIVE OFFICER** — The Clerk of Absecon City, unless a different municipal official is designated within this chapter or by statute.

**ALLEY** — A minor way which may or may not be legally dedicated and which affords only a secondary means of access to abutting property.

**APARTMENT, GARDEN** — See "dwelling, multiple."

**APPLICANT** — A developer submitting an application for development.

**APPROVING AUTHORITY** — The Planning Board of Absecon City, unless a different agency is designated by this chapter, when acting pursuant to the authority of the Municipal Land Use Law, Chapter 291 of the Laws of 1975 (1976), N.J.S.A. 40:55D-1 et seq.

**ATTIC** — That part of a building which is immediately below and wholly or partly within the roof framing, not generally used as living space.

**AUTOMOTIVE GARAGE** — Any premises used for the repair or servicing of vehicles, but not including automotive wrecking.

**AUTOMOTIVE SALES BUILDING** — A building used for the sale of, hire of or remuneration from automotive and other vehicles and equipment. This shall be interpreted to include auto accessory sales rooms but not the sale of junked vehicles and equipment.

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<sup>2</sup> Editor's Note: See N.J.S.A. 40:55D-1 et seq.

Additions are bolded.

AMENDED DELETIONS ARE STRIKE THROUGH

CITY OF ABSECON

ORDINANCE 14 - 2003

AN ORDINANCE AMENDING AND SUPPLEMEN TING THE CODE OF THE CITY OF ABSECON, CHAPTER 224, LAND USE AND DEVELOPMENT, ARTICLE III DEFINITIONS AND WORD USAGE, SECTION 5. DEFINITIONS.

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON CITY, NEW JERSEY that Chapter 224, Article III, Section 5 be amended and supplemented as follows:

ACCESSORY BUILDING – A building detached from and subordinate to the principal building on the same lot, the use of which is customarily incidental to that of the principal building, other than a storage shed as defined below. For R-1, R-2 and R-3 Zones the maximum gross floor area of all accessory buildings shall not exceed:

For R-1: 10% of lot coverage or 1250 s.f. whichever is less

For R-2: 10% of lot coverage or 1,000 s.f. whichever is less

For R-3: 12% of lot coverage or 780 s.f. whichever is less

And in no instance shall the gross floor area of all accessory Buildings on the site exceed ~~75%~~ of the gross floor area of the principal building at the ground floor level and in no instance shall the Accessory Building exceed the height of the principal building.

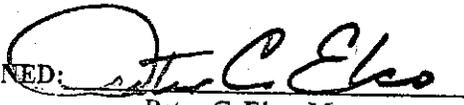
GARAGE, PRIVATE – An accessory building to a dwelling unit which is used to house up to three motor vehicles. It must meet the specifications of the size for any other Accessory Building.

BE IT FURTHER ORDAINED that:

1. Any Ordinance or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of any such inconsistency.
2. This ordinance shall take effect upon final adoption and publication as required by Law.

DATED: November 20, 2003

SIGNED:



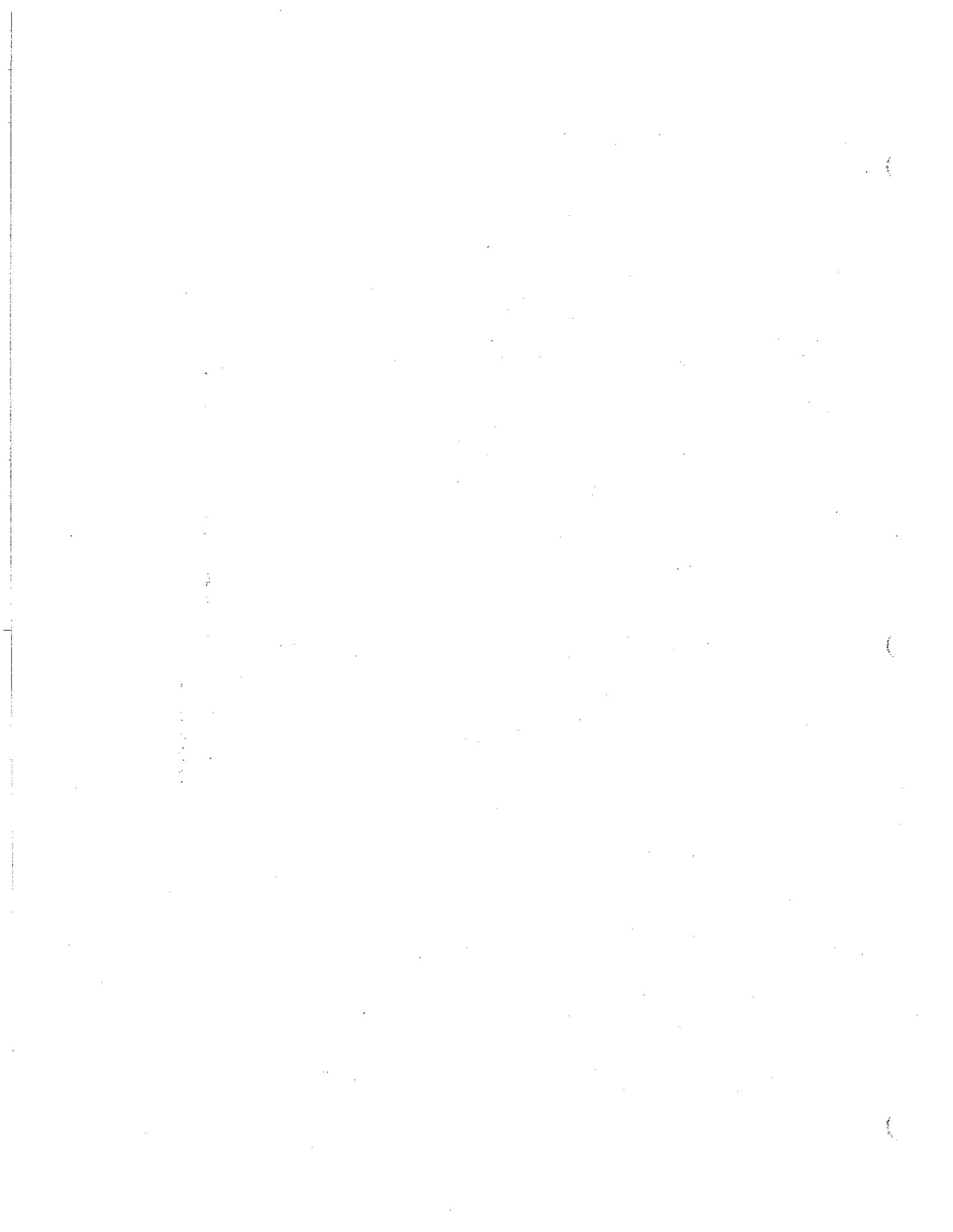
Peter C. Elco, Mayor

ATTEST:



Barbara J. Virden, RMC, Municipal Clerk

Passed on first reading at a work and regular meeting of the Municipal Council held on November 20, 2003.  
Laid over and advertised for public hearing and final adoption AS AMENDED on December 18, 2003.  
Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at regular meeting held on December 18, 2003.



**AVERAGE NET RESIDENTIAL DENSITY** — See “density.” The number of dwelling units per acre computed by dividing the number of dwelling units which the applicant proposes to build by the number of acres in the development, excluding acreage devoted to streets and land to be dedicated to Absecon City or other government agency.

**BAR** — Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use. [Added 6-19-1997]

**BASEMENT** — See “cellar.” A story partly underground but having at least 1/2 of 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.

**BILLBOARD** — A sign which directs attention to a product, business, service or entertainment conducted, sold or offered elsewhere than upon the lot on which such sign is situated and designed in conjunction with the sign standards of this chapter.

**BOARD OF ADJUSTMENT** — The Board of the City of Absecon City established pursuant to Section 56 of the Municipal Land Use Law, N.J.S.A. 40:55D-69, and sometimes referred to as the “Zoning Board of Adjustment.”

**BUFFER** — An area within a property or site generally adjacent to or parallel with the property line either consisting of natural existing vegetation or created by the use of trees, shrubs or fences and used to visibly separate one use from another or to shield or block noise, lights or other nuisances. Buffers may include fences or berms as well as vegetation. All fences shall be constructed with structural elements and posts facing the property or site on which they are located.

**BUILDING** — A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy and having a roof.

**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 to the declivity of a mansard roof 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 10 feet above the building height or exceed 35 feet.

**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.

**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.

**BULK** — The term used to describe the 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 the 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.

**CAPITAL IMPROVEMENT** — A governmental acquisition of real property or major construction project.

**CELLAR** — A story partly underground and having more than 1/2 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.")

**CERTIFICATE OF OCCUPANCY** — A statement signed by the Zoning Officer setting forth either that a building or structure or swimming pool does or does not comply with this chapter or that a building, structure or parcel of land may lawfully be used for specified uses, or both.

**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.

**CLUB, MEMBERSHIP** — An organization catering exclusively to members and their guests, including premises and buildings for social, recreational or other athletic purposes which are not conducted primarily for financial gain, provided that there are not conducted any vending stands, merchandising or commercial activities except as required generally for the membership and purpose of such club and within the property boundaries of such facilities.

**COMMON OPEN SPACE** — An open space area within or related to a site designated as a development and designated and intended for the use or 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 or enjoyment of residents and owners of the development, not including parking lots, street drives or other vehicular buildings or structures.

**COMPLETE APPLICATION** — An application for development certified as complete for purposes of commencing the applicable time period for action. An application for development shall be complete for purposes of commencing the applicable time period for action when so certified by the municipal agency or its authorized committee or designee. In the event that the agency, committee or designee does not certify the application to be complete within 45 days of its submission, the application shall be deemed complete upon the expiration of the forty-five-day period for purposes of commencing the applicable time period unless:

- A. The application lacks information indicated on the checklist; and
- B. The municipal agency or its authorized committee or designee has notified the applicant, in writing, of the deficiencies in the application within 45 days of submission of the application.

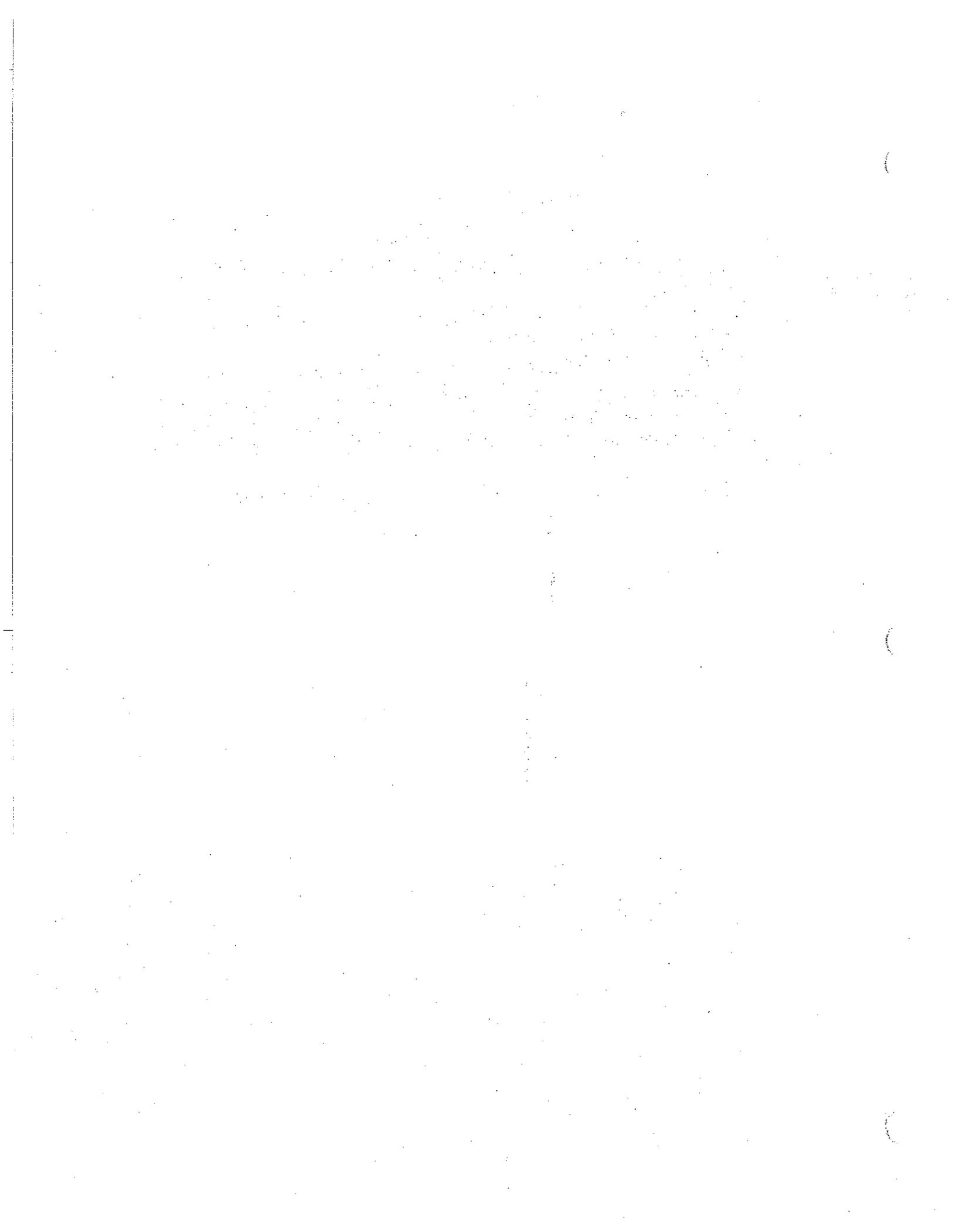
**CONDITIONAL USE** — A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this chapter and upon the issuance of an authorization therefor by the Planning Board. Conditional uses are specified by zoning district within this chapter.

**CONSTRUCTION OFFICIAL** — The city official specified in the Building Code and designated as such by the City Council.

**CONVENTIONAL** — Development other than planned development.

**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 N.J.S.A. 40:27-2 and 40:27-4.

**COURT, INNER** — An open, unoccupied space enclosed on all sides by exterior walls of a building.



COURT, OUTER — An open, unoccupied space enclosed on not more than three sides by exterior walls of a building.

CUL-DE-SAC — A street with access closed at one end and with a vehicular turnaround at the closed end.

DAYS — Calendar days.

DENSITY — The number of dwelling units permitted in a development expressed in units per net acre, meaning acreage exclusive of streets and land to be dedicated to Absecon City or another government agency.

DETACHED HOUSE — One which has yard access on all four sides.

DEVELOPER — The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase or other person having an enforceable proprietary interest in such land.

DEVELOPMENT — The division of a parcel of land into two or more parcels; the construction, reconstruction, 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 this chapter.

DEVELOPMENT REGULATION — Zoning Ordinance, Subdivision Ordinance, Site Plan Ordinance, Official Map Ordinance or other municipal regulation of the use and development of land or amendment thereto adopted and filed pursuant to the Municipal Land Use Law, Chapter 291 of the Laws of 1975 (1976), N.J.S.A. 40:55D-1 et seq., and this chapter.

DRAINAGE — The removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff during and after construction of development to minimize erosion and sedimentation, to assure the adequacy of existing and proposed culverts and bridges, to ensure water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage and the means necessary for water supply preservation or prevention or alleviation of flooding.

DRAINAGE RIGHT-OF-WAY — The lands required for the installation of stormwater sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage in accordance with Chapter 1A of Title 58 of the Revised Statutes of New Jersey.

DRIVE-IN ESTABLISHMENT — An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles. [Amended 7-21-1994]

DWELLING, MULTIPLE — A building or portion thereof containing more than two dwelling units.

- A. **APARTMENT, GARDEN** — A group of not fewer than three nor more than 20 multifamily dwellings, architecturally designed with some units placed on top of other units, not in excess of three stories in height, designed for rental or sale of individual housekeeping units, having common open space and in accordance with the special requirements set forth in this chapter. This does not include occupancy units that are rented or hired out to transient clientele for sleeping purposes.
- B. **TOWNHOUSE** — A residential structure of no more than three stories containing not fewer than three nor more than 10 one-family dwelling units, each being separate from the adjoining units by an approved masonry party wall or walls, thus creating a distinct unit intended for separate rental or ownership. This definition shall also include such terms as "row house," "patio house," "court dwelling," etc.

**DWELLING, ONE-FAMILY** — A detached building containing one dwelling unit only.

**DWELLING UNIT** — A building or entirely self-contained portion thereof which contains complete housekeeping facilities for one family only and which has no enclosed space or 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.

**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 seven feet six inches, excluding garages, porches and any spaces located below the top of the foundation wall.

**EMPLOYEES** — Whenever the word "employees" or the expression "number of employees" is herein referred to, it shall mean the greatest number of persons to be employed in the building in question during any season of the year and any time of the day or night.

**ENVIRONMENTAL COMMISSION** — A municipal advisory body created pursuant to Chapter 245 of the Laws of 1968 (N.J.S.A. 40:56A-1 et seq.).

**EROSION** — The detachment and movement of soil or rock fragments by water, wind, ice and gravity.

**FAMILY** — One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit whose relationship is of a permanent and distinct domestic character.

**FAST-FOOD RESTAURANT** — An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the consumer in a ready-to-consume state for consumption either within the restaurant building or off the premises. [Added 7-21-1994]

**FINAL APPROVAL** — The official action of the Planning Board taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guaranties properly posted for their completion or approval conditioned upon the posting of such guaranties.

**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 seven feet six inches and all interior balconies and mezzanines.

**GARAGE, COMMERCIAL** — Any garage used for the housing, care, maintenance and repair of motor vehicles.

**GARAGE, PRIVATE** — A building accessory to a dwelling unit used for the housing of not more than three motor vehicles.

**GARAGE, PRIVATE GROUP** — A building accessory to multi-family dwelling units used for the housing of more than three motor vehicles but not more than two motor vehicles per family dwelling unit. [Amended 4-17-1997]

**GARAGE, PUBLIC** — Any garage not included within the definition of "private garage" or "commercial garage."

**GASOLINE SERVICE STATION** — All area of land and any structure thereon used for the retail sale of motor fuel, lubricants and incidental services, such as car washing and the sale, installation and repair of tires, batteries or automobile accessories.

**GOLF COURSE** — An open area and its necessary buildings used for the playing of golf.

**GRADE:**

A. As follows:

- (1) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
- (2) 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.
- (3) 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.

B. Any wall approximately parallel to and not more than 20 feet from a street line is to be considered as adjoining the street.

**HISTORIC SITE** — Any building, structure, area or property that is significant in the history, architecture, archaeology or culture of this state, its communities or the nation and has been so designated pursuant to the Municipal Land Use Law, Chapter 291 of the Laws of 1975 (1976), N.J.S.A. 40:55D-1 et seq.

**HOME OCCUPATION** — A domestic occupation in which only a full-time resident of the premises is engaged in the occupation, which has no visible exterior evidence of the conduct of the occupation, which does not create the need for off-street parking beyond normal dwelling needs, which does not generate additional traffic and in which no equipment is used other than that normally used in household, domestic or general office use.

**HOME PROFESSIONAL OFFICE** — An office within a principal residential structure in which the practice of medicine or dentistry, accounting, planning, engineering, architecture or law, as licensed by the State of New Jersey, is performed by a full-time resident of the premises.

**HOTEL** — A facility containing more than 100 units and offering transient lodging accommodations to the general public. Hotels are at least three stories in height, and the majority of the units have access to the outside only by the necessity of passing through a lobby. Hotels may contain additional services such as restaurants, coffee shops, meeting rooms or the like.

**IMPACT STATEMENT** — A comprehensive statement of potential impact upon the site for all major projects that might significantly affect the quality of the environment.

**INTERESTED PARTY:**

- A. In a criminal or quasi-criminal proceeding, any citizen of the State of New Jersey.
- B. In the case of a civil proceeding in any court or in an administrative proceeding before a municipal agency, any person, whether residing within or without the municipality, whose right to use, acquire or enjoy property is or may be affected by any action taken under this chapter or whose rights to use, acquire or enjoy property under this chapter or under any other law of this state or of the United States have been denied, violated or infringed by an action or a failure to act under this chapter.

**LANDSCAPE SCREEN** — A completely planted visual barrier composed of evergreens or other plants as specified by district or specified in the landscape design element of this chapter.

**LANE, 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 feet.
- B. Two-way: 30 feet or as described in individual articles, whichever is more stringent.

**LOADING SPACE, OFF-STREET** — Any paved or otherwise surfaced off-street space available only for the loading or unloading of goods, at least 12 feet wide and 35 feet long with clear headroom of at least 14 feet and having usable access to a street.

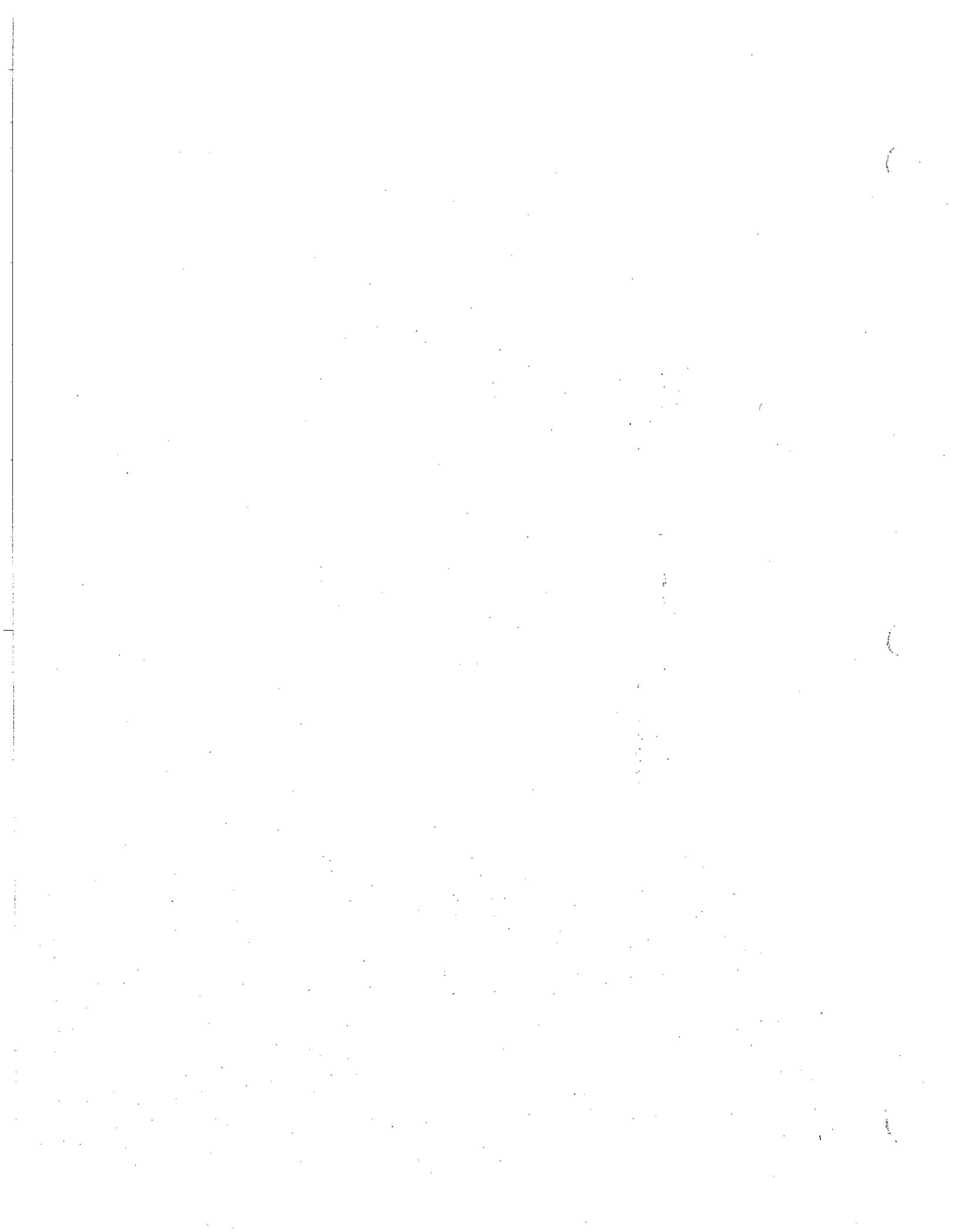
**LOT** — A designated parcel, tract or area of land established by plat or otherwise as permitted by law and to be used, developed or built upon as a unit. [Amended 7-21-1994]

**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 points of the lot meet at an interior angle of less than 135°.

**LOT COVERAGE** — The percentage of the lot area occupied by the ground area of principal and accessory buildings, structures, driveways and parking areas.

LOT DEPTH — The mean distance from the street line of a lot to its opposite rear line measured in the general direction of the side lines of the lot.

LOT LINE — Any boundary line of a lot.



**LOT LINE, INTERIOR FRONT** — The dividing line between the lot and the street, except that in the case where a lot has no street frontage but abuts on the right-of-way, then such right-of-way line shall be the front line of the lot.

**LOT WIDTH:**

- A. The horizontal distance between the side lot lines of a lot measured both:
- (1) At the street line; and
  - (2) From the front yard setback line to the minimum lot depth.
- B. However, where the lot fronts on the turnaround of a cul-de-sac street and where no specific frontage requirement is set in the zoning district, the measurement at the street line may be reduced to 75% of the required lot width.

**MAINTENANCE GUARANTY** — Any security which may be accepted by the municipality for the maintenance of any improvements required by the Municipal Land Use Law, including but not limited to surety bonds, letters of credit under the circumstances specified in N.J.S.A. 40:55D-53.5 and cash. The municipality may not require that the maintenance guaranty be in cash, but a developer may provide at his option that some or all of the maintenance guaranty be in cash.

**MAJOR SUBDIVISION** — All subdivisions not classified as minor subdivisions.

**MASTER PLAN** — A composite of one or more written or graphic proposals for the development of Absecon City as set forth in and adopted pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-28.

**MINOR SUBDIVISION** — Any subdivision containing not more than three lots exclusive of the remaining lot or parcel fronting upon an existing approved street, not involving any new street or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the adopted Master Plan, Official Map or Developmental Ordinance.

**MOBILE HOME** — A home, excluding travel trailers, which is a movable or portable unit designed and constructed to be towed on its own chassis (comprised of frame and wheels) and designed to be connected to utilities for year-round occupancy. The term shall include:

- A. Units containing parts that may be folded, collapsed or telescoped when being towed and that may be expanded to provide additional cubic capacity; and
- B. Units composed of two or more separately towable components designed to be joined into one integral unit capable of being again separated into the components for repeated towing.

**MOTEL** — Any building containing more than 10 occupancy units that are rented or hired out to transient clientele for sleeping purposes, with parking places adjacent to the bedrooms, and which is subject to the laws and regulations of the State of New Jersey.

**NET SITE AREA or NET RESIDENTIAL AREA** — An area of land devoted to residential buildings and accessory uses on the same lot, such as informal open space,

drives, parking and service areas, but excluding land for public streets and nonresidential buildings.

**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 which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

**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.

**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.

**OFFICE, ADMINISTRATIVE** — An establishment primarily engaged in overall management and generally supervisory functions, such as executive personnel, finance, legal and sales activities, performed in a single location or building for other branches or divisions of the same company. [Added 5-18-1995]

**OFFICIAL COUNTY MAP** — A 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 N.J.S.A. 40:27-5.

**OFFICIAL MAP** — A map adopted in accordance with the New Jersey Municipal Use Law, Chapter 291 of the Laws of 1975 (1976), N.J.S.A. 40:55D-32 et seq.

**OFF SITE** — Located outside the lot lines of the lot under review 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.

**OFF TRACT** — 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.

**ON SITE** — Located on the lot in question.

**ON TRACT** — Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

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

**PARABOLIC OR DISH-TYPE ANTENNA** — Any concave, circular or dish-shaped device designed for receiving communications or television signals from a satellite.

**PARKING SPACE** — A space which, exclusive of driveways and turning areas, is 10 feet wide and 20 feet long if in an enclosed garage or not less than nine feet wide by 19 feet long if in the open and which is accessible for the parking of one vehicle. Required off-street parking areas for three or more vehicles should be paved and have individual spaces marked and shall be so designed, maintained and regulated that no parking, backing onto or other maneuvering incidental to parking shall be on any public street, walk or alley and so that any vehicle may be parked or unparked without moving another.

**PERFORMANCE GUARANTY** — Any security which may be accepted by a municipality, including but not limited to surety bonds, letters of credit under the circumstances specified in N.J.S.A. 40:55D-53.5 and cash. The municipality may not require that more than 10% of a performance guaranty be in cash, but a developer may at his option provide that more than 10% of the performance guaranty be in cash.

**PERIMETER SETBACK** — A clear and unoccupied space extending along the entire lot line at a depth specified in this chapter. The depth of the perimeter setback area shall be measured at right angles to the lot line of the property.

**PLANNED COMMERCIAL DEVELOPMENT** — An area of a minimum contiguous 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 commercial or office uses, or both, and any residential and other uses incidental to the predominant use as may be permitted by ordinance.

**PLANNED DEVELOPMENT** — Planned unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development.

**PLANNED INDUSTRIAL DEVELOPMENT** — An area of a minimum contiguous 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 use as may be permitted by ordinance.

**PLANNED SENIOR CITIZEN COMMUNITY** — A residential community designed for senior citizens which contains residential dwelling units, open space, medical and nursing facilities as well as social, cultural and recreational facilities. Senior citizens may contract for lifetime or lesser duration use of a dwelling unit and, in addition, may receive health care, including both long- and short-term medical and nursing care and other services, including but not limited to food service, housekeeping, maintenance, utilities and the use of recreational, social and cultural facilities. Health and nursing care, food service and the use of recreational, social and cultural facilities may also be offered on a contract basis to nonresident senior citizens. The regulations for such a community must comply with all applicable federal regulations governing age-restricted housing.

**PLANNED UNIT DEVELOPMENT** — An area with a specified minimum contiguous 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 nonresidential uses to residential uses as shall be specified in the Zoning Ordinance.

**PLANNING BOARD** — The Municipal Planning Board established pursuant to the New Jersey Municipal Land Use Law, Chapter 291 of the Laws of 1975, Section 14, N.J.S.A. 40:55D-23. Where the term "Planning Board" appears in this chapter, "Zoning Board" may be used, as applicable by law.

**PLAT** — The map of a subdivision.

**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 Atlantic for recording, in accordance with law. A plat that receives final approval must be prepared by a New Jersey licensed land surveyor. If the final plat also contains engineering data and design, then it must also be signed by a New Jersey professional engineer in accordance with all of the provisions of Chapter 141 of the Laws of 1960.<sup>3</sup>

**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 Article XXI of this chapter.

**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 Article XX of this chapter.

**PORCH** — A roofed, open structure projecting from the front, side or rear wall of a building.

**PRELIMINARY APPROVAL** — The conferral of certain rights pursuant to the New Jersey Municipal Land Use Law, Chapter 291 of the Laws of 1975, Sections 34, 36 and 37, N.J.S.A. 40:55D-46, 40:55D-48 and 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.

**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.

**PUBLIC AREA:**

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

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

<sup>3</sup> Editor's Note: See N.J.S.A. 46:23-9.9 et seq.

**PUBLIC DRAINAGEWAY** — The land reserved or dedicated for the installation of stormwater sewers or drainage ditches or required along a natural stream or watercourse for preserving the biological as well as drainage function of the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion and to assure the adequacy of existing and proposed culverts and bridges to induce water recharge into the ground where practical and to lessen nonpoint pollution.

**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 conservational uses.

**QUORUM** — The majority of the full authorized membership of a municipal agency.

**RECREATIONAL AREA** — A private or public space, including essential buildings and structures used for play and recreational space for individuals.

**RECREATIONAL FACILITY** — A building or place designed and equipped for the conduct of sports and leisure-time activities. For purposes of this chapter, recreational facilities shall be limited to bowling alleys, skating rinks, theaters, golf courses and driving ranges, miniature golf courses, private and public sports and health clubs, indoor and outdoor swimming pools and clubhouses, tennis courts and indoor racquet sports. [Added 7-21-1994]

**RECYCLABLE MATERIAL PROCESSING** — A facility in which recyclables, such as newspapers, books and other products, glass, metal cans and other products are recycled, reprocessed and treated to return such products to a condition in which they may again be used in new products. [Added 5-18-1995]

**RECYCLING** — The process by which waste products are reduced to raw materials and transformed into new and often different products. [Added 5-18-1995]

**RENTAL** — A procedure by which services and/or real or personal property is temporarily transferred to another person for a specific time period in exchange for remuneration.

**RESTAURANT** — An establishment in which food and drink are prepared, served, and consumed primarily within the principal building. [Amended 6-19-1997]

**RESTAURANT, TAKEOUT** — An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant and where ordering and pickup of food may take place from an automobile. [Added 7-21-1994]

**RESUBDIVISION:**

- 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 so as to combine existing lots by deed or other instrument.

**RUNOFF, SURFACE WATER** — Any overland flow of water across the ground surface.

**SCHOOL, PRIVATE** — A duly organized school, other than a public school, giving regular instruction in subjects ordinarily taught in the public schools and not under the jurisdiction of the school district but properly registered with the State of New Jersey.

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

**SIGN** — Any device or representation for visual communication used as, or which is in the nature of, an advertisement, announcement or direction, including any letter, word, banner, pennant, insignia or trade flag, but excluding any public traffic or directional signs.

**SIGN FACE** — That area of a sign which:

- A. In the case of freestanding, projecting and marquee signs, consists of the entire surface area of the sign on which copy could be placed, including the supporting structure or bracing of a sign. Where a sign has two display faces of the same size back to back, the area of one face shall be considered the sign face area. Where a sign has more than one display face, all areas which can be viewed simultaneously shall be considered the sign face area.
- B. In the case of a sign, other than freestanding, projecting or marquee, whose message is fabricated together with the background which borders or frames that message, sign face area shall be the total area of the entire background.
- C. In the case of a sign, other than freestanding, projecting or marquee, whose message is applied to a background which provides no border or frame, sign face area shall be the area of the smallest rectangle which can encompass all words, letters, figures, emblems and other elements of the sign message.
- D. In the case where the sign face area is computed as a percentage of the building facade and the building is bordered by more than one street, signage may be permitted for each facade fronting a street but may not be combined and placed facing one street.

**SIGN LIGHTING** — Methods of illumination which may be divided into several types:

- A. General. The sign itself neither is 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 light. The letters are raised beyond the sign's background and the cover-lighting sources which illuminate the background.
- D. Spotlight. The sign is lighted by spotlights specifically directed at it.
- E. Lighting definitions:

- (1) **CANDLEPOWER** — The amount of light that will illuminate a surface one foot distant from a light source to an intensity of one footcandle. "Maximum (peak) candlepower" is the largest amount of candlepower emitted by a lamp, light source or luminaire.
- (2) **CUTOFF** — The point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated (cut off) at a specific angle above the ground.
- (3) **CUTOFF ANGLE** — The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.
- (4) **CUTOFF-TYPE LUMINAIRE** — A luminaire with elements such as shields, reflectors or refractor panels which direct and cut off the light at a cutoff angle that is less than 90°.
- (5) **FOOTCANDLE** — A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.
- (6) **GLARE** — The brightness of a light source which causes eye discomfort.
- (7) **LUMINAIRE** — A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.
- (8) **MAXIMUM PERMITTED ILLUMINATION** — The maximum illumination measured in footcandles at the interior buffer yard line at ground level.

**SITE PLAN** — A development plan of one or more lots on which is shown:

- A. The existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways;
- B. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting and screening devices; and
- C. Any other information that may be reasonably required in order to make an informed determination pursuant to the ordinance requiring review and approval of site plans by the Planning Board adopted pursuant to Article VI of the Municipal Land Use Law, Chapter 291 of the Laws of 1975 (1976), N.J.S.A. 40:55D-37 et seq.

**STANDARDS OF PERFORMANCE** — Standards:

- A. Adopted by ordinance pursuant to the New Jersey Municipal Land Use Law, Chapter 291 of the Laws of 1975, Section 52d, N.J.S.A. 40:55D-65, regulating noise levels, glare, earthborne 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 objects 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.

**STORAGE SHED** — An unoccupied structure, primarily used for the storage of items customarily incidental to residential uses, which is not more than 120 square feet in area and does not exceed 10 feet in height at any point. [Added 4-17-1997]

**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, then that part between the highest finished floor and the top of the roof beams.

**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 seven feet six inches or more.

**STREET** — Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway or which is shown upon a plat heretofore approved pursuant to law or which is approved by official action as provided by this chapter or which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Planning Board and the grant to such board of the power to review plats, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

**STREET, ARTERIAL** — A street carrying traffic from collector streets.

**STREET, COLLECTOR** — A street which carries traffic from minor streets to the major system of arterial streets. They shall include the principal entrance street(s) of a residential development and streets for circulation within such a development.

**STREET LINE** — The dividing line between a lot and a public street, road or highway or a private street, road or way over which two or more dominant estates have the right-of-way.

**STREET, LOCAL** — A street which is used primarily for access to the abutting properties.

**STREET, MARGINAL ACCESS** — A street which is parallel to and adjacent to an arterial street or highway and which provides access to abutting properties and protection from through traffic.

**STREET, MINOR** — See "street, local."

**STRUCTURAL ALTERATION** — Any change in the supporting members of a building or any substantial change in the roof or in the exterior walls.

**STRUCTURE** — A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

**SUBDIVIDER** — Any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity commencing proceedings under this chapter to effect a subdivision of land hereunder for himself or for another.

## SUBDIVISION:

A. The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other division of land for sale or development, except that the following shall not be considered subdivisions within the meaning of this chapter if no streets are created: 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 five acres or larger in size; division of property by testamentary or intestate provisions; divisions of property upon court order, including but not limited to judgments of foreclosure; consolidation of existing lots by deed or other recorded instrument; and the conveyance of one or more adjoining lots, tracts or parcels of land owned by the same person or persons and which conform to the requirements of this chapter and are shown and designated as separate lots, tracts or parcels on the tax map.

- (1) Said division shall not result in one or more vacant lots.
- (2) The property to be divided is in single ownership.
- (3) Said division shall result in not more than three lots fronting upon an existing street.
- (4) Each lot shall have its own sewer and water connection connected to an approved public system.

B. Subdivision also includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the lands or territory divided.

**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 chapter and such duties relating to land subdivision which may be conferred on this Committee by the Board.

**TENTATIVE APPROVAL** — Approval by the Planning Board of a preliminary plat with rights as specified herein.

**THEATER** — A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical or other live performances. [Added 7-21-1994]

**TRANSCRIPT** — A typed or printed verbatim record of the proceedings or reproduction thereof.

**TRAVEL TRAILER** — A vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified as a travel trailer by the manufacturer of the trailer and, when factory equipped for the road, having a body width not exceeding 8 feet and a body length not exceeding 32 feet.

**USE** — 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.

**USED CAR LOT** — An area used for the storage and display of used automobiles advertised for sale, including motorcycles, trucks or any other motorized vehicle.

**USE, PRINCIPAL** — The main or primary purpose or purposes for which land, a structure or a building is designed, arranged or intended or for which it may be occupied or maintained under this chapter.

**VARIANCE** — Permission to depart from the literal requirements of a zoning ordinance pursuant to the New Jersey Municipal Land Use Law, Chapter 291 of the Laws of 1975, Section 47,<sup>4</sup> N.J.S.A. 40:55D-40 and 40:55D-70.

**WHOLESALE TRADE ESTABLISHMENT** — An establishment or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users or to other wholesalers or acting as agents or brokers and buying merchandise for or selling merchandise to such individuals or companies. [Added 5-18-1995]

**WINDOW, LEGAL** — A window or portion of a window (including a window letter either in addition to or as a substitute for mechanical ventilation) which is required by an applicable law or statute or other city codes or ordinances to provide light or ventilation to a room used for living purposes.

**YARD** — An open, unoccupied space on the same lot with the main building open and unobstructed from the ground upward.

**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.

**YARD, REAR** — A yard extending from the rear line of the lot to the rear line of the main building, projected to the side lines of the lot.

**YARD, REAR, DEPTH** — The mean distance from the rear lot line or its vertical projection to the part of the building that is nearest thereto at any story level.

**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.

**YARD, SIDE, WIDTH** — The minimum distance between the side lot line or its vertical projection and the side walls of the building.

**ZONING PERMIT** — A document signed by the administrative officer which 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 which 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

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<sup>4</sup>Editor's Note: See N.J.S.A. 40:55D-60.

pursuant to Sections 47 and 57 of the New Jersey Municipal Land Use Law, Chapter 291 of the Laws of 1975, N.J.S.A. 40:55D-60 and 40:55D-70.

ARTICLE IV  
R1 Low-Density Residential District

**§ 224-6. Intent.**

- A. Intent. The purpose of Residential District R1 is to permit residential development within environmentally sensitive areas of Absecon City with sufficient controls to protect natural resources.
- B. Regulations. The use, height and area regulations of §§ 224-6 to 224-12, inclusive, and those regulations set forth elsewhere in this chapter, where applicable to these sections, and general regulations of Article XVIII are the regulations in Residential District R1.

**§ 224-7. Permitted uses.**

A building or land shall be used only for the following purposes:

- A. Principal uses and buildings shall be as follows:
  - (1) Single-family detached dwellings.
  - (2) Parks, playgrounds and other publicly operated recreational uses or structures, subject to the following requirements:
    - (a) The exterior architectural design shall be in keeping with other structures in the neighborhood.
  - (3) Public utility substations, subject to the following requirements:
    - (a) The exterior architectural design shall be in keeping with other structures in the neighborhood.
    - (b) The facilities will be necessary to service the surrounding area.
    - (c) There shall be no external storage of materials and/or trucks and no repair facilities.
    - (d) An eight-foot planted buffer will be provided on side and rear yards in accordance with the design standards article of this chapter.<sup>5</sup> All plants not surviving one year after planting must be replaced.

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<sup>5</sup>Editor's Note: See Art. XXII, Design and Improvement Standards.

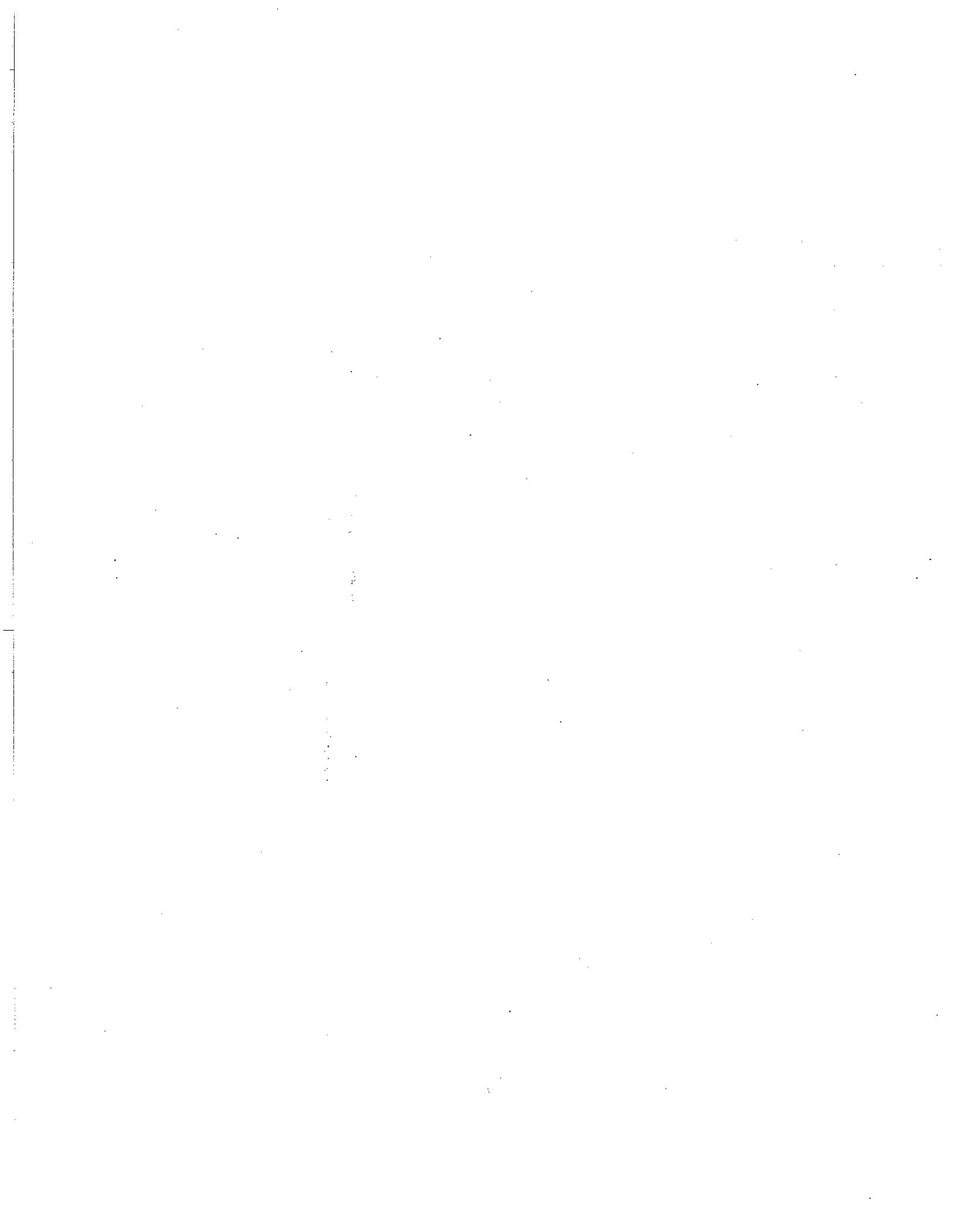
- B. Accessory uses and buildings. Accessory uses and buildings shall be uses and buildings customarily incidental to the principal uses listed as permitted. They shall be understood to include:
- (1) Private auto garages for the exclusive use of building residents.
  - (2) Private swimming pools intended for the use of building residents, provided that:
    - (a) The water edge of the pool shall be at minimum 10 feet from all property lines.
    - (b) Adequate fencing, with lock, shall be utilized to prevent unauthorized use. Such fencing shall surround the pool itself, the yard in which it is located or the entire property and shall be at a four-foot minimum height.
    - (c) In the case of a corner lot where the placement of a pool is only practical in the side yard opposite the street intersection, a fence not more than 5 feet in height shall be permitted in the said side yard provided the fence does not extend beyond the front building line of the principal structure. **[Added 5-21-1998]**
  - (3) Private storage sheds, greenhouses, bathhouses and playhouses, provided that they comply with all other sections of this article. Only 1 storage shed is permitted for each dwelling unit and must be placed in the rear yard. **[Amended 4-17-1997]**
  - (4) Customary home occupations, such as dressmaking, preserving or millinery, conducted solely by the inhabitants of the building and provided that:
    - (a) The use is carried on entirely within the principal residential structure.
    - (b) The residential character of the structure is not changed.
    - (c) The use has no deleterious impact on the adjacent properties or neighborhood in general.
    - (d) No display, no advertising, no artificial lighting nor any sign shall indicate from the exterior that the structure is being utilized for other than residential purposes.
    - (e) The use shall not generate more traffic than is normal for a single residence in that neighborhood.
    - (f) The home occupation shall not constitute more than 30% of the building's floor area or a maximum of 800 square feet.

**§ 224-8. Area, yard and bulk regulations.**

Area and bulk requirements shall be as follows:

- A. Lot size: 12,500 square feet minimum. **[Amended 7-21-1994]**
- B. Lot width: 75 feet minimum roadway frontage and 100 feet minimum at the building line. **[Amended 7-21-1994]**
- C. Lot coverage: 35% maximum.

- D. Front yard setback: 25 feet minimum, principal and accessory buildings. In the case of corner lots, all yards fronting on a street will be considered front yards, and one side yard will be considered a rear yard. In all subdivisions of over three lots, front yard setbacks shall be varied from two to five feet so that no two contiguous lots shall have the same setback.
- E. Side yard setback: 20 feet minimum each for principal and accessory buildings, except for storage sheds, which must have a four-foot minimum setback. [Amended 4-17-1997]
- F. Rear yard setback: 25 feet minimum for principal buildings and 10 feet for accessory buildings, except for storage sheds, which must have a three-foot minimum setback. [Amended 10-17-1996; 4-17-1997]
- G. Height.
- (1) Principal building: 2½ stories; 35 feet maximum from grade.
  - (2) Accessory building: 1½ stories; 15 feet maximum from grade.



**§ 224-9. Exceptions. [Amended 7-21-1994]**

- A. The height of public buildings may be increased upon Planning Board review to 50 feet from grade and to not more than 3½ stories, provided that all yards shall be increased one foot for each additional foot of building height in excess of 35 feet.
- B. The height limits in this article shall not apply to water towers, chimneys and flues, provided that:
  - (1) The aggregate area covered by all such features shall not exceed 20% of the total roof areas.
  - (2) The height of such features shall not be more than 15 feet above roof level.
- C. Lot areas shall not be less than 12,500 square feet with the minimum setbacks prescribed, except that if a lot of record prior to adoption of this chapter has less area, frontage, depth or width than herein required, such lot may be used for a detached single-family residence and for such accessory uses permitted in Residence District R-1, provided that:
  - (1) The lot area, frontage, depth and width are not more than 10% short of minimum requirements.
  - (2) The lot is not contiguous to other vacant lots in the same ownership.
  - (3) The minimum setbacks are adhered to.

**§ 224-10. Impact statement; flood damage prevention data.**

- A. All uses within this district shall be required to submit an impact statement as part of the site plan review process, but subject to waiver if the applicant requests the same and the waiver is approved by the Planning and/or Zoning Board. The statement will include information called for in Article XX, § 224-120R and additionally shall include the following for all uses:
  - (1) Circulation and off-street parking plan.
  - (2) Landscaping and preservation plan, including existing natural features.
- B. All subdivisions in this district shall submit flood damage prevention data as contained in Chapter 195, Flood Damage Prevention.

**§ 224-11. Landscaping, buffers and fences.**

- A. All construction within this district shall retain natural vegetation to the extent possible. A plan for accomplishing this purpose is required in the environmental impact section (Article XX, § 224-120R) of this chapter. A separate and distinct landscape plan shall be submitted that clearly delineates areas of preservation and proposed landscape treatment. Pertinent landscape construction details shall be included. Minor subdivisions shall be exempt from this section. The plans shall be prepared by a certified landscape architect, licensed professional engineer or such other professional prescribed by the state law.

- B. For all new construction within this district, a minimum of two trees shall be planted. Tree species selected shall be compatible with site soil conditions and shall be a minimum of 12 feet in height and three inches in caliper measured six inches from the top of the root ball. All new trees shall be set back a minimum of 24 inches from the sidewalk on the house side and shall be no closer than 10 feet from street corners. [Amended 7-21-1994]
- C. Buffer strips as required for public utility and church construction within this article shall consist of evergreen trees of six feet minimum height at planting, placed in double alternating rows, eight feet on center in each row, with smaller evergreens or deciduous plant material planted in a design-oriented arrangement.
- D. Utility fixtures, such as transformers, throughout the site shall be screened with a combination of fencing and landscaping.
- E. Any and all stormwater management basins of a depth exceeding two feet zero inches shall be appropriately screened by the use of a single row of evergreen trees of a minimum height of four feet zero inches at time of installation and placed at four feet zero inches on center. All basins exceeding two feet zero inches of storage depth shall also be protected by a vinyl-clad fence four feet zero inches high.
- F. All project identification signage of a permanent nature shall be appropriately landscaped at the base so as to screen unsightly foundations and/or lighting fixtures.
- G. Fences or walls shall be permitted, provided that:
- (1) All perimeter fences or walls shall be placed within the property line. Fences may be erected from the front property line, provided that they are visually transparent so as not to obstruct views for the first 10 feet. "Visually transparent" shall mean post and rail or similar fencing.
  - (2) No portion of any fence or wall shall be more than four feet from natural grade, except that privacy fences shall be allowed, provided that they are limited to the rear property line and do not extend beyond the rear building line of the principal structure. Such fences shall not exceed six feet in height from the natural grade and shall be constructed of materials that are in architectural conformity with the principal building. [Amended 7-21-1994]
  - (3) No fence or wall shall be placed within 10 feet of a street corner.

#### § 224-12. Parking.

Parking requirements shall be as follows:

- A. For all single-family dwelling units, a minimum of two off-street, on-site parking spaces.
- B. For public utilities, one off-street, on-site parking space for each employee.<sup>6</sup>

<sup>6</sup> Editor's Note: Former Section 4.8, Signs Permitted, which immediately followed this section, was repealed 10-17-1996.

ARTICLE V  
R2 Moderate-Density Residential District

§ 224-13. Intent.

- A. Intent. The purpose of Residential District R2 is to permit residential development of moderate density. This district represents a continuation of developmental patterns now existing extensively within Absecon City, with sufficient controls.
- B. Regulations in district. The use, height and area regulations of §§ 224-13 to 224-19, inclusive, and those regulations set forth elsewhere in this chapter, where applicable to these sections, and general regulations of Article XVIII are the regulations in Residential District R2.

§ 224-14. Permitted uses.

A building or land shall be used only for the following purposes:

- A. Principal uses and buildings: those principal uses permitted in Residential District R1 (Article IV, § 224-7), subject to the conditions and controls thereof.
- B. Conditional uses. The following conditional uses may be authorized by the Planning Board, provided that applications conform to the following specifications and standards:
  - (1) Those conditional uses permitted in Residential District R1 (Article IV, § 224-7), subject to the conditions and controls thereof. [Amended 10-17-1996]
  - (2) Home professional offices for a single member of the family residing in the residential structure practicing the professional use in question, subject to the following conditions and controls:
    - (a) The following offices or uses are specifically excluded from consideration as a home professional office: veterinary medicine, barber- and/or beauty shops and insurance and/or real estate offices.
    - (b) The professional use shall be clearly incidental to the residential use of the dwelling unit, which shall be the primary residence of the professional, and shall not change the essential residential character of the dwelling.
    - (c) The professional use shall not constitute more than 30% of the building's floor area or a maximum of 800 square feet.
    - (d) The office shall be for the exclusive use of the professional that resides on the premises and not more than one employee.
    - (e) No external alteration inconsistent with the residential use of the dwelling unit shall be permitted.

- (f) No storage of materials or products shall be permitted outside the dwelling unit, and no display of products shall be visible from outside the building.<sup>7</sup>
  - (g) There shall be off-street parking spaces for the professional and employee, plus one space for each 200 square feet of professional office space floor area. The Planning Board may require a maximum of four spaces for clients, if deemed appropriate, during site plan review. The parking areas shall be a minimum of six feet from all property lines and be adequately screened, landscaped or buffered from adjacent properties. Stalls and driveways shall be delineated in such a manner to implement the full use of parking spaces.
  - (h) Planning Board site plan review is required for all professional office conditional use applications, and the plan shall conform to all applicable regulations expressed in this chapter and in the R2 Zone.
  - (i) The professional offices shall not be permitted on any lot fronting on a cul-de-sac street, dead-end street or street with less than a thirty-foot-wide cartway.
- C. Accessory uses and buildings. Accessory uses and buildings shall be uses and buildings customarily incidental to the principal uses listed as permitted. They shall be understood to include:
- (1) All accessory uses permitted in Residential District R1 (Article IV, § 224-7), subject to all terms and conditions therein, excepting yard setbacks, in which case the standards of this article shall apply.

**§ 224-15. Area, yard and bulk regulations.**

Area and bulk requirements shall be as follows:

- A. Lot size: 10,000 square feet minimum.
- B. Lot width: 75 feet minimum.
- C. Lot depth: 100 feet minimum.
- D. Lot coverage: 40% maximum, principal and accessory buildings.
- E. Front yard setback: 25 feet minimum, principal and accessory buildings. In the case of corner lots, all yards fronting on a street will be considered front yards, and one side yard will be considered a rear yard.
- F. Side yard setback: 10 feet minimum each for principal and accessory buildings, except storage sheds, which must have a four-foot minimum setback. [Amended 4-17-1997]

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<sup>7</sup>Editor's Note: Former Subsection 7, regarding signs, which immediately followed this subsection, was repealed 10-17-1996.

- G. Rear yard setback: 15 feet minimum for principal buildings; 10 feet minimum for accessory buildings, except for storage sheds, which must have a three-foot minimum setback. [Amended 4-17-1997]
- H. Height.



- (1) Principal building: 2½ stories; 35 feet maximum from grade.
- (2) Accessory building: 1½ stories; 15 feet.

**§ 224-16. Exceptions.**

- A. Exceptions in Subsections A (height of public buildings or churches) and B (height limits) of Residential District R1, Article IV, § 224-9, along with the conditions and standards therein, shall apply here.
- B. Lot areas shall not be less than the 10,000 square feet with the minimum setbacks prescribed, except that if a lot of record prior to adoption of this chapter has less area, frontage, depth or width than herein required, such lot may be used for a detached single-family residence and for such accessory uses permitted in Residential District R2, provided that:
  - (1) The lot area, frontage, depth and width are not more than 10% short of the minimum requirements.
  - (2) The lot is not contiguous to other vacant lots in the same ownership.
  - (3) All setbacks are adhered to.

**§ 224-17. Impact statement; flood damage prevention data.**

- A. All uses within this district shall be required to submit an impact statement as part of the plan review process, but subject to waiver if the applicant requests the same and the waiver is approved by the Planning and/or Zoning Board. The statement will include information called for in Article XX, § 224-120R and additionally shall include the following for all uses:
  - (1) Circulation and off-street parking plan.
  - (2) Landscaping and preservation plan, including existing natural features.
- B. All subdivisions in this district shall submit flood damage prevention data as contained in Chapter 195, Flood Damage Prevention.

**§ 224-18. Landscaping and buffers.**

- A. Landscaping requirements of Residential District R1, Article IV, § 224-11, along with the conditions and standards therein, shall apply here.
- B. School and hospital buffers shall be same as those required for public utility substations and churches.

**§ 224-19. Parking.**

Parking requirements of Residential District R1, Article IV, § 224-12, along with the conditions and standards therein, shall apply here.<sup>8</sup>

ARTICLE VI  
R3 Medium-Density Residential District

**§ 224-20. Intent.**

- A. Intent. The purpose of Residential District R3 is to permit residential development of medium density with sufficient controls and to recognize an existing developmental pattern within the City of Absecon City.
- B. Regulations within district. The use, height and area regulations of §§ 224-20 to 224-26, inclusive, and those regulations set forth elsewhere in this chapter, where applicable to these sections, and general regulations of Article XVIII are the regulations in Residential District R3.

**§ 224-21. Permitted uses.**

A building or land shall be used only for the following purposes:

- A. Principal uses and buildings:
  - (1) Single-family detached dwellings.
- B. Accessory uses and buildings. Accessory uses and buildings shall be uses and buildings customarily incidental to the principal uses listed as permitted. They shall be understood to include:
  - (1) Accessory uses in Subsection B(1) through (4) of Residential District R1, Article IV, § 224-7, along with the standards and conditions therein shall apply here.

**§ 224-22. Area, yard and bulk regulations.**

- A. Lot size: 6,500 square feet minimum.
- B. Lot width: 65 feet minimum.
- C. Lot depth: 100 feet minimum.
- D. Lot coverage: 45% maximum, principal and accessory buildings.
- E. Front yard setback: 20 feet minimum, principal and accessory buildings. In the case of corner lots, all yards fronting on a street will be considered front yards, and one side yard will be considered a rear yard.

<sup>8</sup> Editor's Note: Former Section 5.8, Signs Permitted, which immediately followed this section, was repealed 10-17-1996.

- F. Side yard setback:  $7\frac{1}{2}$  feet minimum each for principal and accessory buildings and a four-foot minimum setback for storage sheds. [Amended 4-17-1997]
- G. Rear yard setback: 15 feet minimum for principal buildings, five feet minimum for accessory buildings and three feet minimum for storage sheds.
- H. Height.
  - (1) Principal building:  $2\frac{1}{2}$  stories; 35 feet.
  - (2) Accessory building:  $1\frac{1}{2}$  stories; 15 feet.

**§ 224-23. Exceptions.**

- A. The height limits in this article shall not apply to chimneys or flues, provided that:
  - (1) The aggregate area covered by all such features shall not exceed 20% of the total roof area.
  - (2) The height of such features shall not be more than 15 feet above roof level.
- B. Lot areas shall not be less than 6,500 square feet with the minimum setbacks prescribed, except that if a lot of record prior to adoption of this chapter has less area, frontage, depth or width than herein required, such lot may be used for a detached single-family residence and for such accessory uses permitted in Residential District R1, provided that:
  - (1) The lot area, frontage, depth and width are not more than 5% short of minimum requirements.
  - (2) The lot is not contiguous to other vacant lots in the same ownership.
  - (3) The minimum setbacks are adhered to.
- C. No principal building within this district shall be required to have a front yard greater than that of one or two existing buildings on the immediate adjoining lots on each side, whichever is the farther removed from the street.

**§ 224-24. Other regulations.**

Other regulations of Residential District R2, Article V, § 224-17, along with all conditions and standards therein, shall apply here.

**§ 224-25. Landscaping.**

Landscaping regulations of Residential District R1, Article IV, § 224-11, along with all conditions and standards therein, shall apply here.

**§ 224-26. Parking.**

Single-family parking requirements of Residential District R1, Article IV, § 224-12, along with all conditions and standards therein, shall apply here.<sup>9</sup>

**ARTICLE VII  
R4 High-Density Residential District**

**§ 224-27. Intent.**

- A. Intent. The purpose of Residential District R4 is to permit residential development of higher densities consistent with existing developmental patterns within the City of Absecon City.
- B. Regulations. The use, height and area regulations of §§ 224-27 to 224-34, inclusive, and those regulations set forth elsewhere in this chapter, where applicable to these sections, and general regulations of Article XVIII are the regulations in Residential District R4.

**§ 224-28. Permitted uses.**

- A. Principal uses and buildings:
  - (1) Garden apartments.
  - (2) Townhouses.
- B. Accessory uses:
  - (1) Group auto garages when designed in conjunction with and intended exclusively for the use of garden apartment and townhouse residents and guests.
  - (2) Group swimming pools, provided that they comply at a minimum with standards set forth in Residential District R1, Article IV, § 224-8, and provided further that they comply with local and state health standards.
  - (3) Utility buildings and bathhouses, provided that:
    - (a) The buildings shall be intended for the use of the complex as a whole.
    - (b) Such buildings shall be designed by the developer for consistency with regard to building materials, size and appearance.
    - (c) Such buildings shall conform to setbacks established within this article.

**§ 224-29. Area, yard and bulk regulations.**

Area and bulk requirements shall be as follows:

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<sup>9</sup>Editor's Note: Former Section 6.8, Signs Permitted, which immediately followed this section, was repealed 10-17-1996.

- A. Lot size: minimum three acres.
- B. Lot width: 300 feet minimum at street.
- C. Lot depth: varied.
- D. Lot coverage: 30% maximum.
- E. Perimeter setbacks: 30 feet minimum all yards for all buildings, principal and accessory, and all parking areas. Storage sheds must have a four-foot minimum side yard setback and a three-foot minimum rear yard setback. [Amended 4-17-1997]
- F. Height.
  - (1) Principal building: 2½ stories; 35 feet maximum.
  - (2) Accessory building: 1½ stories; 15 feet maximum.
- G. Dwelling unit size.
  - (1) Efficiency and one-bedroom units: 850 square feet floor area minimum.
  - (2) Two-bedroom units: 1,000 square feet floor area minimum.
  - (3) Three-bedroom units: 1,200 square feet floor area minimum.
- H. Building length.
  - (1) Garden apartments, principal buildings: 60 feet maximum.
  - (2) Townhouses, principal buildings: 60 feet maximum.
  - (3) Accessory buildings, all uses: 40 feet maximum.
- I. Distance between buildings, all uses. All buildings within the development shall be separated from all others by a minimum of 30 feet at their closest point.
- J. Contiguous units.
  - (1) Garden apartments. There shall be no more than four units in any principal building.
  - (2) Townhouses. There shall be no more than four units in any principal building.
  - (3) No more than two abutting units will have the same front yard.
- K. Density, all uses: 12 units per net acre.
- L. Common open space, all uses. Seventy percent of all developments within this district shall be retained as common green. Provisions satisfactory to the Planning Board and City Council shall ensure that the common areas not of individual ownership shall be maintained in a satisfactory manner without expense to the general taxpayers of Absecon City.

**§ 224-30. Exceptions.**

Exceptions in Subsection A of Residential District R1, Article IV, § 224-9, along with all conditions and standards therein, shall apply here.

**§ 224-31. Other regulations.**

- A. Other regulations of Residential District R3, Article VI, § 224-24, along with all conditions and standards therein, shall apply here.
- B. In garden apartments and townhouses appropriate facilities for the placing of trash and garbage and the collection and removal thereof shall be constructed separate and apart from dwelling units. Such facilities shall be completely enclosed and so constructed that the trash or garbage shall not be visible to the general public and shall meet with the approval of the City Construction Official and the County Board of Health.
- C. All uses within this district are subject to Planning Board review and approval.
- D. Recreational amenities not specified in this chapter shall meet or exceed national standards as promulgated by the National Recreation and Park Association.

**§ 224-32. Landscaping, buffers and fences.**

- A. All areas not covered by driveways or pedestrian walkways shall be landscaped.
- B. The following minimum standards shall apply:
  - (1) Trees: two per dwelling unit.
  - (2) Yards: grass or natural ground cover.
  - (3) Buffers.
    - (a) Townhouses: perimeter buffer of eight feet.
    - (b) Garden apartments: buffered around all nonstreet sides and along parking areas.
    - (c) Buffers along parking areas shall be four feet, all others eight feet. Eight-foot buffers will consist of evergreen trees of alternating rows, eight feet on center in each row, with smaller evergreens or deciduous plant material between. Four-foot buffers will consist of evergreen trees of four-foot minimum height at planting, placed six feet apart, with small evergreens or deciduous plant material between. Within 10 feet of property corners, evergreens of not more than three feet shall be used. All trees will be replaced as required as a part of the common space maintenance program.
- C. Fences or walls shall be permitted, provided that:
  - (1) All perimeter fences and walls shall be placed four feet within the property lines and shall be consistent in size, texture and design and shall be constructed by the developer.

- (2) No fence or wall shall be more than four feet from grade, excepting those immediately around swimming pools, which may be six feet.

**§ 224-33. Parking.**

Parking shall conform to Article XX, § 224-128.<sup>10</sup>

**§ 224-34. Lighting.**

Lighting standards shall comply with Article XX, § 224-130.

**ARTICLE VIII**

**R-FSH Residential Fair-Share Housing District**

**§ 224-35. Intent.**

- A. Intent. The purpose of the R-FSH Residential Fair-Share Housing District is to allow residential development of higher density where the applicant provides low- and moderate-income housing consistent with the Absecon Housing Element, thereby providing a portion of Absecon City's fair-share housing obligation.
- B. Regulations. The use, height and area regulations of §§ 224-35 to 224-42, inclusive, and those regulations set forth elsewhere in the regulations of Article XVIII are the regulations in the Residential Inclusionary District.

**§ 224-36. Permitted uses.**

The principal uses and buildings, as well as the accessory uses, of the R4 High-Density Residential District are permitted. Residential development requires the inclusion of 5% low-income housing and 5% moderate-income housing.

**§ 224-37. Area, yard and bulk regulations.**

- A. Lot size: 30 acres.
- B. Lot width: 500 feet minimum at street.
- C. Lot depth: varied.
- D. Lot coverage: 40% maximum total impervious coverage based on uplands of the site. Recreational uses shall not be included in the forty-percent coverage.

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<sup>10</sup> Editor's Note: Former Section 7.8, Signs Permitted, which immediately followed this section, was repealed 10-17-1996.

- E. Perimeter setbacks: 30 feet minimum for all yards for all buildings (principal and accessory) and all parking areas. Storage sheds must have a four-foot minimum side yard setback and a three-foot minimum rear yard setback. [Amended 10-17-1996; 4-17-1997]
- F. Height. Principal building: three stories; 35 feet maximum.
- G. Building length. Principal buildings: 100 feet maximum. Accessory building length may be permitted based upon variation in external setback or other sufficient architectural or design features to mitigate the length. However, building length in excess of 200 feet shall not be permitted.
- H. Distance between buildings. All buildings within the development shall be separated by a minimum of 30 feet.
- I. Continuous units.
  - (1) There shall be no more than 24 units in any building.
  - (2) The building facade shall be broken by architectural treatment, landscaping or other design elements as approved by the Board.
- J. Density: eight units per buildable acre, excluding ponds and wetlands. Up to a maximum of 12 units per acre may be permitted based upon the overall project design, adequacy of buffers, provisions for open space and impacts on traffic and public facilities, including public improvements or facilities to be provided by the applicant. An increase in density above the eight units per acre shall require the inclusion of more than 5% low-income units and 5% moderate-income units. A density of 12 units per acre would require inclusion of 24 low-income units and 24 moderate-income units.
- K. Common open space. At least 60% of the site must be retained as natural or landscaped open space available to the residents. Provisions satisfactory to the Planning Board and City Council shall ensure that the common areas not of individual ownership shall be maintained in a satisfactory manner without expense to the general taxpayers of Absecon City.

**§ 224-38. Exceptions.**

Subsection B of Article IV, § 224-9, along with all conditions and standards therein, shall apply.

**§ 224-39. Other regulations.**

- A. The other regulations of Article IV, § 224-10, along with all conditions and standards therein, shall apply.
- B. In garden apartments and townhouses, appropriate facilities for the placing of trash and garbage and the collection and removal thereof shall be constructed separate and apart from dwelling units. Such facilities shall be completely enclosed and so constructed that the trash or garbage shall not be visible to the general public and shall meet with the approval of the

City Construction Official and the County Board of Health. The above facilities shall include provision for recycling conforming to appropriate local ordinances.

- C. Adequate recreation facilities must be provided for the use of the residents. Recreational amenities not specified in this chapter shall meet or exceed national standards as promulgated by the National Recreation and Park Association.
- D. All uses within this district shall submit an environmental impact statement and an on-site and off-site traffic study.
- E. All uses in this district shall submit flood damage prevention data as contained in Chapter 195, Flood Damage Prevention.

**§ 224-40. Landscaping and fences.**

- A. Landscape design shall conform to the standards established in Article XX, § 224-129.
- B. Fences or walls. Fences or walls shall be permitted, provided that:
  - (1) All perimeter fences and walls shall be placed on the property lines and shall be consistent in size, texture and design and shall be constructed by the developer.
  - (2) No fence or wall shall be more than four feet from grade, excepting those immediately around swimming pools, which may be six feet.

**§ 224-41. Parking.**

Parking shall conform to Article XX, § 224-128.<sup>11</sup>

**§ 224-42. Lighting.**

Lighting standards shall comply with Article XX, § 224-130.

ARTICLE IX

**C1 Central Business Commercial District**

**§ 224-43. Intent.**

- A. Intent. The purpose of Commercial District C1 is to provide a viable central business district dedicated to small shops with provisions for both pedestrian and vehicular circulation and to encourage future development within an overall design.

<sup>11</sup> Editor's Note: Former Section 7A.8, Signs Permitted, which immediately followed this section, was repealed 10-17-1996.

- B. Regulations in district. The use, height and area regulations of §§ 224-43 to 224-50, inclusive, and those regulations set forth elsewhere in this chapter, where applicable to these sections, and general regulations of Article XVIII are the regulations in Commercial District C1.

§ 224-44. Permitted uses.

- A. Principal uses and buildings shall be as follows:
- (1) Single-family detached dwellings.
  - (2) Parks, playgrounds and other publicly operated recreational uses or structures, subject to the following requirements:
    - (a) The exterior architectural design shall be in keeping with the district's overall design.
  - (3) Retail stores and shops, general business establishments, personal service establishments, such as barber and beauty shops, professional offices, and restaurants. [Amended 6-19-1997]
  - (4) Ground-level parking lots not operated for profit and for the convenience of shoppers in this district.
- B. Accessory uses:
- (1) Residential dwellings in combination with retail uses.
  - (2) Bars integral with and ancillary to a restaurant. [Added 6-19-1997]

§ 224-45. Area, yard and bulk regulations.

- A. Lot size.
- (1) Single-family, public, retail, general business and professional offices: 7,500 square feet minimum.
  - (2) Parking lots: 10,000 square feet minimum.
- B. Lot width.
- (1) Seventy-five feet at street, all other uses.
  - (2) Parking lots: 100 feet minimum at street.
- C. Lot depth, all principal and accessory uses: varies.
- D. Lot coverage.
- (1) Single-family: 45% minimum.
  - (2) All other uses: 75% maximum impervious cover.
- E. Front yard setback, all uses except conditional uses: eight feet from the property line.

- F. Side yard setback.
  - (1) Single-family and public: 10 feet each side.
  - (2) Retail, general business and professional: four feet each side.
- G. Rear yards, all uses except conditional uses: five feet minimum, principal and accessory buildings.
- H. Height, all uses: 2½ stories; 35 feet.
- I. Building size, public, retail, general business and professional: 1,200 square feet of floor area minimum.
- J. Building length, all uses: 50 feet.

**§ 224-46. Exceptions.**

- A. Subsections A and B of Residential District R1, Article IV, § 224-9, along with all conditions and standards therein, will apply here.
- B. Lot sizes for principal and accessory uses may, upon Planning Board site plan review, be lessened by 10%.
- C. Two or more business establishments may provide the parking called for in § 224-49 of this article within the district and within 300 feet of the businesses involved.

**§ 224-47. Other regulations.**

- A. All uses, principal, accessory and conditional, within this district are subject to Planning Board site plan review and approval.
- B. Projections into side or rear yards of 24 inches maximum may be permitted upon Planning Board review.
- C. No projections into front yards other than movable awnings shall be permitted.
- D. All projections into front yards, including windowsills, cornices, cantilevered roofs, canopies, awnings, balconies, shop windows, bay windows and fire escapes, shall be necessary to overall design and are subject to Planning Board site plan review and approval.
- E. All uses within the district must provide separate facilities for the placement of trash and garbage, but all such facilities shall be in keeping with the overall design of the district. Recycling provisions shall be provided as required by local, county and state regulations.

**§ 224-48. Landscaping and fences.**

- A. For all new uses, conversions and changes in use within this district landscaping will be required, which may include but will not be restricted to:
- (1) Window box planters.
  - (2) Participation in a street tree program.
  - (3) Participation in a parking lot tree program.
- B. Fences or walls shall be permitted, provided that:
- (1) Perimeter fences or walls shall be placed within the property line. Fences may be erected from the front property line, provided that they are visually transparent so as not to obstruct views for the first 10 feet.
  - (2) No portion of any fence or wall shall be more than four feet from the sidewalk grade.
  - (3) No fence or wall shall be placed within 10 feet of a street corner.
- C. Where site conditions permit, landscaping shall conform to commercial requirements found in § 224-129C.

**§ 224-49. Parking.**

- A. Parking requirements shall conform to Article XX, § 224-128 of this chapter.
- B. For restaurants, parking shall conform to the standards noted above, except that restaurants serving to patrons in their cars or for takeout shall provide an additional 10 off-street, on-site spaces minimum or additional parking as required upon site plan review by the Planning Board.<sup>12</sup>

**§ 224-50. Lighting.**

Lighting requirements shall conform to Article XX, § 224-130 of this chapter.

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<sup>12</sup>Editor's Note: Former Section 8.8, Signs Permitted, which immediately followed this section, was repealed 10-17-1996.

ARTICLE X  
C2 Community Business District

§ 224-51. Intent.

- A. Intent. The purpose of Community Business District is to permit business uses which are centrally located for the convenience of community residents and which are retail or service oriented and consistent with the residential areas of which they are a part.
- B. Regulations in district. The use, height and area regulations of §§ 224-51 to 224-58, inclusive, and those regulations set forth elsewhere in this chapter, where applicable to these sections, and general regulations of Article XVIII are the regulations in Commercial District C2.

§ 224-52. Permitted uses.

A building or land shall be used only for the following purposes:

A. Principal uses and buildings:

- (1) Retail stores and shops; restaurants, barbershops and beauty parlors; banking establishments; florist shops; professional offices; drugstores; and convenience stores. [Amended 6-19-1997]
- (2) Ground-level parking facilities not operated for profit and for the convenience of shoppers in this district.
- (3) Automobile service stations existing prior to the adoption of this chapter.

B. Conditional uses:

- (1) Drive-in banks.

C. Accessory uses:

- (1) Any accessory use and building reasonably and customarily incidental to any of the principal uses permitted, provided that they do not create conditions detrimental to the health, safety or general welfare of the community.
- (2) Living quarters above or adjoining the business establishment.
- (3) Bars integral with and ancillary to a restaurant. [Added 6-19-1997]

§ 224-53. Area, yard and bulk regulations.

A. Lot size.

- (1) Restaurants, banks and convenience stores: 15,000 square feet minimum.
- (2) All other uses: 7,500 square feet minimum.

## B. Lot width.

- (1) Restaurants, banks and convenience stores: 100 feet minimum.
- (2) All other uses: 100 feet minimum.

## C. Lot coverage, all uses: 60% maximum impervious cover.

## D. Front yard setback, all uses: 35 feet minimum.

## E. Side yard setback, all uses: 7½ feet minimum.

## F. Rear yards, all uses: 15 feet minimum.

## G. Height, all uses: 2½ stories; 35 feet.

## H. Open green space. Notwithstanding any of the other provisions of this section, 30% of the land area of any parcel developed within this district shall consist of plantings or lawn area.

## § 224-54. Exceptions.

Notwithstanding other sections of this article, the Planning Board may, upon site plan review, alter yard requirements within 10% of required minimums to encourage unique design or better pedestrian or vehicular access.

## § 224-55. Other regulations.

- A. All projections into any yard, including windowsills, cornices, cantilevered roofs, canopies, awnings, balconies, shop windows, bay windows and fire escapes, shall be necessary to overall design and shall be subject to Planning Board review and approval during the site plan process.
- B. No use, principal, conditional or accessory, within this district shall be enlarged or extended beyond the level existing at the time of the passage of this chapter without adequate provision for off-street parking in accordance with § 224-128 of Article XX.

## § 224-56. Landscaping, buffers and fences.

- A. For all new construction, conversions and enlargements or extensions within this district, a minimum of two trees for each commercial use shall be planted in accordance with a planting schedule and tree specifications as approved by the Planning Board. Minimum tree height is eight feet or as established during site plan review. Trees shall be set back 36 inches from the curblin and shall be spaced 20 feet apart or located on the site as approved during site plan review. The area immediately surrounding the tree base shall be covered with paving bricks or other natural porous material. The landscape plan shall conform to the general design requirements of Article XX, § 224-129.

- B. A buffer strip is required along all side and rear lot lines that adjoin an existing residential use or area zoned for residential use unless separated by a public right-of-way of at least 50 feet in width. The purpose of such a buffer is to separate uses and to provide a year-round visual screen and to minimize adverse impacts on the residential areas from incompatible uses, noise, and lights. The buffer shall be at least 25 feet in width measured from the property line. The buffer shall consist of any appropriate combination of existing trees and shrubs or new landscaping sufficient to provide the necessary screening. While the preservation of existing vegetation as part of the buffer is encouraged, additional planting of trees or shrubs, as well as the use of board on board fencing, shall be provided as necessary. **[Amended 7-20-2000]**
- C. Fences and walls shall be permitted in accordance with standards established in Residential District R1, Article IV, § 224-11 upon Planning Board approval.
- D. No parking areas, driveways, loading and unloading areas, or trash enclosures/storage areas shall be permitted between the residential area and the commercial building in the case of convenience stores, restaurants or banks with drive through service. **[Added 7-20-2000]**

**§ 224-57. Lighting.**

All lighting within the Community Business District shall be designed and located to prevent glare and shall be consistent with adjoining properties. Lighting standards established in Article XX, § 224-130 shall be used in the design of the site lighting.

**§ 224-58. Parking.**

- A. Parking lot design shall conform to Article XX, § 224-128 of this chapter.
- B. Notwithstanding other requirements of this section, a single owner within this district or a group of owners within the district may meet the parking requirements through the provision of off-street spaces within 200 feet of these establishments through provision of a common lot, provided that:
- (1) The purchase deed, instrument of joint venture or other document of title for the property proposed for the off-street parking contains restrictive covenants expressly providing that said property not be used for any purpose other than parking of motor vehicles.
  - (2) The lot is designed, landscaped and lighted in accordance with the standards established in Article XX of this chapter.<sup>12</sup>

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<sup>12</sup> Editor's Note: Former Section 9.9, Signs Permitted, which immediately followed this section, was repealed 10-17-1996.



ARTICLE XI  
C3 Marine Commercial District

**§ 224-59. Intent.**

- A. Intent. The purpose of the Marine Commercial District is to encourage water-oriented business development which is compatible with the predominant residential nature of Absecon City's waterways, with sufficient controls.
- B. Regulations in district. The use, height and area regulations of §§ 224-59 to 224-66, inclusive, or those regulations set forth elsewhere in this chapter, where applicable to these sections, and general regulations of Article XVIII are the regulations in Commercial District C3.

**§ 224-60. Permitted uses.**

A building or land shall be used only for the following purposes:

- A. Principal uses and buildings:
  - (1) Marina and marine service facilities.
  - (2) Water-oriented service establishments.
- B. Accessory uses:
  - (1) One accessory dwelling unit above or adjoining the business establishment.

**§ 224-61. Area, yard and bulk regulations.**

Area and bulk requirements shall be as follows:

- A. Lot size: 25,000 square feet minimum.
- B. Lot width: 150 feet minimum.
- C. Lot depth: 75 feet minimum for all uses with the exception of docks.
- D. Lot coverage: 50% maximum impervious cover.
- E. Front yard: 15 feet.
- F. Side yard: 10 feet minimum each side.
- G. Rear yard: 10 feet from bulkhead or no closer than the back piles.
- H. Height: 2½ stories; 35 feet maximum.
- I. Unit size: 1,400 square feet minimum.

**§ 224-62. Other regulations.**

- A. All mechanical service shall take place within fully enclosed structures.

- B. All sales, with the exception of boat sales, shall take place within fully enclosed structures.
- C. All state and federal requirements pertaining to land and business shall be met.
- D. Boat storage shall be permitted outdoors, on site, provided that:
  - (1) Boats shall be organized in orderly rows with sufficient aisles, subject to Absecon Fire Department review and approval, to permit proper access.
  - (2) The outdoor area is maintained.
- E. Boat storage on contiguous parcels may be permitted subject to Planning Board approval.
- F. Gasoline sales for boats only shall be permitted, subject to Absecon Fire Department review and approval.
- G. All uses in this district are subject to Planning Board site plan review and approval.<sup>14</sup>

**§ 224-63. Exceptions.**

Subsection A of Residential District R3, Article VI, § 224-23, along with all conditions and standards therein, shall apply here.

**§ 224-64. Landscaping, buffers and fences.**

- A. Where a use within this district abuts a residential district, a buffer strip eight feet wide consisting of trees of eight-foot minimum height at planting placed in double alternating rows, eight feet on center in each row, with smaller evergreens of deciduous plant material shall be planted.
- B. Fences shall be permitted in accordance with standards and conditions established in Residential District R1, Article IV, § 224-11.
- C. Landscape design shall conform to the standards established in Article XX, § 224-129. Planting materials shall be selected to withstand a salt spray environment.

**§ 224-65. Parking.**

Parking lot design shall conform to the standards established in Article XX, § 224-128 of this chapter.

**§ 224-66. Lighting.**

Lighting design shall conform to the standards established in Article XX, § 224-130 of this chapter.

<sup>14</sup> Editor's Note: Former Section 10.5, Signs Permitted, which immediately followed this section, was repealed 10-17-1996.

ARTICLE XII  
HC Highway Commercial District

**§ 224-67. Intent.**

- A. Intent. The purpose of the Highway Commercial District is to encourage major commercial concentration with easy highway access, with sufficient controls.
- B. Regulations in district. The use, height and area regulations of §§ 224-67 to 224-72, inclusive, and those regulations set forth elsewhere in this chapter, where applicable to these sections, and general regulations of Article XVIII are the regulations in Commercial District HC.

**§ 224-68. Permitted uses.**

A building or land shall be used only for the following purposes:

- A. Principal uses and buildings:
  - (1) Retail stores and service establishments.
  - (2) Restaurants and bars. [Amended 6-19-1997]
  - (3) General business and professional offices.
  - (4) Banks.
  - (5) Motels.
  - (6) Gasoline service stations and auto repair garages, provided that:
    - (a) Excepting for gasoline and oil sales, changing of tires or other minor services, all repair work shall be carried on in fully enclosed structures.
    - (b) Equipment or parts, including junk vehicles, shall not be stored outdoors.
    - (c) 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.
  - (7) Golf and tennis recreational uses.
  - (8) Places containing games. Any land or building or portion thereof containing any amusement games, pinball machines or electronic entertainment machines, computers or devices of any kind are considered to be potentially in conflict with Article I, § 224-1 hereof wherein they might increase congestion in the streets and impede traffic circulation, interfere with the protection of public safety regarding fire, panic and other dangers and interfere with the health and general welfare of the community by providing an environment for the frequent gathering of unsupervised young people in crowded quarters and an attractive nuisance for the youth of the community. For these reasons, such uses are not compatible with all geographical areas within the HC Highway Commercial District.

It is the intent of this section, therefore, to permit uses as described in this subsection only when they are in compliance with the following regulations:

- (a) No land or building or portion thereof containing any amusement games, pinball machines or electronic entertainment machines, computers or devices of any kind shall be established in the HC Highway Commercial District or any zone within 500 feet of any public or private school, playground, religious school, community center, recreational facility or place of worship.
  - (b) No such use shall be established in the HC Highway Commercial District or any zone within 500 feet of any premises or business licensed for the purpose of plenary distribution of alcoholic beverages. The purpose and intent of this provision is to prevent or curtail the illegal provision of alcoholic beverages to minors congregating in the game establishment by persons of age to purchase alcoholic beverages in nearby bars, etc.
  - (c) In any place where such games of amusement are installed, there shall be at least 50 square feet of gross floor space for each machine, game or device. Every such establishment shall have clearly marked two exits for the purpose of ingress and egress, which shall be kept opened and clear of obstruction at all times.
  - (d) No person, firm or corporation operating such establishments shall permit anyone under the age of 18 to frequent said establishments on the days and during the hours on which regular academic classes are being held in the public and/or private school systems, including but not limited to the high school system in which Absecon City students are enrolled.
  - (e) There shall be present on the premises of all such establishments during all hours of operation of the business one adult for each 10 machines and/or games and/or devices (or portion thereof) operating within the establishment. The purpose herein is to require the provision of adult supervision for the expected congregation of minors within the establishment.
  - (f) The provisions of this Subsection A(8) shall not apply to businesses licensed for the purpose of retail plenary distribution of alcoholic beverages.
- B. Accessory uses: any use and building reasonably and customarily incidental to any of the principal uses permitted, provided that they do not create conditions detrimental to the health, safety or general welfare of the community.
- C. Conditional uses:
- (1) Drive-in restaurants, subject to the standards of this chapter and to Planning Board review and approval.
  - (2) Hotels, subject to the conditions and controls set forth for hotels in the Highway Development District (Article XIV).

## § 224-69. Area, yard and bulk regulations.

- A. Lot size.
- (1) Retail stores and service establishments, restaurants and bars, general business and professional offices, gasoline service stations, auto repair garages and banks: 15,000 square feet minimum. [Amended 6-19-1997]
  - (2) Drive-in restaurants: 30,000 square feet minimum.
  - (3) Motels: 30,000 square feet minimum.
- B. Lot width.
- (1) Retail stores and service establishments, restaurants and bars, general business and professional offices, gas stations, auto repair garages and banks: 100 feet minimum. [Amended 6-19-1997]
  - (2) Motels: 200 feet minimum.
  - (3) Drive-in restaurants: 200 feet minimum.
- C. Lot depth, all uses: 100 feet minimum.
- D. Lot coverage, all uses: 65% maximum impervious coverage.
- E. Front yard setback, all uses: 35 feet minimum.
- F. Side yard setback: 35 feet minimum, except where the property adjoins another used for the same purpose, in which case the setback of that side may be reduced to 15 feet.
- G. Rear yard. Retail stores and service establishments, restaurants and bars, general business and professional offices, gas service stations and automobile repair garages, banks and motels and drive-in restaurants all must have a thirty-foot minimum setback. [Amended 6-19-1997]
- H. Height.
- (1) Gasoline service stations and auto repair garages (on northern side of U.S. 30): one story; 25 feet maximum. All other uses: 50 feet height maximum from western city line bordering Galloway Township to Illinois Avenue on the southern side of U.S. 30. All other uses in remainder of zone: 2½ stories; 35 feet.
  - (2) From Illinois Avenue easterly to the conservation and recreation zone of the southerly side of U.S. 30 a sixty-foot height is permitted. Gasoline service stations and auto repair garages in this area: maximum one story; 25 feet in height. All other uses in remainder of zone: 2½ stories; 35 feet.
- I. Building length: 100 feet maximum.
- J. Distance between two or more buildings on the same lot: 35 feet minimum.
- K. Structural size: 1,400 square feet minimum for principal and accessory use.

**§ 224-70. Other regulations.**

All uses, principal and accessory, within this district are subject to Planning Board review.

**§ 224-71. Landscaping, buffers and fences.**

A. All areas not covered by roadways and parking areas or sidewalks shall be landscaped. A complete site plan showing all proposed planting shall be required for review and approval conforming to Article XX, § 224-129 of this chapter. Additional standards shall be as follows:

- (1) Two trees consisting of eight feet of minimum height at planting for each 1,000 square feet of floor area in accordance with the planting schedule, tree specifications and tree species as approved by the Planning Board shall be provided.
- (2) All perimeter setbacks shall have a buffer strip eight feet wide consisting of trees, evergreens and deciduous plant material. The only exception to this requirement shall be roadway frontage, where the buffer strip will be eight feet wide in areas not used for driveways or sight triangles.
- (3) All irregular spaces in parking areas not used for parking shall be landscaped and bordered with natural materials.
- (4) All planting required shall be maintained and replaced regularly.

B. Fences shall be permitted, provided that:

- (1) They are in the rear yard only.
- (2) They are placed inside of both the property line and required buffer strip.
- (3) They are limited to six feet in height above grade.
- (4) They do not enter either side yard of the building to more than half of the building's length.

**§ 224-72. Parking.**

Parking lot design shall conform to Article XX, § 224-128 of this chapter.<sup>15</sup>

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<sup>15</sup>Editor's Note: Former Section 11.7, Signs Permitted, which immediately followed this section, was repealed 10-17-1996.

ARTICLE XIII  
DC Design Commercial District

§ 224-73. Intent.

- A. Intent. The purpose of the Design Commercial District is to encourage major commercial concentration with easy highway access, with sufficient controls and within an overall design motif.
- B. Regulations in district. The use, height and area regulations of §§ 224-73 to 224-81, inclusive, and those regulations set forth elsewhere in this chapter, where applicable to these sections, and general regulations of Article XVIII are the regulations in Commercial District DC.

§ 224-74. Permitted uses.

A building or land shall be used only for the following purposes:

- A. Principal uses and buildings:
  - (1) Retail stores and shops, restaurants and bars fully enclosed restaurants with drive-through facilities, craft shops, barbershops and beauty parlors, banks and theaters. [Amended 6-19-1997]
  - (2) Offices of a doctor, dentist, lawyer or other professional person and general business, utility, governmental, insurance and similar offices.
  - (3) Freestanding restaurants with drive-through facilities. [Added 6-20-1996]
- B. Accessory uses and buildings. Accessory uses and buildings shall be uses and buildings customarily incidental to the principal uses listed as permitted. They shall be understood to include:
  - (1) Appropriate facilities for the placement of trash and garbage and collection and removal thereof, provided that:
    - (a) The facility is completely enclosed and so constructed that the trash and garbage shall not be visible to the general public.
    - (b) Such structure meets the approval of the Construction Official and the Board of Health.
    - (c) Such facilities fit within the overall project design.
    - (d) Such facilities are buffered from principal structures, parking facilities and pedestrian and vehicular roadways.
    - (e) Provision shall be made for recycling as required by local and state law.

**§ 224-75. Area, yard and bulk regulations.**

Area and bulk requirements shall be as follows:

- A. Lot size, design center: six acres minimum.
- B. Lot width: 500 feet minimum, with five-hundred-foot frontage on one or more streets.
- C. Front and rear yard setbacks, all uses: 50 feet minimum each.
- D. Side yard setback, all uses: 25 feet minimum each; 50 feet if side yard is located on Route 30 or New Jersey Avenue.
- E. Parking perimeter setback: 25 feet minimum on New Jersey Avenue, 15 feet on all other adjacent streets.
- F. Lot coverage: 60% or 70% maximum due to outstanding design, subject to Planning Board review and approval, which shall include coverage by buildings, parking areas, roadways and all other materials less porous than presently existing. In no case shall stormwater management standards be waived to allow additional lot coverage over 60%.
- G. Height: 2½ stories; 35 feet maximum.
- H. Building length: no more than eight units in a row or 100 feet; no more than two contiguous units without variation in setback.
- I. Distance between buildings. Breaks between buildings and groupings shall be 35 feet minimum at the closest point.
- J. Building access. A twenty-foot minimum open space shall be maintained along the building front and a twelve-foot open space on sides and rear. This area may include pedestrian walkways and well-spaced landscaping.
- K. Unit size: subject to Planning Board review.
- L. Sidewalks and pedestrian circulation: subject to Planning Board review.
- M. Open space. A minimum of 30% of the total lot area shall be provided and maintained as open or green space. Such space may not include parking.
- N. Where possible, natural landscaping features shall be maintained to preserve existing natural resources.

**§ 224-76. Exceptions.**

The height limits in this article shall not apply to church spires, belfries, cupolas or chimneys, provided that:

- A. The total area covered by all such features shall not exceed 20% of the total roof area.
- B. The height of such features shall not be more than 10 feet above the average roof level.

**§ 224-77. Design standards.**

The following general design standards shall apply, subject to Planning Board review and approval:

- A. All units shall be designed within an overall theme or motif.
- B. Building construction shall consist solely of brick, wood, stone and other natural materials.
- C. Sidewalks and pedestrian walkways shall be constructed of brick, Belgian block or other natural materials.
- D. All lampposts and traffic signs within the center shall be constructed of natural materials.

**§ 224-78. Landscaping and buffers.**

- A. All areas not covered by roadways and parking areas or pedestrian walkways shall be landscaped with natural materials. A landscaping plan shall be submitted as part of the site plan application. Such plan shall be designed to preserve existing natural resources.
- B. The following minimum standards shall apply:



- (1) Planters. An internal planter consisting of brick, railroad ties or other natural materials of four square feet minimum shall be provided for each 20 feet of sidewalk or walkway.
- (2) Parking areas. At least 5% of the parking area shall be landscaped, and a minimum of one tree for each 10 parking spaces shall be installed. The landscaping shall be located in protected areas, along walkways, in center islands and in all irregular spaces not used for parking. In narrow islands, low-spreading plants, such as creeping juniper, English ivy, myrtle and pachysandra, are appropriate.
- (3) Trees. Two trees per each commercial unit shall be provided.
- (4) Buffers. Buffers of eight feet minimum shall be provided between all common parking areas and adjacent design commercial uses. This width may be increased, at the discretion of the Planning Board, for adjacent existing uses. Perimeter parking buffers are contained in § 224-75E. Such buffers shall:
  - (a) Consist of natural vegetation and/or in combination with new plantings of trees, evergreens and deciduous materials.
  - (b) Be of sufficient height and density to minimize headlights of vehicles, noise and light from structures. The only exception to this requirement shall be ingress and egress lanes and five feet to each side of such lanes.
- (5) Landscaping shall be located to provide for climate control.
- (6) Landscaping shall be utilized to compliment and accent buildings.
- (7) All landscaping in parking areas will be carefully located so as not to obstruct vision.
- (8) All planting shall be maintained and replaced regularly.
- (9) Landscaping shall comply with the general standards contained in § 224-129 of this chapter.

#### § 224-79. Parking.

Parking requirements shall conform to § 224-128 of this chapter.<sup>16</sup>

#### § 224-80. Lighting.

- A. For all uses in this district, adequate lighting to ensure safe pedestrian and vehicular travel shall be provided, subject to Board review as part of the site plan process.
- B. All lighting shall be designed in the style and theme of the project.
- C. Lighting shall conform to Article XX, § 224-130 of this chapter.

<sup>16</sup> Editor's Note: Former Section 12.8, Signs Permitted, which immediately followed this section, was repealed 10-17-1996.

**§ 224-81. Other regulations.**

- A. All uses, principal and accessory, within this district are subject to Planning Board site plan review and approval.
- B. Minimum roadway widths for ingress and egress lanes at entrance drives to the site shall be:
  - (1) One-way: 18 feet.
  - (2) Two-way: 30 feet.
- C. All uses within this district shall be required to submit an impact statement as part of the site plan review process. The statement will include information called for in Article XX, § 224-120R and additionally shall include the following for all uses:
  - (1) A general lighting and graphics program.
  - (2) Fire protection, police and other security systems.
  - (3) A circulation and off-street parking plan.
  - (4) A solid waste management recycling and disposal plan, including provisions for all waste resulting from on-site uses.
  - (5) A landscaping and preservation plan, including existing natural features.
  - (6) An open space plan and landscape maintenance program.
  - (7) An off-tract traffic survey showing the impact of the proposed facility on existing roadways.
  - (8) An energy conservation program for operation.
- D. The traffic plan submitted with the impact statement shall clearly delineate and define traffic circulation. All existing and proposed roadways shall be shown. The Planning Board shall determine which roadways shall be public and which shall remain private.
- E. All uses within this district shall be required to submit a block model of the site plan at a scale of one inch equals 50 feet as part of the site plan review process.

ARTICLE XIV  
HD Highway Development District

**§ 224-82. Intent.**

- A. Intent. The purpose of the Highway Development District is to encourage development of hotels, entertainment and recreation facilities and professional offices with easy highway access and with sufficient controls. [Amended 7-21-1994]
- B. Regulations. The use, height and area regulations of §§ 224-82 to 224-88, inclusive, or those regulations set forth elsewhere in this chapter, where applicable to these sections, and general regulations of Article XVIII are the regulations in Highway Development District HD.

**§ 224-83. Permitted uses.**

A building or land shall be used only for the following purposes:

- A. **[Amended 7-21-1994]** Principal uses and buildings:
- (1) Mid-rise hotels.
  - (2) Professional office buildings.
  - (3) Restaurants and bars. **[Amended 6-19-1997]**
  - (4) Restaurants, takeout and drive-in.
  - (5) Theaters.
  - (6) Recreation facilities.
  - (7) Motels, provided the applicant can demonstrate that there is not adequate land area to develop at the site due to inability to purchase adjoining upland or NJDEP environmental regulations will not permit "hotel" development as defined by the zoning ordinance. **[Added 12-21-2000]**
- B. Accessory uses: any accessory use and building reasonably and customarily incidental to any of the principal uses permitted. They shall be understood to include:
- (1) Appropriate facilities for placement of trash and garbage and collection and removal thereof, provided that:
    - (a) Said structure shall be completely enclosed and be so constructed that the structure will not be visible to the general public.
    - (b) The structure meets with the approval of the Construction Official and the Board of Health and provides for recycling conforming to local county and state regulations.
  - (2) **[Amended 7-21-1994]** Private swimming pools intended for use of hotel guests, provided that:
    - (a) The edge of the pool shall conform to accessory use setbacks.
    - (b) Adequate fencing with lock shall be provided to prevent unauthorized use. Such fencing shall surround the pool itself.
    - (c) Pool lighting shall be designed and located to prevent glare on contiguous properties.
    - (d) The pool shall comply with all local and state health standards.
  - (3) Group auto garages when designed in conjunction with and intended exclusively for the use of hotel guests. **[Amended 7-21-1994]**
  - (4) Tennis courts, mini-parks, tot-lots or other recreational amenities for use by hotel guests. **[Amended 7-21-1994]**

- (5) Coffee shops and restaurants, provided that such uses shall be located in the lobby area and shall comprise no more than 15% of the lobby level nor more than 5,000 square feet, whichever is less.

**§ 224-84. Area, yard and bulk regulations. [Amended 7-21-1994]**

Area and bulk requirements shall be as follows:

**A. Area and bulk requirements for hotels.**

- (1) Lot size: 2.5 acres minimum.
- (2) Lot width: 300 feet minimum.
- (3) Lot depth: 400 feet minimum.
- (4) Lot coverage: 55% maximum of total upland and buffer area.
- (5) Front yard setback: 35 feet minimum.
- (6) Side yard setback: equal to the height of building.
- (7) Rear yard setback: to be determined during site plan review by the Planning Board.
- (8) Height: 70.0 feet above mean sea level datum [National Geodetic Vertical Datum (NGVD)].
- (9) Building length: 100 feet maximum.
- (10) Common open space. A minimum of 30% of the upland area shall be provided and maintained as open space. Such space may include playgrounds, pools, mini-parks and other recreational facilities intended for the use of registered guests but shall not include parking.
- (11) Hotel room size: per applicable state and local codes.

**B. Bulk requirements for sports, entertainment and recreational facilities. The following area and bulk standards are required for the development of sports, entertainment and recreational facilities:**

- (1) Lot size:
  - (a) Theaters (total seating capacity under 300 seats): 75,000 square feet.
  - (b) Theaters (total seating capacity over 300 seats): 3.0 acres.
  - (c) Outdoor sports facilities: 5.0 acres.
  - (d) Indoor recreational facilities: 2.0 acres.
  - (e) Restaurants: 30,000 square feet.
  - (f) Restaurants, drive-in/takeout: 2.0 acres.
- (2) Lot width (minimum at street):

- (a) Theaters: 200 feet.
- (b) Recreation facilities: 200 feet.
- (c) Restaurants: 100 feet.
- (d) Restaurants, drive-in/takeout: 200 feet.



- (e) All other permitted uses: 100 feet.
- (3) Lot depth, all uses: 200 feet.
- (4) Lot coverage: 65% maximum impervious coverage.
- (5) Perimeter setbacks: 30 feet minimum for all yards for all buildings, principal and accessory, and all parking areas.
- (6) Height:
  - (a) Restaurants: 1½ stories; 25 feet maximum.
  - (b) All other uses: 2½ stories; 35 feet maximum.
  - (c) Accessory uses: 2½ stories; 35 feet maximum.
- (7) Dwelling unit size: per applicable state and local codes.
- (8) Building length:
  - (a) Restaurants: 100 feet.
  - (b) Theaters: 200 feet.
  - (c) Recreational facilities: 150 feet.
  - (d) All other uses: 100 feet.
- (9) Distance between buildings, all uses. All buildings within the development shall be separated from all others by a minimum of 30 feet at their closest point.

**§ 224-85. Other regulations.**

**A. Other regulations: general.**

- (1) All uses within this district shall be required to submit an impact statement as part of the site plan review process. The statement will include information called for in Article XX, § 224-120R and additionally shall include the following for all uses:
  - (a) A general lighting and graphics program.
  - (b) Fire protection, police and other security systems.
  - (c) A circulation and off-street parking plan.
  - (d) A solid waste management recycling and disposal plan, including provisions for all waste resulting from on-site uses.
  - (e) A landscaping, landscape maintenance and preservation plan, including existing natural features.
  - (f) An off-street traffic survey showing the impact of the proposed facility on existing roadways.
  - (g) An energy conservation program for operation.

- (2) Minimum elevation of all parking areas, drives and accessory use areas shall be elevation 7.5 mean sea level (NGVD).
  - (3) First floor elevation of all principal structures shall be elevation 10.0 (NGVD) or the minimum floor elevation as established by the latest Flood Insurance Rate Map issued by the Federal Emergency Management Agency.
- B. Other regulations: mid-rise construction (HD-1).
- (1) Uses on the first floor of structures shall be restricted to lobbies or other common areas, parking and permitted accessory uses.
  - (2) Minimum roadway widths for ingress and egress lanes shall be:
    - (a) One-way: 18 feet.
    - (b) Two-way: 30 feet.
  - (3) A perimeter roadway of 20 feet minimum width shall be provided around all sides of the structure for the purpose of emergency access. This roadway may also serve as the access road to exterior parking areas.
  - (4) For all uses within this district there shall be one on-site, off-street loading area 14 feet wide by 35 feet long for each 10,000 square feet or each part thereof.
  - (5) Areas in which mid-rise construction (HD-1) is permitted are designated as HD-1 on the Absecon City Zoning Map.

**§ 224-86. Landscaping, buffers and fences.**

- A. All areas not covered by accessory uses, driveways or pedestrian walkways shall be landscaped. A complete site plan showing all proposed planting shall be reviewed and approved by the Planning Board.
- B. All perimeter setbacks shall have a buffer strip of 10 feet wide consisting of evergreens of four feet minimum height at planting placed in double alternating rows six feet on center in each row with smaller evergreens or other deciduous plant material in between. Buffer strips shall be set back 10 feet from property lines where they abut a street.
- C. All irregularly shaped areas in parking lots not used for parking shall be landscaped and bordered with brick or other natural materials. All parking lots for all uses shall have a landscaped buffer of four feet minimum width.
- D. All planting required shall be replaced and maintained regularly.
- E. Landscape design shall conform to landscape design criteria in § 224-129 of this chapter.
- F. Fences or walls shall be permitted, provided that:
  - (1) All perimeter fences and walls shall be placed within the property lines and shall be consistent in size, texture and design and shall be constructed by the developer.
  - (2) No fence or wall shall be more than four feet from grade, excepting those immediately around swimming pools, which will be six feet.

- (3) Patio fences in townhouse development shall be in rear yards only and shall be consistent in size, texture and design.

§ 224-87. Parking. [Amended 7-21-1994]

- A. For hotel or motel units, one parking space per rental unit, plus one space per employee, increased by 5%, shall be provided.
- B. Exterior parking areas will be located a minimum of 40 feet from the building in mid-rise construction and a minimum of 20 feet from restaurants, office buildings, indoor recreational facilities and theaters.
- C. For theaters, one parking space for four seats, plus one space per employee shall be provided.
- D. For indoor recreation facilities or outdoor uses, one space for every three persons that the facility was designed to accommodate, plus one space per employee shall be provided, subject to the review and approval of the Planning Board.
- E. For miniature golf courses, one space per 300 square feet of area shall be provided.
- F. For driving ranges, one space for each tee shall be provided.
- G. For principal and accessory buildings supporting recreation facilities, one parking space per 200 square feet of gross building area shall be provided.
- H. For recreational facilities incorporating more than one of the permitted uses, shared parking may be considered by the Planning Board, subject to the review of a parking study submitted by the applicant. At a minimum this parking capacity study shall review current requirements for the collective and individual recreational uses and facilities in other jurisdictions and include data from existing operating facilities similar to the uses proposed.
- I. Front wheel stops adjacent to sidewalks shall be concrete. Curbing in other parking areas may be wood or other natural materials.
- J. A three-foot minimum buffer shall be maintained between curb stops and pedestrian walks.
- K. Parking criteria and design shall conform to Article XX, § 224-128.

§ 224-88. Lighting.

Moderate lighting to ensure safe pedestrian and vehicular travel shall be provided, subject to Planning Board review as part of the site plan process. The following standards shall apply:

- A. The site plans shall include a lighting plan showing fixture or standard location, footcandle distribution, types of fixtures or standards and all else necessary for review by the Planning Board.
- B. The lighting plan shall conform to the standards in Article XX, § 224-130 of this chapter.<sup>17</sup>

<sup>17</sup> Editor's Note: Former Section 13.8, Signs Permitted, which immediately followed this section, was repealed 10-17-1996.

ARTICLE XV  
I/PI Industrial/Planned Industrial Area

**§ 224-89. Intent. [Amended 5-18-1995]**

- A. Intent. The purpose of the I/PI Industrial/Planned Industrial Area is to encourage the concentration of light industrial uses, together with administrative offices, warehousing and support services, in an area directly accessible to the primary industrial area of Atlantic County. It is the intent of this article to encourage these concentrations while protecting the natural resources of the adjacent Absecon Creek corridor and recognizing the environmental constraints on light industrial development within the district. Controls and design standards for this district have been constructed to encourage innovative project planning and construction while recognizing the need for more efficient use of existing land resources.
- B. Regulations in district. The use, height and area regulations of §§ 224-92 through 224-96, inclusive, and those regulations set forth elsewhere in this chapter, where applicable to these sections, and general regulations in Article XVIII are the regulations in the I/PI District.

**§ 224-90. Permitted uses.**

- A. Principal uses and buildings shall be as follows:
- (1) Administrative offices.
  - (2) Fully enclosed warehouses.
  - (3) Light manufacturing facilities for such uses as beverages, pharmaceuticals, printing and publishing, confections, clothing, electrical goods, furniture, recyclable material processing and reclamation, specialty manufacturing, professional and scientific instruments and electronics. [Amended 5-18-1995]
  - (4) Fully enclosed wholesale trade establishments. [Amended 5-18-1995]
  - (5) A combination of the above uses within a planned industrial area.
- B. Accessory uses and buildings. Accessory uses and buildings shall be only those customarily incidental to the permitted principal uses. They shall be understood to include:
- (1) Fully enclosed storage in conjunction with a permitted use.
  - (2) Cafeteria and recreational facilities for employee use.
  - (3) Appropriate facilities for placement of trash and garbage. Such facilities shall be designed so that:
    - (a) They are completely enclosed and contents are not visible.
    - (b) They fit within the overall project design.
    - (c) They are buffered from both principal structures, parking facilities and pedestrian and vehicular roadways.

- (d) They meet the approval of the City Construction Official and the Board of Health.
- (e) Provision shall be made for recycling conforming to local and state regulations.
- (4) Parking lots and facilities intended exclusively for the use of employees and operations of the principal uses permitted.
- (5) Outdoor storage areas for materials associated with the principal use, in rear and side yards, fully buffered or screened from the street and secured from unauthorized access. [Added 5-18-1995]

§ 224-91. Area, yard and bulk regulations. [Amended 5-18-1995]

A. Minimum lot size.

- (1) Single use: one acre.
- (2) Planned industrial area: 15 acres.

B. Lot coverage, all uses: 65%, with a minimum of 15% left as natural open space or landscaping. Outdoor storage areas shall not exceed 25% of the total lot area.

C. Minimum lot setbacks.

- (1) Single use: building front 40 feet, rear yard 30 feet and 60 feet total of both side yards, with a minimum of 25 feet on one side. This twenty-five-foot setback shall not be used for parking or drives and shall be used only for pedestrian walks, emergency access and landscape buffers.
- (2) Planned industrial area: perimeter landscape buffer of 50 feet along streets and circulation drives and 25 feet along other property lines.

D. Building length. Building length may vary subject to Planning Board site plan approval, but in no case shall a building extend more than 150 feet without a variation in external setback or other sufficient architectural or planning design features.

E. Freshwater wetlands transition areas. Transition areas, internal setbacks or buffers shall be required from all lands delineated as freshwater wetlands as defined by the Freshwater Wetlands Protection Act.<sup>18</sup> The dimension or depth of these transition areas shall conform to the requirements set forth by the New Jersey Department of Environmental Protection.

F. Distance between buildings: 35 feet minimum end wall to end wall. Other distances shall be subject to Planning Board review.

§ 224-92. Other regulations. [Amended 5-18-1995]

- A. All uses, principle and accessory, within this district are subject to Planning Board review and approval.

<sup>18</sup> Editor's Note: See N.J.S.A. 13:9B-1 et seq.

- B. Planned industrial area proposals.
- (1) All planned industrial area proposals within this district shall be required to submit an impact statement as part of the site plan review process. The statement shall include information called for in Article XVIII, Article XX, § 224-120R and additionally for all uses, planned industrial area or single use, shall include the following:
    - (a) A general lighting and graphics program.
    - (b) Fire protection, police and other security systems.
    - (c) A circulation and off-street parking plan.
    - (d) A stormwater management plan.
    - (e) A sanitary sewage and potable water plan.
    - (f) A solid waste recycling and liquid waste management and disposal plan, including provisions for all waste resulting from on-site uses.
    - (g) A landscaping and reservation plan, including existing natural features.
    - (h) Soil borings and verification of soil types, vegetation and depth to seasonal groundwater.
  - (2) Planned industrial area proposals shall include:
    - (a) An open space plan and maintenance program.
    - (b) An off-tract traffic survey showing the impact of the proposed facility on existing roadways.
    - (c) An energy conservation program for both construction and operation.
    - (d) A phasing plan which includes estimates on total employees and other impacts listed above by phase.
  - (3) Planning Board preliminary approval shall not be granted until the Board is satisfied that all of the provisions called for above are adequate to meet expected need.
- C. A perimeter of 15 feet adjoining each building shall remain clear, except for plantings and pedestrian walkways, to permit access of emergency vehicles.
- D. Minimum roadway widths for ingress and egress lanes shall be:
  - (1) One-way: 18 feet.
  - (2) Two-way: 30 feet. (See all circulation requirements of § 224-93.)
- E. All uses within this district shall be free from offensive noise, vibration, smoke, odors, glare, hazards of fire or other objectionable effects detrimental to the health, safety or general welfare of the community.
- F. Notwithstanding any of the other provisions of this article, storage of combustible materials for other than on-site use and/or refining of combustible materials shall not be considered a permitted use within this district.

**§ 224-93. Parking and circulation.**

- A. General design and parking requirements shall conform to Article XX, § 224-128 of this chapter.
- B. Parking areas shall have natural vegetation to the maximum extent practicable adjacent to the perimeter and include supplemental plantings and shade trees where necessary to create and maintain buffer areas in the front yard of sufficient density to shield the view of the parking area from the street. [Amended 5-18-1995]
- C. All parking areas shall have a landscaped perimeter buffer of at least eight feet in width consisting of existing natural or planted vegetation.
- D. [Amended 5-18-1995] In planned industrial areas the following requirements shall also apply:
  - (1) Service roadways shall be provided for commercial vehicles which are separate from general access roadways to avoid conflict with employee and visitor parking.
  - (2) The traffic plan submitted with the impact statement (§ 224-92) shall clearly delineate and define traffic circulation. All existing and proposed roadways shall be shown. The Planning Board shall determine which roadways shall be public and which shall remain private.

**§ 224-94. Landscaping and buffers.**

- A. All permitted uses within this district shall submit a landscaping plan as a part of the site plan application. Such plan shall be designed to preserve existing natural resources and shall follow the following principles:
  - (1) Landscaping shall be located to provide for climate control.
  - (2) Landscaping materials shall be utilized primarily in the front yard area to accent architectural treatments and the building facade. [Amended 5-18-1995]
  - (3) Natural vegetation shall be retained to the maximum extent practicable, with emphasis on front yards and parking area perimeters. [Amended 5-18-1995]
  - (4) All areas not covered by buildings, roadways, parking areas and pedestrian walkways shall retain existing trees or be landscaped with natural materials. [Amended 5-18-1995]
- B. [Amended 5-18-1995] Landscaped buffers shall be provided according to the following principles:
  - (1) Site perimeter buffers (minimum lot setbacks) shall consist of natural vegetation and/or in combination with new plants, trees, evergreens and deciduous materials.
  - (2) Solid waste collection areas and outdoor storage areas shall be buffered by a minimum ten-foot wide landscaped buffer, unless it can be demonstrated that buffering can be accomplished through a combination of decorative fencing and retention of natural vegetation.

- C. Landscaped buffers may make use of berms and mounds.
- D. Landscaping shall conform to Article XX, § 224-129 of this chapter.<sup>19</sup>

**§ 224-95. Lighting. [Amended 5-18-1995]**

- A. Lighting shall conform to the general design standards in Article XX, § 224-130 of this chapter.
- B. Lighting in planned industrial areas shall be additionally designed to:
  - (1) Blend with the architectural style of buildings.
  - (2) Provide for safe movement of pedestrians and vehicles and shall include low or mushroom-type standards along pedestrian walkways.

**§ 224-96. Fences. [Amended 5-18-1995]**

Security fences shall be permitted within this district, provided that they are screened from view by landscape buffers. Maximum height shall be six feet.

**ARTICLE XVI  
CR Conservation – Recreation District**

**§ 224-97. Intent.**

- A. Intent. The purpose of the Conservation-Recreation District is to recognize that certain areas within Absecon City are subject to tidal flow and/or flooding and fall within the State Department of Environmental Protection classification of wetlands.
- B. Regulations. Regulations of §§ 224-97 to 224-99 apply.

**§ 224-98. Permitted uses.**

Permitted uses shall be as follows:

- A. Public recreational uses associated with the natural environment and not requiring the construction of any structures, streets or parking.
- B. Public wildlife preserves designed for passive recreation.
- C. Dams, culverts and bridges with appropriate state, federal and local approvals.
- D. Utility transmission lines, subject to Planning Board approval.

<sup>19</sup> Editor's Note: Former Section 14.7, Signs Permitted, which immediately followed this section, was repealed 10-17-1996.

**§ 224-99. Other regulations.**

- A. Lands within the Conservation – Recreation District shall not be used to calculate lot area or as a part of permitted density calculations unless specified otherwise in this article or as fulfillment of a recreational requirement with the approval of the Planning Board during site plan/subdivision review.
- B. Subdivisions or site plans abutting the Conservation – Recreation District must submit wetlands delineation approved by the United States Army Corps of Engineers or New Jersey Department of Environmental Protection, as applicable.

**ARTICLE XVII**  
**CH/I Church/Institution District**

**§ 224-100. Intent.**

- A. Intent. The purpose of the Church/Institution District is to recognize certain existing facilities in the city used for religious services and related uses but adjacent to commercial and residential districts.
- B. Regulations in district. The use, height and area regulations of this article and those regulations set forth elsewhere in this chapter are applicable to these sections.

**§ 224-101. Permitted uses.**

A building or land shall be used only for the following purposes:

- A. Principal uses and buildings: churches.
- B. Accessory uses and buildings. Accessory uses and buildings shall be uses and buildings customarily incidental to the principal use permitted. They shall be normally understood to include meeting rooms, auditoriums, clergy and religious housing and classrooms, provided that they are subordinate to and incidental to the principal use.

**§ 224-102. Area, yard and bulk regulations.**

Area and bulk requirements shall be as follows:

- A. Lot size: four acres.
- B. Lot width: 200 feet.
- C. Lot depth: 200 feet.
- D. Lot coverage: 70%.
- E. Front yard setback: 40 feet. Front yard setback is to be measured from the line of the street on which the principal entrance to the church is located or on which the principal access to the site is located.
- F. Rear yard setback: 15 feet.

- G. Side yard setback: 15 feet.
- H. Building height: 35 feet. However, height limits shall not apply to church spires, belfries, cupolas or chimneys which are part of the established architectural treatment of the principal church structure.

**§ 224-103. Parking.**

- A. The following parking requirements shall apply:
  - (1) Churches: one space for every three seats.
  - (2) Meeting rooms and auditoriums: one space for every three seats.
  - (3) Classrooms: one space for each classroom and one additional space for each 600 square feet based on the gross square footage of the building devoted to classrooms and educational uses, including administrative areas.
  - (4) Parking lot design shall conform to Article XX, § 224-128 of this chapter.
- B. The following regulations shall apply to shared parking. A reduction in the number of parking spaces required for a church and its accessory uses may be considered by the Board as a design waiver based upon satisfaction of the following criteria:
  - (1) Common parking areas are in sufficiently close proximity to the uses as to provide convenient access.
  - (2) The parking areas are owned by the church or available to the church on an enforceable long-term basis.
  - (3) The parking spaces are not reserved, by implication or markings, for special groups or individuals.
  - (4) A sufficient schedule of operation and occupation of the facilities to allow an adequate evaluation of the parking requirements shall be provided.
  - (5) An analysis of the capacity of the on-site parking being provided to meet the demands of the facility during its average and peak period shall be provided.
  - (6) An analysis of the on-site circulation within the parking facility and its access to the adjoining street system demonstrating the adequacy of such access shall be provided.

**§ 224-104. Landscaping.**

All areas not covered by roadways or pedestrian walkways shall be landscaped with natural materials. A landscaping plan shall be submitted as part of the site plan application, and such plan shall be designed to preserve existing natural vegetation and, where appropriate based upon site conditions, to buffer and screen activity from adjoining uses. Landscape design shall conform to Article XX, § 224-129 of this chapter.

**§ 224-105. Lighting.**

- A. Adequate lighting shall be provided to ensure safe pedestrian and vehicular access, subject to Board review.
- B. Lighting shall be designed to conform to Article XX, § 224-130 of this chapter.<sup>20</sup>

**ARTICLE XVIII****Regulations Applicable to All Zoning Districts****§ 224-106. General regulations.**

In order to protect the general health, safety and welfare of Absecon City residents and in recognition of the high density of development of the city, the following regulations shall apply.

**§ 224-107. Prohibited uses in all districts.**

- A. The following uses are prohibited in all districts:
  - (1) Automotive salvage yards. Outdoor salvage of wrecked automobiles or parts thereof for more than 60 days.
  - (2) Buses, travel trailers, mobile homes, boat trailers, campers or house trailers or self-propelled recreational vehicles stored at a private residence must be in the side or rear yards and no closer than three feet from all rear and side property lines. None of the aforementioned shall be used for occupancy at any time while parked pursuant to this chapter, nor shall they be hooked up to any utility service. No such prohibited items shall be stored in the common parking area of apartments, high-rises or townhouses. [Amended 4-17-1997]
  - (3) Boats occupied for more than 48 hours, and in no case shall they be hooked up to a permanent utility service.
  - (4) Sanitary landfills or other similar waste disposal areas.
  - (5) The use of any mobile home, travel trailer, tractor-trailer or similar mobile unit for the sale of goods therefrom while parked for any period of time adjacent to any building or the use of any mobile unit for storage purposes for a period in excess of one week while parked adjacent to any building.<sup>21</sup>

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<sup>20</sup>Editor's Note: Former Section 15A-7, Signs, which immediately followed this section, was repealed 10-17-1996.

<sup>21</sup>Editor's Note: Former Subsections 6 and 7, which immediately followed this subsection and dealt with signs, were repealed 10-17-1996.

- (6) Any use which includes the storage of gasoline or other petroleum product not permitted in any other section of this chapter.
  - (7) Any use which includes the manufacturing of acid, cement, lime, gypsum or plaster of paris.
  - (8) Any use which includes the manufacture or storage of explosives, fat, fertilizer, gas, glue, PCB, asbestos or vinyl chloride or the reduction of garbage, offal or dead animals.
  - (9) Any use which involves the smelting of tin, copper, zinc or iron ores.
  - (10) Any uses which by reason of emission of odor, dust, gas, smoke or noise is detrimental to the health, safety or general welfare of the community.
  - (11) Any use which creates vibration or glare that goes beyond property lines.
  - (12) Storage of combustible materials for other than on-site use and/or refining of combustible materials.
  - (13) Campgrounds or campsites.
- B. The prohibited uses outlined in this section are enforceable to all sections of this chapter and carry the penalties outlined in Article XXV of this chapter.

**§ 224-108. Nonconforming uses and structures.**

The otherwise lawful use of a building or land existing at the time of the adoption of this chapter may be continued although such use does not conform to the provisions of this chapter, provided that:

- A. Such use shall not be extended or enlarged without conforming to all regulations of the district in which it is located.
- B. The existence of a nonconforming use on a part of a lot or tract shall not be construed to establish a nonconforming use on the entire tract or lot.
- C. Whenever a nonconforming use is discontinued or changed to a conforming use it shall not thereafter be changed back to a nonconforming use.
- D. Whenever a nonconforming structure has been damaged by fire or other causes to the extent of 75% of its market value as determined by the Construction Official, it shall be rebuilt or repaired in conformity with the regulations of the district in which it is located.
- E. If a nonconforming use or structure ceases operations for a period of more than one year, such use will be considered abandoned, and any subsequent use shall conform to the regulations of the district in which it is located.

**§ 224-109. Unsafe conditions.**

If the Construction Official, upon inspection, determines that an unsafe condition exists with respect

to building soundness, fence or wall soundness or sign soundness, he shall notify the owner of his findings and state his reasons and order the condition repaired or, in the case of signs and fences, removed within a reasonable time period.



**§ 224-110. Parabolic or dish-type antennas.**

- A. No parabolic or dish-type antenna shall be erected, constructed, altered or maintained on any lot without complying with the terms of this section.
- B. All parabolic or dish-type antennas outside of the building shall meet the following requirements:
  - (1) Only one such antenna is permitted on the residential lot.
  - (2) Maximum height: 15 feet.
  - (3) Maximum diameter: 10 feet.
  - (4) Minimum setback from all property lines: the same as for accessory structures in each district.
  - (5) No antenna may be located in a front or side yard.
  - (6) No such antennae shall be roof-mounted unless its maximum height is not more than 15 feet above the existing roofline and it does not exceed the district maximum height.
- C. These standards shall apply in all districts. Site plan review, or site plan waiver if appropriate, shall be necessary for all such antennas to be located other than as accessory to single-family dwellings.

**ARTICLE XIX****PSCC Planned Senior Citizen Community****§ 224-111. Intent.**

- A. Intent. The intent of the Planned Senior Citizen Community District PSCC is to permit a residential community designed for senior citizens which contains residential dwelling units, open space and medical and nursing facilities as well as social, cultural and recreational facilities.
- B. Regulations in district. The use, height and area regulations of §§ 224-111 to 224-116, inclusive, and those regulations set forth elsewhere in this chapter, where applicable to these sections, and the general regulations of Article XVIII are the regulations in Planned Senior Citizen Community District PSCC.

**§ 224-112. Permitted uses.**

A building or land shall be used only for the following purposes:

- A. Principal uses and buildings:
  - (1) Planned senior citizen community, as defined in § 224-5 of this chapter.
- B. Conditional uses:
  - (1) Single-family dwellings subject to the following conditions:

- (a) Lots designed for single-family residential units shall conform to the bulk requirements of the Moderate-Density Residential District as specified in Article V, §§ 224-13 to 224-19 inclusive.
  - (b) Residential structures shall be set back a minimum of 100 feet from the perimeter property line of any existing or proposed project designed to meet the criteria of the PSCC District. A minimum of 50 feet of this buffer area shall be left in its natural vegetated state or landscaped as a vegetated buffer.
  - (c) A current market study supporting the need for single-family homes in lieu of senior citizen or adult housing shall be provided for the Planning Board's review.
  - (d) A fiscal impact analysis indicating the impact of the proposed single-family development on the school system, public services and recreational facilities of the municipality, including recommended financial mitigation measures, shall be provided for the Planning Board's review.
- C. Accessory uses and buildings. Accessory uses and buildings shall be uses and buildings customarily incidental to the principal uses listed as permitted. They shall be understood to include but not be limited to gatehouses, garages, carports, guardhouses and storage facilities for maintenance and equipment. Cultural and recreational structures shall be permitted.

§ 224-113. Area, yard and bulk regulations.

- A. Lot size.
  - (1) Twenty acres minimum for planned senior citizen community.
  - (2) Conditional uses: as regulated in Article V, § 224-15.
- B. Lot width: 100 feet minimum for single-family detached dwellings. Minimum lot widths for all other dwelling unit types shall be set by the Planning Board after a review of the site plans for the proposed dwelling unit types.
- C. Lot coverage: 50% maximum, which shall include coverage by buildings, parking areas, roadways and all other materials less porous than presently existing.
- D. Dwelling unit density: eight dwelling units per buildable acre. The inclusion of 5% low-income and 5% moderate-income housing is required. Up to a maximum of 12 dwelling units per acre may be permitted based upon the overall project design, adequacy of buffers, provisions for open space and impacts on traffic and public facilities, including public improvements or facilities to be provided by the applicant. An increase in density above the eight dwelling units per acre shall require the inclusion of more than 5% low-income and 5% moderate-income dwelling units. The Planning Board may, however, waive the inclusion of low- and moderate-income housing units if an adequate number to meet the needs and obligations of the City of Absecon City have already been provided within the development or at another site. Any low- or moderate-income housing shall be consistent with the Absecon Housing Element and include appropriate measures for affordability controls.

- E. Perimeter boundary lines. No structure shall be closer than 100 feet from the perimeter property line of the planned senior citizen community. No paved or improved area shall be closer than 50 feet.
- F. Front setbacks. Where the perimeter property line of the planned senior citizen community abuts a public road, whether it is county, primary or arterial, no structure shall be located closer than 100 feet, and no paved or improved area shall be closer than 50 feet.
- G. Physical characteristics of buildings. A maximum length of 150 feet per freestanding dwelling shall be permitted. Up to three such one-hundred-fifty-foot maximum depth buildings may be attached, provided that an angle of at least 30° exists between adjacent buildings. However, there can be no continuous roofline or continuous front and/or rear building line of more than 80 linear feet. It is the purpose of this section to provide for both broken rooflines and different setbacks and to break up a straight linear configuration. Dwelling units connected by party or common walls shall not be considered separate buildings for the purposes of this section. Units connected by open walkways may, at the Board's discretion, be considered separate buildings for the purposes of this section but shall not be considered separate buildings for the purposes of Subsection I dealing with space between buildings if the Board so finds.
- H. Bedroom content. The applicant shall furnish as part of the project submittal data indicating the proposed mix of bedrooms of structures included within the development.
- I. Space between buildings. No multifamily building shall be closer than 30 feet to any other building, nor shall any single-family detached dwelling unit be closer than 20 feet to any other single-family detached dwelling unit or closer than 30 feet to any multifamily structure, except as allowed by the Planning Board when this requirement is waived for architectural considerations.
- J. Floor area of residential dwelling units. A studio-type residential dwelling unit shall contain not less than 400 square feet; a residential dwelling unit intended for single occupancy, one-bedroom design, shall contain not less than 500 square feet; and a residential dwelling unit intended for double occupancy shall contain not less than 700 square feet.
- K. Building height. No building shall contain more than 2½ stories or be more than 35 feet in height. This provision shall not apply with respect to steeples, towers or chimneys.
- L. Social and recreational facilities shall reflect, insofar as possible, references of the anticipated residents. Indoor facilities shall include hobby or craft facilities, lounging areas which may also be used for meetings and group activities, card rooms, lavatories and a swimming pool. Outdoor facilities shall include walks, shuffleboard and horseshoe courts.
- M. The architectural design of all buildings and the site location and recreational facilities must be consistent with the ultimate purpose of achieving independent, self-reliant and pleasant living arrangements and shall take into account the desires and needs of older persons for privacy, participating in social community activities and access to community activities. At the same time, provisions shall be made to accommodate the limitations that sometimes accompany advanced years so that independent living can be sustained as long as possible. The applicant shall show in detail how his design considers this criteria in terms of the checklist of design standards given in § 224-154. The architectural design as

aforesaid shall be a matter of review by the Planning Board, and failure to comply or provide for the criteria as aforesaid without good and sufficient cause or without proposing acceptable alternatives may be a reason for denial. The use of natural materials, such as wood, brick or stone, is encouraged.

- N. Storage areas with a minimum floor area of five feet by seven feet shall be provided for the use of residents.
- O. Laundry facilities, either located in individual units or in common areas, shall be provided for the use of residents.

**§ 224-114. Other regulations.**

- A. Streets which are to be dedicated for public use shall be in accordance with those standards set forth in § 224-158 et seq.
- B. The Planning Board may waive the strict application of the requirements of § 224-158 for those streets which are not to be dedicated and which are internal roads only.
- C. The following off-street parking requirements shall apply:
  - (1) One space for each dwelling unit.
  - (2) One space for each 200 square feet of floor space in any medical or nursing facility.
  - (3) One space for each guest room or suite in any guest house, together with one space for each full-time employee on duty at any one time.
  - (4) One-half space for each dwelling unit for guest parking.
- D. Indoor social, cultural, recreational and meeting facilities shall be required. The gross floor area devoted to such usage shall be not less than 20 square feet per residential dwelling unit for the first 250 residential dwelling units, plus 10 square feet for each residential unit in excess of 250 units.
- E. Not less than 50% of the gross area of the planned senior citizen community shall be devoted to open space, which is defined to include any areas not covered by buildings, structures or by paved streets or parking areas. No more than 10% of the gross area of the planned senior citizen community shall be water area that is included as part of the fifty-percent computation set forth above. At least 30% of open space must be common open space.
- F. Within the fifty-foot-wide area established in § 224-113E hereof, there shall be a buffer strip suitably landscaped with grass, ground cover, shrubs and trees and unused for any other purpose except walkways, bicycle paths, gardening, equestrian trails and passive park purposes, including park benches, except that this landscaping requirement shall not apply within any such setback area which abuts an open body of water or public street or where natural wooded areas exist.
- G. Appropriate passive outdoor recreational areas shall be provided and shall include suitable landscaping. These areas shall be suitable for sitting and walking areas as well as for bicycle trails.

- H. Topsoil shall not be removed from the site during construction but shall be stored and redistributed to areas most exposed to view, and such areas shall be stabilized by seeding and planting.
- I. Any land sold and deeded out shall contain a restriction on use to ensure the land sold will be used for senior citizen housing.
- J. Adequate controls must be provided to ensure the age-restricted nature of the project. Such controls shall comply with the requirements of the Fair Housing Act, U.S.C. § 3601 et seq.

**§ 224-115. Signs.**

Permitted signs shall be as follows:

- A. One nonflashing and externally illuminated project identification sign for each direction of travel on any public street on which the planned senior citizen community development has frontage, not to exceed 30 square feet in area on any one side or six feet in height and located not less than 20 feet from any street or property line. Such signs may bear only the name of the planned senior citizen community and the developer, the street address and the presence or lack of vacant units.
- B. One nonflashing sign to identify each church, auditorium, guest house, administrative or other quasi-public building or other social, cultural or recreational facility, not exceeding 10 square feet in area on any one side and located not less than 10 feet from any curblin.
- C. Such other signs as the approving authority may, in its discretion, deem appropriate, provided that in no event shall there be permitted any other such sign which is of a flashing type or which is greater than 20 square feet in area or which is not compatible with the aesthetics of the planned senior citizen community.

**§ 224-116. Design factors.**

- A. Interior streets, parking areas, dwelling entrances, pedestrian walks and any recreation area which is to be used for any nighttime activity shall be provided with sufficient illumination to minimize hazards to persons using the same and shall, where necessary, be shielded to avoid glare that might be disturbing to occupants of buildings or properties surrounding the planned senior citizen community. Lighting shall conform to the design standard contained in Article XX, § 224-130 of this chapter.
- B. Appropriate provisions shall be made for private garbage and trash collection and for the private maintenance of all interior roads and streets (including snow removal), recreational facilities and all buildings and land areas. In addition, provisions shall be made to permit the city, at its option, to perform or cause to be performed such services in the event of the continued failure of performance of the same by the private association or other entity charged with such responsibility, all at the cost and expense of the owners of the property within the planned senior citizen community.
- C. The overall design, construction and improvement phasing plan, recreational facilities, landscaping plans and site locations of buildings must be submitted to the Planning Board. Said body has the right to approve the general design to obtain aesthetic harmony. The

construction and improvement phasing plan is to be updated annually by the developer on or before the anniversary date of the preliminary approval for the duration of the project, and it shall be subject to review and approval by the Planning Board, and shapes, site positions and architectural design may be considered along with the landscaping and nature features. The following criteria also may be taken into consideration:

- (1) Visual consideration of any variation in exterior finishes of structures.
  - (2) A mix of architectural designs and elevations to ensure a harmonious blend.
  - (3) Variation of building placement to create identity and interest and enhance the overall design.
  - (4) Landscaping, preservation of existing vegetation and the location of trees.
  - (5) Convenience of parking areas for use of occupants and screening thereof with adequate landscaping or fence.
- D. All installation of utilities on the site shall be underground. The project may be serviced by a central master antenna communications system for all of the residents.
- E. All trash or garbage disposal facilities shall be properly screened, and plans shall be submitted as part of the development site plan showing the location and types of screening thereof. Recycling shall be incorporated into the plans, conforming to local and state laws and regulations.
- F. The medical and nursing facilities established in a planned senior citizen community shall be primarily for the residents of that community. Such facilities may also be used by nonresidents, provided that sufficient facilities are reserved to satisfy the medical and nursing care needs of the residents of the planned senior citizen community.
- G. Traffic generation shall not exceed the available capacities of the intersections providing public access to the planned development.
- H. The capacity of the sewerage and water systems shall be adequate to serve the projected demands of the planned development.

## ARTICLE XX Site Plan Review

### § 224-117. Intent.

- A. Site plan review is provided for in the Municipal Land Use Law (N.J.S.A. 40:55D-37). Such review makes it possible for Planning Boards and Zoning Boards of Adjustment to determine developmental impacts with regard to topography, vegetation, drainage, floodplains, marshes and waterways. Additionally, site plans show the location of existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utilization, landscaping, structures, signs, lighting and screening.
- B. In short, a site plan allows the boards involved to assess the project in order to ensure the compatibility and determine the impact of proposed uses.

**§ 224-118. Applicability. [Amended 11-20-1997]**

Within the City of Absecon City, compliance with preliminary and final site plan review will be required for all new construction and all building conversions and all alterations and all changes in use, with the exception of single-family detached dwellings and duplexes which are part of a total development of three or fewer lots. Review will be conducted prior to any evacuation or removal of soil or clearing of the site. Without approval neither building permits nor certificates of occupancy will be given. Upon submission of an approved application and the payment of a fifty-dollar fee, site plan review may be waived by the Planning Board if it determines that the proposed development would not result in any significant impact on the site or its surrounding area. In the absence of a change in use, neither site plan review nor site plan waiver application is required solely because of a change in ownership or occupancy or because of alterations to a building or structure which would not increase its size and which would not materially alter its exterior.

**§ 224-119. Review considerations.**

In conducting the review process, the Planning Board or Zoning Board of Adjustment (in the case of a use variance request) will consider pedestrian and vehicular movement, parking adequacy and safety, design and layout of structures, lighting, buffering, drainage, environmental elements and signs.

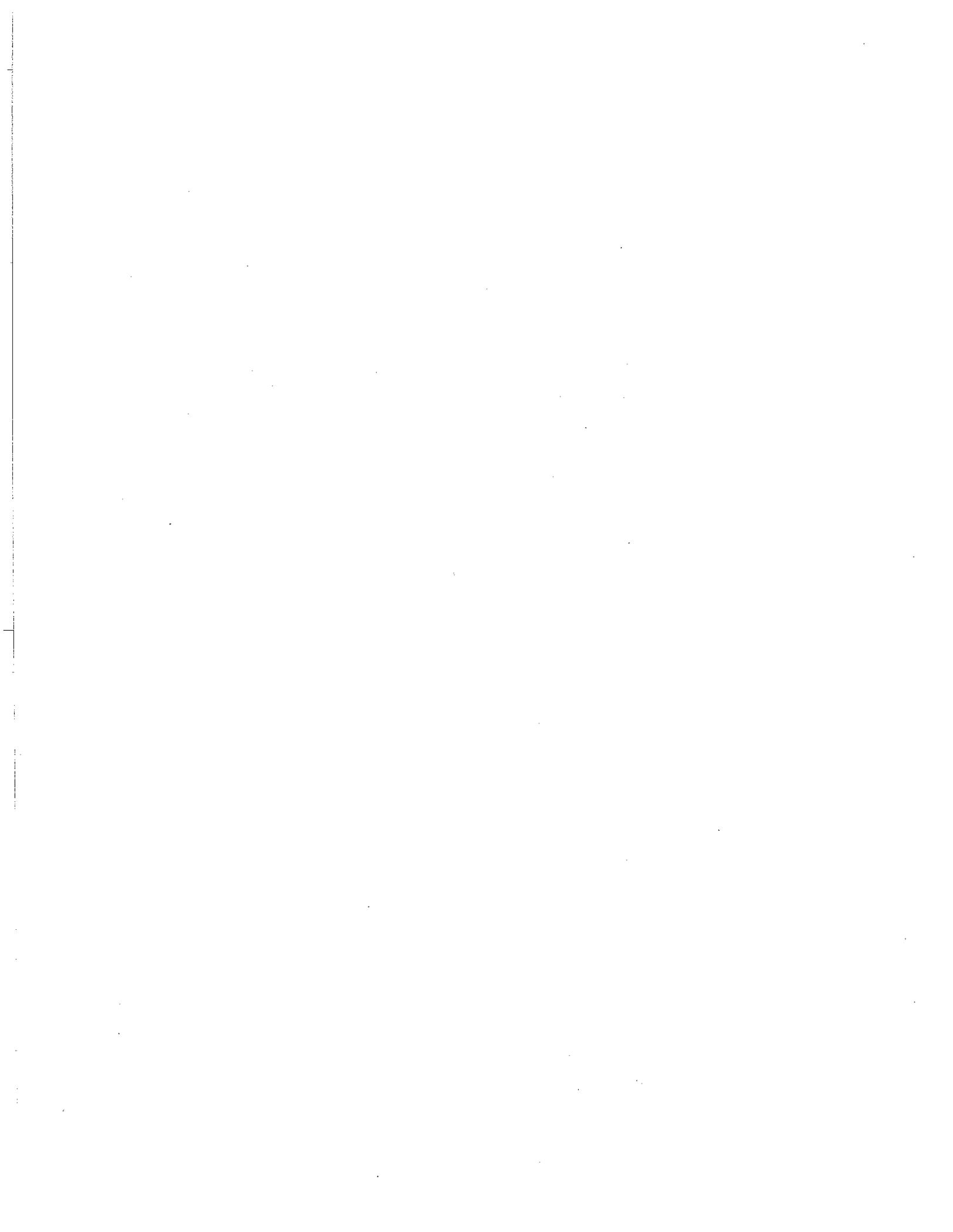
**§ 224-120. Preliminary submission.**

The applicant will submit 10 copies of the site plan clearly drawn and accurately reproduced at a scale of one inch equals 50 feet to the secretary of the appropriate board. All maps, plats and sketch plats required to be submitted by this chapter shall conform to one of the following size configurations: 15 inches by 21 inches, 24 inches by 36 inches or 30 inches by 42 inches. A copy of the plan shall also be sent to the Atlantic County Planning Board for review, comment and, where appropriate, approval. The various elements of the site plan shall be prepared by the professionals licensed to practice in the State of New Jersey as regulated in N.J.A.C. 13:27-6.1 et seq. (Architects), N.J.A.C. 13:40-7.1 et seq. (Engineers and Land Surveyors) and N.J.A.C. 13:41-4.1 et seq. (Professional Planners). The site plan shall be prepared according to the following instructions and including the following information and data [Amended 11-20-1997]:

- A. Key map showing the parcel to be developed in relationship to the surrounding area and all intersections and waterways within 300 feet.
- B. Title of project, North point, scale, name and address of owner of record and name and seal of person preparing the site plan.
- C. All lot lines, block and lot numbers and owners of record within 200 feet of the site in all directions.

- D. All existing zoning boundaries located on or within 200 feet of subject property and a zoning table listing conformance or variance required.
- E. A certified survey prepared by a land surveyor licensed in the State of New Jersey which shall accompany site plans and shall show the boundaries of the parcel, proposed building setback lines, existing and proposed lot lines and the limits of all proposed streets, recreation areas and other property to be dedicated to public use or to common open space.
- F. All existing and proposed structures and topography with two-foot intervals.
- G. Location and height of existing and proposed walls, fences, signs, culverts and bridges.
- H. Architectural floor plans and elevations prepared by an architect licensed to practice in the State of New Jersey.
- I. Street profiles and cross sections indicating roadway width, location and width of sidewalks, location and width of utility easements and proposed pedestrian walkways.
- J. Location of all proposed sewer lines and waterlines, valves, manholes and hydrants.
- K. A soil erosion and sedimentation control plan pursuant to the requirements of N.J.S.A. 4:24-39 et seq.
- L. Proposed reservations for parks, playgrounds, common open space and all easements.
- M. A stormwater management plan and calculations and the location of all existing and proposed storm drainage retention basins, pipes and watercourses with pipe sizes, grades and direction of flow.
- N. Tabulation of total acreage and percentage devoted to streets, parking and common open space.
- O. Location, design and ingress/egress of all proposed parking areas, including bay size and size of internal aisles. Parking design shall conform to § 224-128.
- P. Proposed landscaping plan conforming to requirements in § 224-129.
- Q. Proposed lighting conforming to requirements in § 224-130.
- R. An environmental impact statement, as required within various districts or as required by the Planning or Zoning Board. In addition to the requirements listed within each district, the impact statement shall include the following information:
  - (1) An inventory of existing environmental conditions at the project site and the adjacent region which shall describe air quality, water quality and supply, hydrology, soils, topography, vegetation, wildlife, aquatic organisms, demography, land use, aesthetics, history and archaeology.
  - (2) A listing of all licenses, permits or other approvals as required by law and the status of each.
  - (3) An assessment of the probable impact of the project upon the topics described in Subsection R(1) above.

- (4) A listing of adverse environmental impacts which cannot be avoided both at the site and in the surrounding region.
  - (5) Steps taken to minimize adverse impacts during construction and operation.
  - (6) Alternatives to all or part of the project with reasons for their acceptability or nonacceptability.
  - (7) A traffic impact study.
  - (8) A fiscal impact statement.
- S. An open space organization plan, as required within various districts. Open space shall be deeded to a corporation, association or other legal entity consisting of one or more of the



property owners within the district for their use, control, management and maintenance. Any agreement providing for such ownership shall be reviewed and approved by the City Attorney to ensure that adequate safeguards are provided guaranteeing the continuance of the agreement. The agreement shall give the city the right to perform maintenance and assess the cost to the property owners in the event that the property owners fail to maintain the property in accordance with the agreement. All provisions of N.J.S.A. 40:55D-43 of the Municipal Land Use Law shall govern the establishment of the open space organization.

- T. A block model of the site plan accurately reproduced at a scale of one inch equals 50 feet, as required within various districts.
- U. Status of permits and approvals by other governmental agencies.

**§ 224-121. Preliminary site plan review.**

Following receipt of a completed application with required fee (Article XXVI, § 224-195), the board secretary will notify the applicant within 45 days. The reviewing board shall:

- A. Review and grant or deny site plan approval within 45 days in the case of developments of 10 acres or less and 10 dwelling units or fewer, unless the applicant is also seeking relief subject to N.J.S.A. 40:55D-60, in which case the board shall grant or deny approval within 95 days. In either case, the time may be extended if agreed to by the applicant.
- B. If the development is more than 10 acres or more than 10 dwelling units, the reviewing board shall grant or deny site plan approval within 95 days of receipt of a complete application, unless an extension is consented to by the applicant.
- C. If the application has been submitted to the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-76b, the Board shall grant or deny site plan approval within 120 days of receipt of a completed application, unless an extension is consented to by the developer.
- D. If the reviewing board requires substantial changes in the site plan presented as a result of a public hearing, an amended application shall be submitted and processed upon in the same manner as the original application.
- E. If the reviewing board fails to reach a decision within the specific time periods or extensions, approval of the site plan as submitted shall result.
- F. The board and developer may discuss a sketch plat informally prior to submission of a completed preliminary site plan application for purposes of exchanging ideas, with neither side bound by the discussion.

**§ 224-122. Rights of preliminary approval.**

- A. Preliminary approval of a major subdivision or of a site plan shall, except as provided in Subsections B and C of this section, confer upon the applicant the following rights for a three-year period from the date of the preliminary approval:

- (1) That the general terms and conditions on which preliminary approval was granted shall not be changed, except that nothing herein shall be construed to prevent the municipality from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety.
  - (2) That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or sections of the preliminary subdivision plat or site plan, as the case may be.
  - (3) That the applicant may apply for and the Planning 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.
- B. 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 Subsection A(1), (2) and (3) above for such period of time, 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.
  - (3) The comprehensiveness of the development.
- C. 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.
  - (2) The potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval.
  - (3) Economic conditions.
  - (4) The comprehensiveness of the development.
- D. Provided that the design standards have been revised, such revised standards may govern.

**§ 224-123. Final submission.**

- A. The developer shall submit 10 copies of the final plan to the secretary of the appropriate board which includes and is accompanied by:
- (1) A site plan in final form, including all of the information shown on the preliminary plat (§ 224-120), along with the conditions of preliminary approval and any proposed dedication of streets or improvements.
  - (2) Performance guaranties approved by the Municipal Solicitor in an amount sufficient to cover improvement completion.

- (3) A statement from the City Engineer that construction plans for streets, drainage and other facilities comply with city standards.

B. Final submission shall include the developer's estimate of cost for the various improvements.

**§ 224-124. Final site plan review.**

Following receipt of a completed application with the required fee (see Article XXVI, § 224-195), the appropriate board will review and grant or deny approval within 45 days or within such further time as the applicant consents to. Failure to do so will result in approval.

**§ 224-125. Rights of final approval.**

After final approval, the general terms and conditions of that approval, including applicable zoning rights, shall not change for a period of two years and may be extended by the reviewing board not more than three times for a period of one year.

**§ 224-126. Exceptions to site plan process.**

Time limits for both preliminary and final approval may be extended for planned developments of over 50 acres upon review of the Planning Board, subject to development size and comprehensiveness and/or economic conditions.

**§ 224-127. Site plan standards.**

Those standards established by Absecon City's Engineer and those minimum standards called for in zoning districts (Articles IV to XVIII) with regard to use, lot size, setbacks, area and bulk, landscaping, parking and signs shall be considered the minimum general standards. In addition, the specific design standards set forth in Article XXII shall apply here. In addition, those standards and design principals set forth in the Guide to Residential Design Review published by the New Jersey Department of Community Affairs, Division of Local Governmental Services, Local Planning Assistance Unit, may be applied by the board where not inconsistent with or contrary to the specific provisions of this chapter.

**§ 224-128. Parking.**

- A. All off-street parking shall conform to the requirements of this section, or as noted in the specific districts, and all other applicable ordinances of the City of Absecon City.
- B. Automobile parking spaces. The following number of off-street parking spaces shall be provided as set forth below. The approving body, at its discretion, may require more parking spaces than those listed below. The Planning Board may also allow some parking spaces to be unimproved initially, provided that the physical space is shown on the plans where the

unimproved parking spaces could be constructed at a future date if the need arises as determined by the Planning Board.

- (1) All dwellings: two per unit located on the lot or in private parking bays.
- (2) Hotels, motels or rooming or boarding homes: one per rental room, plus one for each employee, plus 5%.
- (3) Restaurants and bars: one for every three seats. [Amended 6-19-1997]
- (4) Theaters, churches, lodges, meeting places, auditoriums or other places of public or private assembly: one for every three seats.
- (5) Retail store: one for each 200 square feet of floor area, exclusive of basement area or storage area, if not used for sale or display of merchandise, with a minimum of three.
- (6) Marine Commercial District.
  - (a) For each docking space, one off-street, on-site parking space, one for the first 30 docks and one for each two docks thereafter for businesses not related to boat docking, and one off-street, on-site parking space for every 200 square feet of retail sales floor area.
  - (b) For trailer-launching facilities separate or a part of Subsection B(6)(a) above, 10 off-street, on-site parking spaces minimum with sufficient room to accommodate both car and trailer.
- (7) Offices, office buildings, banks or other similar establishments, including professional offices and home occupations in a residential building: one for each 300 square feet of floor area
- (8) Medical offices, dental offices or clinics: two for each operating area and/or examination room, plus one space for each employee, including the medical practitioner(s).
- (9) Professional offices: one for each 200 square feet of floor area.
- (10) Hospitals, nursing homes or institutions for the ill or aged: one for every three beds.
- (11) Bowling alleys: three for each alley.
- (12) Industrial establishments, research laboratories and warehouses: one for each two persons customarily employed at peak employment on the major shift, plus one for each three persons customarily employed at peak employment on the largest adjacent shift if the employees of the two shifts are required to be present simultaneously while shifts are changing, or not fewer than one for each 300 square feet of aggregate floor area of buildings if employment data is unknown.
- (13) Schools and child-care centers: one for every 600 square feet of floor area, including classrooms and administrative areas.
- (14) Funeral homes: one for each three seats devoted to assembly room purposes, but in no case fewer than 50.

- (15) Motor vehicle service station repair garage: two, either within or without the structure, for each 200 square feet of floor or ground area devoted to repair or service facilities,



plus one for each employee. In no case shall the spaces for permitted motor vehicle storage in conjunction with a service station be fewer than five.

- (16) Buildings or uses other than those specified above: at least one for each 1,000 square feet of gross floor area or lot area, whichever is larger, except when otherwise required by the Planning Board. The determination shall be consistent with the principles set forth herein for comparable buildings.
- (17) Employee parking: one for each two employees on the largest shift, unless otherwise specified above.

C. Truck berths.

- (1) In addition to the parking lot requirements in the preceding section, truck berths for the loading and unloading of goods and materials shall be provided.
- (2) Any building or outdoor area used for business, industry, storage, hospital, membership club or other nonresidential purposes which needs to be serviced regularly by trucks shall have truck berth facilities on the premises in accordance with the following:

Gross Floor Area and Outdoor Area Used (square feet)	Required Number of Truck Berths
Up to 20,000	1
Greater than 20,000	2
Greater than 40,000 and up to 100,000	3
Each additional 60,000	1 additional

- (3) Two or more establishments which are adjacent to each other may combine their gross floor areas and outdoor areas for the purpose of determining the minimum number of truck berths required when adjacent establishments utilize truck berths jointly.
- (4) As used in this subsection, the following terms shall have the meanings indicated:

**OUTDOOR AREA** — Refers to outdoor areas in active use, such as outdoor manufacturing areas, outdoor storage areas and outdoor automobile sales lots. Such areas as yards and other unused open spaces are not intended to be included in the term "outdoor area" as used in this subsection.

- (5) The size of a truck berth shall be a minimum of 45 feet long and 12 feet wide.
- (6) Driveways, aisles, loading platforms and other areas required to make a truck berth usable shall not be included in the minimum area required for a truck berth itself.
- (7) A clear height shall be provided for each truck berth and for each truck accessway between public streets and a truck berth equal to a minimum of 14 feet.

D. Parking lot design criteria.

(1) Parking stall design criteria.

(a) The following list of stall and driveway/aisle sizes shall be adhered to:

Angle of Parking	Stall Width (feet)	Stall Depth (feet)	Driveway/ Aisle	
			One-Way (feet)	Two-Way (feet)
90°	10 <sup>1</sup>	19	18	25
60°	10 <sup>1</sup>	19	18	25
45°	10 <sup>1</sup>	19	15	18
30°	10 <sup>1</sup>	19	12	18
Parallel	9	22	12	18

**NOTES:**

<sup>1</sup>May be reduced to nine feet for office and industrial uses at the option of the applicant and approval of the Board.

- (b) In parking areas containing 20 or more spaces, only ninety-degree parking shall be permitted unless because of the exceptional narrowness, shape or topographic conditions of the lot it is the determination of the Planning Board that another stall and driveway alignment should be utilized.
- (2) In order to reduce energy consumption, to save on costs and materials, to provide for landscaping and to recognize the trend towards reduced size of automobiles, an applicant may request that the size of some parking lot stalls be reduced from the standards.
- (3) In order to qualify for the reduced size of parking stalls, the applicant shall first submit a sketch of the proposed parking lot showing all spaces with a ten-foot-wide and nineteen-foot-depth dimension. The number of spaces shall be not fewer than the open space as specified in the district. This sketch shall be compared to the applicant's proposed parking lot plan showing the reduced stall dimensions to evaluate the effect and advantages of reducing the size of parking stalls.
- (4) The parking lot plan with reduced stall dimensions shall contain the same number of parking stalls shown on the parking lot sketch plan with ten-foot-by-twenty-foot spaces.
- (5) The open space gained from the reduction in stall size shall be in addition to the open space shown on the original sketch plan with spaces of 10 by 20 feet. Both plans shall indicate the acreage and percentage of open space involved.
- (6) The entire parking lot area shall be landscaped with shade trees and other vegetation located in center islands between facing rows of reduced parking stalls, in other islands and open areas and around the parking lot perimeter.
- (7) The reduction in dimensions shall apply only to stall sizes and not to driveways and aisles.

- (8) The plan shall indicate the location of freestanding signs showing the direction to and location of reduced parking stalls. Additional optional directional features may include pavement lettering, colored stripes at the rear of reduced parking spaces or a combination of these techniques. Typical details or directional signs and other features shall be included on the plan.
- (9) A single parking row may contain stalls of varying depths, provided that stalls of one size are grouped together and a physical design feature separates the group.

E. Parking facilities for physically handicapped.

- (1) All plans and specifications for the construction or remodeling of any public building shall provide parking facilities for the physically handicapped. "Public building" means any building, structure, facility or complex used by the general public and specifically defined pursuant to N.J.S.A. 52:32-6 et seq.
- (2) The number of spaces required shall be as follows:

Total Parking in Lot	Required Number of Accessible Spaces
Up to 50	1
50 to 200	2
Over 200	1% of total spaces in lot

- (3) Each space or group of spaces shall be identified with a clearly visible sign displaying the international symbol of access along with the following wording: "These Spaces Reserved for Physically Handicapped Drivers" or "Disabled Drivers Only" or "Reserved Parking, Division of Motor Vehicles ID Required." Handicapped symbols shall be cold preformed plastic and signs and supports shall be metal in accordance with New Jersey Department of Transportation specifications.
- (4) Each space shall be 12 feet wide to allow room for persons in wheelchairs or on braces or crutches to get in and out of either side of an automobile onto a level, paved surface suitable for wheeling and walking.
- (5) Where possible, such spaces shall be located near the building entrance and also shall be located so that persons in wheelchairs or using braces or crutches are not compelled to wheel or walk behind parking cars.
- (6) Where applicable, curb ramps shall be provided to permit handicapped people access from the parking area to the sidewalk.

F. Shared parking.

- (1) A reduction in spaces can be made for shared parking if all of the items listed below are satisfied:
  - (a) Common parking supplies are in close proximity to each other.
  - (b) The land uses are owned by the same owner or developer.
  - (c) Parking spaces are not reserved for special groups or individuals.

- (d) The land uses are complementary and conducive to shared parking as so identified by a traffic analysis.
  - (e) This shared parking concept and associated analysis are approved by the board's traffic consultant.
- (2) A maximum reduction in shared parking of 25% is allowed under this chapter.
- G. Lighting intensity.
- (1) Minimum average maintained illuminance standards, in accordance with Illuminating Engineering Society standards as contained in the Illuminating Engineering Society Lighting Handbook (Applications Volume, Chapter 14), shall be as follows:
    - (a) Parking areas: 1.5 footcandles.
    - (b) Project roadways (local): 0.6 footcandles.
    - (c) Project intersections: 3.0 footcandles.
    - (d) Roadside sidewalks: 0.6 footcandles.
    - (e) Pedestrian walkways: 0.5 footcandles.
    - (f) Stairways: 0.6 footcandles.
    - (g) At property lines: maximum intensity 1.0 footcandles.
  - (2) All other lighting intensities shall be based upon current Illuminating Engineering Society Standards.
- H. Submitted site plans shall include a proposed lighting plan including the following required information. The plan shall:
- (1) Show location and orientation for all proposed lighting.
  - (2) Show photometric pattern for all lighting with appropriate footcandle level determined by the purpose for which the light was intended.
  - (3) Provide manufacturer's make, model number and lighting intensity output characteristics for all proposed lighting.
  - (4) Provide landscaping information as it relates to proposed site lighting.
  - (5) Provide time control information and proposed hours of use for all site lighting.
  - (6) Provide any additional information deemed necessary for review for the Planning Board.

§ 224-129. Landscape design criteria.

- A. General. Landscape design is an important element in creating a well-conceived site plan. All applications shall include a landscape plan prepared by a qualified professional. The following elements are set forth to identify the areas of landscaping design required as part of any site plan application:

- (1) Architectural uses. Plants, singly or in groups, form walks, canopies or floors of varying heights and densities, creating walls of privacy, plant canopies and plant floors.
- (2) Engineering uses. Engineers are concerned with such items as glare, traffic, noise control, soil erosion, etc. Utilizing well chosen and properly placed plant material, noise, soil erosion and glare can be reduced.
- (3) Climate control uses. Shade trees, windbreak trees and snow fence plants are examples of plants used for climate control.
- (4) 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 and highlighting areas of interest using landscaping creatively with lighting and signage.
- (5) Wildlife habitat. Wildlife habitat is an important element in large tract development where large areas of open space are to remain undisturbed. Designs must inventory this habitat and assure its continuity either through supplementing habitat, preserving it, or both. Accordingly, the design for development must address such concerns with concrete alternatives.
- (6) Planting material shall be as listed in § 224-159. Alternate material may be used upon review and approval by the Board.

B. Residential development.

- (1) Plan submission. The landscape plan shall clearly delineate all areas that will be preserved and landscaped. Associated construction and installation details shall accompany the plans.
- (2) Planting requirements. All areas not covered by roadways, pedestrian walkways, parking areas, etc., shall be landscaped 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) Canopy trees. There shall be a minimum number of two canopy trees two to three inches in caliper measured six inches from the top of the root ball per each proposed residential unit. A canopy three of two-inch to three-inch caliper shall be at least 12 feet in height at time of planting. Clump or flowering trees incapable of being measured six inches from the top of the root ball shall be at least 12 feet high at time of planting.
  - (b) Shrubs and ornamental planting. The minimum number of this type of plant material shall be 15 plants per dwelling unit. The intent, however, is to assure the proper use of understory plant material along the edges of buildings and walkways, bases of signs and bases of streetlights, creation of plant walls, highlighting entranceways and basic ornamental planting.
- (3) Special landscaping emphasis. The following standards shall be supplemental to those requirements of Subsection B(2) above in cases where the Board determines that such

requirements have not been met through the minimum standards set forth in Subsection B(2):

- (a) Parking lots. All parking lots in residential development shall be landscaped in the following fashion:
    - [1] At a minimum, every sixth parking space shall be interrupted with a canopy tree two to three inches in caliper measured six inches from the top of the root ball. Such tree shall be planted at least four feet 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 designed 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 three feet beyond that point).
  - (b) Dwelling unit to edge of parking. The area extending between the 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.
  - (c) 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 two elements.
  - (d) Privacy areas. The patio and similar areas designated for privacy shall be landscaped with screen, canopy and ornamental planting.
  - (e) 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.
  - (f) 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 and similar features.
  - (g) 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 and augment such habitat with plant material that further promotes food and shelter values.
  - (h) Developed common open spaces. The developed open spaces throughout any project area shall be landscaped according to an overall theme incorporating existing plant material and supplementing it.
  - (i) Utility fixtures, such as transformers, heat pumps, etc., throughout the site shall be screened with a combination of fencing and landscaping.
- (4) Buffer areas.

- (a) It is the intent of this chapter to require landscape buffers to separate uses and to achieve an acceptable physical and psychological barrier between such mixed uses.
  - (b) The following buffer standard shall be required to satisfy specific site conditions. Planted portions of buffers shall be no less than 20 feet wide and shall be planted as follows:
    - [1] Buffer screening: double alternating rows of evergreen trees six feet zero inches in height at time of planting, planted 10 feet on center; one deciduous canopy tree two to three inches in caliper measured six inches from the top of the root ball for every 30 linear feet of buffer screen.
- (5) Maintenance of landscape areas.
- (a) 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. A maintenance plan shall be part of the landscape plan and included in the landscape drawings.
  - (b) 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.
- (6) Retention of native plant material. All efforts shall be made to retain natural plant material. Clearing shall be limited to roadways, building sites and recreation areas.
- (7) Location of landscape material. All landscape material shall be located so as not to obstruct vision in parking areas or along roadways or other areas accessible to motorized vehicles.
- (8) Landscaping for signage. All signage for residential development shall be landscaped at the base in such a manner so as to highlight the immediate area around the signage.
- C. Commercial development.
- (1) Plan submission. The landscape plan shall clearly delineate all areas that will be preserved and landscaped. Associated construction and installation details shall accompany the plans.
  - (2) Plant requirements. All areas not covered by roadways, pedestrian walkways, parking areas, etc., shall be landscaped 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) Canopy trees. There shall be a minimum number of two canopy trees two to three inches in caliper measured six inches from the top of the root ball per each proposed commercial unit. A canopy tree two to three inches in caliper shall be at least 12 feet in height at time of planting. Clump or flowering trees incapable of being measured six inches from the top of the root ball shall be at least 10 feet high at time of planting.

- (b) Shrubs and ornamental planting. The minimum number of this type of plant material shall be 20 plants per commercial unit. The intent, however, is to assure the proper use of understory plant material along the edges of buildings, walkways, bases of signs and bases of streetlights, creation of plant walls, highlighting entranceways and basic ornamental planting.
- (3) Special landscaping emphasis. The following standards shall be supplemental to those requirements of Subsection C(2) above in cases where the Board determines that such requirements have not been met through the minimum standards set forth in Subsection C(2):
  - (a) Parking lots. All parking lots in commercial development shall be landscaped in the following manner:
    - [1] At a minimum, every 10th parking space shall be interrupted with a canopy tree two to three inches in caliper measured six inches from the top of the root ball. Such tree shall be planted at least two feet into an island so that it is clear of vehicle overhang and opening doors. The tree shall be so positioned and the island designed that the landscaping will not interfere with pedestrian circulation. A ground cover shall be installed on the parking lot island to prevent soil erosion. Additional plant material shall also be considered.
    - [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 three feet beyond that point).
  - (b) Commercial building to edge of parking. The area extending between the wall of a commercial unit to the edge of any parking area shall be landscaped to achieve a visual transition with a combination of hedges, shrubs, bollards or other similar techniques. Area not used for walks or decorative landscape treatment shall be landscaped.
  - (c) Commercial unit to edge of street. The area extending between any commercial unit and street edge shall be landscaped with screen, buffer or ornamental planting as required to provide an appropriate transition between the two elements.
  - (d) Common areas. Outdoor plazas and similar areas designated for passive recreation shall be landscaped with screen, canopy and ornamental planting.
  - (e) Maintenance, storage and refuse collection areas. These areas shall be landscaped with buffer and screen planting to provide visual and physical separation of such elements from contiguous areas.
  - (f) 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 and similar features.
  - (g) Developed common open spaces. The developed open spaces throughout any commercial project area shall be landscaped according to an overall theme incorporating existing plant material and supplementing it.

- (h) Utility fixtures, such as transformers, heat pumps and gas and water meters throughout the site shall be screened with a combination of fencing and landscaping.
- (4) Buffer areas.
  - (a) It is the intent of this chapter to require landscape buffers to separate uses and to achieve an acceptable physical and psychological barrier between such mixed uses.
  - (b) The following buffer standards shall be required to satisfy specific site conditions. Planted portions of buffers shall be no less than 20 feet wide and shall be planted as follows:
    - [1] Buffer screening: double alternating rows of evergreen trees six feet zero inches in height at time of planting, planted 10 feet on center; one deciduous canopy tree two to three inches in caliper measured six inches from the top of the root ball per every 20 linear feet of buffer screen.
- (5) Maintenance of landscape areas. 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. A maintenance plan shall be part of the landscape plan and included in the landscape drawings. 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. The submission of a landscape plan shall include a statement that the premises shall be properly maintained at all times by competent workmen, and plantings shall be replaced as determined by the Zoning Officer.
- (6) Retention of native plant material. All efforts shall be made to retain natural plant material. Clearing shall be limited to roadways, building sites and common areas.
- (7) Location of landscape material. All landscape material shall be located so as not to obstruct vision in parking areas or along roadways or other areas accessible to motorized vehicles.
- (8) Landscaping for signage. All signage for commercial development shall be landscaped at the base in such a manner so as to highlight the immediate area around the signage.

#### § 224-130. Lighting.

- A. General. Site plans shall include a lighting plan for vehicular and pedestrian security within and adjacent to the project.
- B. Design criteria.
  - (1) All lighting shall be designed, oriented and selected to prevent glare upon surrounding properties or roadways.
  - (2) Streetlighting shall be provided along all project streets and project intersections.

- (3) Lighting standards shall be set back a minimum of five feet from the interior perimeter buffer lines, except along ingress and egress lanes, where light standards may be located no closer than five feet from the lanes and no closer than 10 feet from the street right-of-way lines.
- (4) Light standards shall not be more than 25 feet in height overall, and their bases shall be landscaped and maintained.
- (5) Pedestrian-oriented lighting shall be low or mushroom-type standards located along pedestrian routes, with height not to exceed three feet.
- (6) Security lighting shall be provided throughout which shall light all security-sensitive areas and any areas deemed to require lighting site plans by the Planning Board and/or local Police Department personnel.
- (7) Recreational lighting shall be provided for all recreational facilities incorporated as part of the recreational plan for any project. Such lighting, at a minimum, shall be installed to provide adequate illumination by which each designated recreational activity can be safely carried out. Current Illuminating Engineering Society standards shall be maintained.
- (8) All lighting shall be in architectural character with building design and be embodied into an overall landscape design whenever possible.
- (9) Minimum average maintained illuminance standards, in accordance with Illuminating Engineering Society standards as contained in the Illuminating Engineering Society Lighting Handbook (Applications Volume, Chapter 14) shall be as follows:
  - (a) Parking areas: 1.5 footcandles.
  - (b) Project roadways (local): 0.6 footcandles.
  - (c) Project intersections: 3.0 footcandles.
  - (d) Roadside sidewalks: 0.6 footcandles.
  - (e) Pedestrian walkways: 0.5 footcandles.
  - (f) Stairways: 0.6 footcandles.
  - (g) At property lines: maximum intensity 1.0 footcandles.
  - (h) All other lighting intensities shall be based upon current Illuminating Engineering Society standards.
- (10) Submitted site plans shall include a proposed lighting plan, including the following required information. The plan shall:
  - (a) Show location and orientation for all proposed lighting.
  - (b) Show photometric pattern for all lighting with appropriate footcandle level determined by the purpose for which the light was intended.
  - (c) Provide the manufacturer's make, model number and lighting intensity output characteristics for all proposed lighting.

- (d) Provide landscaping information as it relates to proposed site lighting.
- (e) Provide time control information and proposed hours of use for all site lighting.
- (f) Provide any additional information deemed necessary for review for the Planning Board.

**ARTICLE XXI**  
**Subdivision Review**

**§ 224-131. Intent.**

- A. Subdivision review is provided for in the Municipal Land Use Law (N.J.S.A. 40:55D-37). Such review makes it possible for the Planning Board to ensure development which is consistent with the Zoning Ordinance and Master Plan. It permits the Board to review developmental layout, street design, water drainage and sewerage adequacy, flood hazards and protection/conservation measures. It also makes possible provisions for off-tract improvements and, in the case of planned developments, promotes flexibility.
- B. In short, subdivision review establishes rules and standards for the division of land within the City of Absecon City in order to promote health, safety, convenience and general welfare.

**§ 224-132. Approval required.**

Any applicant wishing to divide or resubdivide land within the City of Absecon City shall apply for and obtain the approval of the Planning Board in accordance with the procedures outlined in §§ 224-133 to 224-150.

**§ 224-133. Submission.**

An applicant for subdivision of land shall submit to the Board Secretary four copies of an application (see Article XXVI, § 224-195) and 12 copies of a sketch plat containing the information outlined in § 224-140, Subsection A(1) through (13), of this article two weeks prior to a regular meeting of the Planning Board.

**§ 224-134. Classification.**

For subdivisions of more than 10 lots, the Subdivision Committee of the Planning Board shall review the plat prior to the regular meeting and shall classify the subdivision as a minor, exempt or major subdivision. Subdivisions failing to receive a unanimous vote as minor or exempt shall be considered major. [Amended 11-20-1997]

**§ 224-135. Report of Subdivision Committee.**

The Subdivision Committee shall report its recommendations and comments on each application to the Planning Board at its next regular meeting. The Board shall have the right to approve or change the classification by majority vote.

**§ 224-136. Minor subdivisions.**

If classified as a minor subdivision, the Planning Board shall have the authority to approve immediately or to forward copies of the plat to city offices or consultants for review. Upon completion of that review and within 45 days of receipt of the completed application, the Board will approve, conditionally approve or reject the request. If approved, a notation to that effect shall be made upon the plat and shall be signed by the Planning Board Chairman and City Clerk and returned to the applicant. If rejected, the reasons shall be noted upon all copies of the application form, and one copy shall be returned to the applicant.

**§ 224-137. Filing with county recording office.**

If approved as a minor subdivision, a plat drawn in compliance with the Map Filing Law, Chapter 141 of the Laws of 1960 (N.J.S.A. 46:23-9.9 et seq.), or a deed clearly describing the approved minor subdivision shall be filed with the Board Secretary within 190 days of the date on which the resolution of approval is adopted. Unless such a plat or deed is filed, the minor subdivision shall expire. Any such plat or deed accepted for filing shall have been signed by the Chairman and Secretary of the Planning Board. The Planning Board may extend the one-hundred-ninety-day period for filing a minor subdivision plat or deed if the developer proves to the reasonable satisfaction of the Planning Board that the developer was barred or legally prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and that the developer applied promptly for and diligently pursued the required 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.

**§ 224-138. Extension of approval.**

The Planning Board shall grant an extension of minor subdivision 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 the required approvals. A developer shall apply for the extension before what would otherwise be the expiration date of minor subdivision approval or

the 91st day after the developer received the last legally required approval from other governmental entities, whichever occurs later.

**§ 224-139. Lands resulting from minor subdivision.**

Any lands, lots or parcels resulting or remaining from minor subdivision may not be submitted as a minor subdivision for 24 months from the date of initial approval.



## § 224-140. Minor subdivision submission.

- A. The applicant shall submit 12 copies of a plat signed and sealed by a licensed land surveyor and based upon an accurate certified survey at a scale of one inch equals 50 feet. It shall include:
- (1) A key map showing the entire subdivision in relation to the surrounding area and roadway system.
  - (2) All existing structures within the parcel to be subdivided and within 200 feet of said parcel.
  - (3) The name and address of the owner and the names of all adjoining property owners as disclosed by the most recent municipal tax records.
  - (4) The tax map sheet, block and lot numbers.
  - (5) All existing and proposed streets and easements (including public utility easements) within or adjoining the proposed subdivision shall be clearly indicated.
  - (6) The dimensions of all proposed lot lines of all new lots being created and parcels being retained and any existing lot lines to be eliminated by the proposed subdivision shall be clearly indicated.
  - (7) The location, size and direction of flow of all streams, brooks, lakes, watercourses, drainage structures and drainage ditches in the area to be subdivided and within 200 feet of the proposed subdivision.
  - (8) North arrow, the scale at which the plat is drawn and the date of preparation.
  - (9) The acreage of the entire tract and of new parcels being proposed.
  - (10) The number of new lots being created.
  - (11) The name and address of the owner, subdivider and person preparing the plat.
  - (12) The classification of the zoning district or districts in which the proposed subdivision is located and a table listing conformance or nonconformance with zoning regulations in the district(s).
  - (13) The location of any proposed open space or recreation areas.
- B. The submission shall be accompanied by a certification from the City Tax Collector that all taxes are paid to date:

## § 224-141. Major subdivisions.

If a sketch plat submitted in accordance with the requirements of § 224-133 is classified as a major subdivision, a notation to that effect shall be made on the plat, and it shall be returned to the applicant for compliance with §§ 224-142 to 224-151.

## § 224-142. Preliminary submission.

An applicant for preliminary major subdivision review and approval shall submit 10 copies of a preliminary plat clearly drawn and accurately reproduced at a scale of one inch equals 50 feet designed and drawn by a professional engineer and land surveyor, along with three copies of a completed application for preliminary approval and the appropriate fee (See Article XXVI, § 224-195) to the City Clerk at least three weeks prior to the regular Planning Board meeting. The Board Secretary shall keep one copy and submit the others to the Secretary of the Planning Board.

## § 224-143. Required information for preliminary plat.

The preliminary plat shall show or be accompanied by the following information:

- A. All of the information requested in §§ 224-139 and 224-140 of this article. In the event that site plan and subdivision approval are sought simultaneously, information need not overlap.
- B. Proposed street pattern in the subdivided area, distance to nearest existing developed area and relationship of parcel to existing roadways.
- C. Profiles and cross sections of proposed streets and of existing roadways abutting the subdivision. Cross sections shall show type and width of paving, location and type of curb, location of sidewalks, existing or proposed sight triangles at intersections and radii of curblines.
- D. Elevation contours on a one-foot contour interval referenced to United States Geological Survey datum (1929).
- E. Boundaries of floodplain and wetlands areas as shown on Flood Insurance Rate Maps and State Department of Environmental Protection CAFRA Maps.
- F. The location and extent of drainage or conservation easements and stream encroachment lines.
- G. Plans and computations for storm drainage systems and retention facilities.
- H. Location of underground or surface utilities.
- I. Soil borings as may be required by the engineer.
- J. A list of off-tract improvements required for subdivision completion.
- K. Sanitary sewer and water design and calculations. The application and preliminary plan shall be accompanied by a letter of intent stating the following information: type of structures to be erected, nature of commercial use (if any), approximate date of construction start and estimated number of lots on which final approval will be requested.
- L. A landscape plan conforming to district regulations in which the subdivision is located.

## § 224-144. Preliminary review and approval process.

- A. Upon receipt of the plat and accompanying exhibits from the applicant, the Board Secretary will distribute copies of the preliminary plat and attached exhibits to the City Engineer, City Conservation Official, City Planner, County Planning Board and any other official or agency who or which may be affected by the proposed subdivision.
- B. Officials and agencies cited in Subsection A above shall forward reviews and recommendations, in writing, to the Planning Board within 30 days of receipt. During the same time period, the Subdivision Committee shall review the plat for completeness and shall notify the developer of its findings within 45 days. In reviewing the subdivision request, the Planning Board shall be guided by standards set forth within various zoning districts (see Articles IV to XX) and by the additional standards established in Article XXV.
- C. After all comments have been received and after a public hearing pursuant to § 224-193 of Article XXV of this chapter, and if no substantial amendments have resulted from the review hearing, the Planning Board shall:
- (1) For subdivisions of 10 or fewer lots, grant or deny preliminary approval within 45 days of the date of submission of a completed application or within such further time as may be consented to by the developer.
  - (2) For subdivisions of 10 or more lots, grant or deny preliminary approval within 95 days of the date of receipt of a completed application or within such further time as may be consented to by the developer.
  - (3) In both Subsection C(1) and (2) of this section, approval shall be conditional upon receipt of the required county approval and may be conditioned upon the receipt of approvals from various state and/or federal agencies.
- D. If the Planning Board requires any substantial amendment in the layout of the improvements proposed by the developer that have been the subject of a hearing, an amended application shall be submitted and proceeded upon as in the case of the original application for development.
- E. In the case of planned developments, the Planning Board shall find that the development conforms to the design, density, recreational and environmental standards established by ordinance for planned developmental districts.
- F. The disclosure requirements set out in the Municipal Land Use Law, Chapter 336 of the Laws of 1977 (1978), N.J.S.A. 40:55D-48.1, 40:55D-48.2 and 40:55D-48.3, shall be complied with.

## § 224-145. Effect of preliminary approval.

- A. The general terms and conditions on which preliminary approval was granted shall not be changed, except that the municipality may by ordinance modify such general terms and conditions as relate to public health and safety.

- B. The applicant may submit for final approval, on or before the expiration date of preliminary approval, the whole or a section or sections of the preliminary subdivision plat or site plan, as the case may be.
- C. The applicant may apply for and the Planning Board may grant extensions on such preliminary approval for additional periods for 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.
- D. In the case of a subdivision of or a site plan for an area of 50 acres or more, the Planning Board may grant the above rights for such period of time longer than three years as shall be determined by the Planning Board, taking into consideration the number of dwelling units and nonresidential floor area permissible under preliminary approval, economic conditions and the comprehensiveness of the development.
- E. 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 the number of dwelling units and nonresidential floor area permissible under preliminary approval, the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval, economic conditions and the comprehensiveness of the development, provided that if the design standards have been revised, such revised standards may govern.
- F. If the Planning Board acts favorably upon a preliminary plat, the Chairman and Secretary of the Board shall affix their signatures to the plat, with a notation that it has received preliminary approval, and shall return the same to the subdivider for compliance with final approval requirements. Where conditional approval is granted, the Chairman and the Secretary of the Board shall affix their signatures to the plat only where all conditions required for approval have been met.

#### § 224-146. Final submission.

An application for final approval shall be submitted to the Planning Board within three years from the date on which the resolution of preliminary approval is adopted. The application, in triplicate, and appropriate fee (see Article XXVI, § 224-195) shall be accompanied by one original tracing, one translucent cloth copy and 10 black and white prints at a scale of one inch equals 50 feet and shall be submitted to the Board Secretary at least three weeks prior to the regular meeting of the Planning Board.

#### § 224-147. Final plat details.

Final submission plats shall be drawn in ink on translucent tracing cloth or its equivalent 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 following list:

- A. The date, location and name of the subdivision, name of the owners, graphic scale and reference meridian.

- B. Tract boundary lines, right-of-way lines of street names, easements and other rights-of-way, land to be reserved or dedicated to public use, lot lines and other site lines, all with accurate dimensions, bearings or deflection angles, and the radii, arcs and central angles of all curves. Distances and bearings shall be on North American Datum of 1927 or North American Datum of 1983, as specified by the engineer.
- C. 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.
- D. All natural and artificial watercourses, streams, shorelines, water boundaries and encroachment lines shall be shown. Final stormwater outfalls in retention basins or other receiving bodies of water shall be identified by coordinates based on the datum specified in Subsection B above.
- E. Each block shall be numbered, and the lots within each block shall be numbered consecutively, beginning with Number 1.
- F. Minimum building setback lines on all lots and other sites.
- G. The location and description of all monuments.
- H. The names of owners of adjoining land parcels.
- I. Certification by a licensed land surveyor as to the accuracy of details of the plat.
- J. Certification that the applicant is the owner or equitable owner of the land or a representative thereof or that the owner has given consent under an option agreement.
- K. An updated certification from the Tax Collector that there are no delinquent taxes charged to the property involved in the subdivision.
- L. The preliminary plat, engineering details, cross sections and profiles of streets and plan and profiles of storm drainage systems, approved by the engineer, shall be required to accompany the final plat, with all conditions of preliminary approval met and reviewed by the engineer prior to final plat submission.
- M. Plans and profiles of sanitary sewers and water mains will be required to accompany the final plat.
- N. 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 Board Secretary.
- O. All approvals and permits from other agencies.

§ 224-148. Required information for final plat.

The final plat shall include all of the information requested in § 224-143 of this article and shall additionally incorporate all changes or modifications required by the Planning Board, including conditions of preliminary approval. The plat shall be accompanied by the following:

- A. A letter from the applicant stating that no changes other than those noted on the plat have occurred.

- B. A letter from the City Engineer indicating that the applicant has completed the installation of all improvements in accordance with the requirements of this chapter or posted with the City Clerk a performance guaranty in an amount sufficient to cover the cost of all improvements required as estimated by the applicant's engineer and approved by the City Engineer.
- C. A letter from the Fire Department signed by the Chief stating that waterlines and fire hydrants are adequate for fire protection.
- D. A letter from the City Tax Collector certifying that all taxes have been paid to date.
- E. A letter from the Board Secretary indicating the amount, form and content of the maintenance guaranty accepted by City Council and that fees estimated by the City Engineer required for construction inspection costs other than those relating to building permit have been paid (see Article XXVI, § 224-195).

§ 224-149. Final review and approval process.

The Planning Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by this chapter for final approval, the conditions of preliminary approval and, in the case of a major subdivision, the standards prescribed by the Map Filing Law, Chapter 141 of the Laws of 1960 (N.J.S.A. 46:23-9.9 et seq.), provided that, in the case of a planned unit development, planned unit residential development or residential cluster, the Planning Board may permit minimal deviations from the conditions of preliminary approval necessitated by change of conditions beyond the control of the developer since the date of the preliminary approval without the developer being required to submit another application for development for preliminary approval.

- A. Final approval shall be granted or denied within 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.
- B. If the Planning Board approves, a notation to that effect shall be made on each plat and signed by the Chairman and Secretary of the Planning Board.
- C. Whenever review or approval of the application by the County Planning Board is required by Section 5 of Chapter 285 of the Laws of 1968 (N.J.S.A. 40:27-6.3), in the case of a subdivision, the Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

§ 224-150. Filing of major subdivisions.

Final approval of a major subdivision shall expire 95 days from the date of signing the plat unless within such period the plat shall have been duly filed by the developer with the County Clerk. At the expiration of the 95 days, the Planning Board Secretary shall check with the County Clerk to ascertain whether such filing has occurred, if the County Clerk has not notified

the Planning Board Secretary of such filing. The Planning Board may, for good cause shown, extend the period for recording for an additional period not to exceed 190 days from the date of the signing of the plat. The Planning Board may extend the ninety-five-day or one-hundred-ninety-day period if the developer proves to the reasonable satisfaction of the Planning Board that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and that the developer applied promptly for and diligently pursued the required 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 an extension either before or after the original extension date.

§ 224-151. Effect of final approval.

Once a plat has been approved and filed within the prescribed time period, the terms and conditions of that approval shall not be changed for a period of two years from the date of approval. The Planning Board may extend the two-year limit for a period of one year. Such extensions shall not be granted more than three times.

§ 224-152. Planned developments.

The application for preliminary approval for all planned developments shall contain the following items in addition to that information otherwise required:

- A. Common open space map at a scale of one inch equals 50 feet. The map shall show all general areas of the site to be designated as common open space and the designation of each area according to its proposed use. The map shall also show the type, size and general location of plantings or other screening techniques to be used in buffer areas. The map shall denote the size of each designated area in acres and the total common open space in acres and as a percentage of the development.
- B. An open space report outlining the form of organization proposed to own and maintain the common open space. No planned development shall be approved unless the applicant presents an adequate plan for the organization and administration of such an organization. Such plan shall ensure that the organization responsible for the maintenance of the common open space shall provide adequate funding for the maintenance, repair and replacement of such open spaces and facilities by a system of fees assessed against the residents of the development. As a part of the application for final approval, the documents required to establish the organization shall be submitted for review by the Planning Board.
- C. A sewer and water report containing an explanation of plans to tie into existing sewer and water facilities and calculations of the water demand and sewage generation anticipated from the proposed development. If appropriate, the applicant shall describe what improvements shall be implemented to increase the capacities to meet the anticipated demands.
- D. A traffic report containing calculations of the number of motor vehicles expected to enter or leave the site for an average peak hour and an evaluation of the ability of the internal circulation plan and the external access roads, including the two nearest intersections on

collector roadways, to handle the anticipated traffic. This report shall be prepared by a qualified traffic engineer.

- E. A development schedule report, if the proposed construction is to extend over more than one year, listing by each annual phase the number of residential units by type, anticipated sales price of each unit type, the total value of residential development, the square footage of commercial construction and its value, the type of open space structures and improvements and the value of public improvements installed by the applicant for dedication to the city, its various departments or other governmental agencies and a development schedule map at a scale of one inch equals 200 feet showing the location of each successive annual phase of the development.
- F. A fiscal impact report indicating the impact of the project on city services, the cash flow of the project and an indication of pro rata share of necessary improvements.
- G. A modification report, if appropriate, showing the modifications or waivers of developmental standards requested, along with appropriate supporting documentation.

#### § 224-153. Findings for planned developments.

The Planning Board shall find the following facts and conclusions prior to the approval of any planned development:

- A. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conformed to the Zoning Ordinance standards.
- B. That the proposal for maintenance and conservation of the common open space is reliable and the amount, location and purpose of the common open space are adequate.
- C. That provisions, through 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.
- D. That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established.
- E. 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 and the total completion of the development are adequate.

### ARTICLE XXII

#### Design and Improvement Standards

#### § 224-154. General provisions.

The standards of the City of Absecon City as established within the various zoning districts of the city (Articles IV to XVII) and as listed in this article are to be considered minimum. Prior to the granting of final approvals for subdivision or site plan, the developer shall have installed improvements required by the Planning Board or have posted a performance guaranty sufficient

to cover the costs of said improvements. Improvements may include those recommended by state and county agencies which have participated in the review. Construction standards and required improvements are intended to protect the general health, safety and welfare. In certain instances, all of the improvements listed in this article may not be appropriate, in which case the Planning Board may issue a waiver. Standards established within this chapter and those hereafter adopted by the city shall govern design, construction and installation of improvements within the City of Absecon City. Failure by a subdivider, developer, constructor or agent to conform to these specifications shall be just cause for suspension of work without right to claim damages from the city, its officers or agents for such stoppage.

§ 224-155. Other standards.

In the event that the city has not adopted standards for a specific type of improvement, generally accepted engineering standards as set forth in accepted engineering and construction manuals and modified as necessary by the City Engineer shall be used.

§ 224-156. Inspections.

- A. Prior to construction, all stakes and grades shall be set by a licensed land surveyor and a set of the notes resulting shall be filed with the City Engineer. Before work commences, the City Engineer shall be notified, and under no circumstances shall underground work be covered until inspected by the appropriate official.
- B. If, during construction, the subdivider/developer fails to meet specified requirements or to correct unacceptable work, he shall be notified of such failure by certified mail, return receipt requested, with instructions for correcting the situation. If corrections have not been made within 10 days, the city shall serve the subdivider/developer with notice of failure to comply, with a copy to the Planning Board, and work may be suspended.

§ 224-157. Site conditions.

- A. Prior to and during construction, no topsoil shall be removed from the site or utilized as fill without approval of the Construction Official or City Engineer. Soil displaced by construction shall be redistributed so as to provide a six-inch base throughout the development, which shall be stabilized by seeding and planting.
- B. Developed areas shall be cleared of all stumps, litter, rubbish, brush, dead and dying trees, roots, debris and scrap building materials prior to receipt of a certificate of occupancy. None of these materials shall be buried within the City of Absecon City.
- C. All fill shall be clean and free of decaying materials.
- D. No changes shall be made in elevations or contours on the site other than those shown and approved on the preliminary plat.
- E. During construction, the site shall be left daily in sanitary and safe condition. The Construction Official may require installation or construction of temporary improvements on the site to prevent personal injury, property damage, health hazards, erosion and

flooding. Such improvements may include grading, retaining walls, pipes, culverts and other site-specific improvements to limit negative impacts.

- F. Where existing materials and soil conditions are not satisfactory for utility and street construction, the unsatisfactory material shall be excavated and replaced with approved fill.

§ 224-158. Improvements.

- A. Roadways. The subdivider/developer shall observe the following requirements and standards:
- (1) The Planning Board will take into consideration the officially adopted Master Plan or an Official Map in review and approval of subdivision plats.
  - (2) Local streets shall be so designed as to discourage through traffic.
  - (3) Subdivisions abutting arterial roads shall provide a marginal service road with an approved buffer strip as a means of separation of through and local traffic.
  - (4) The right-of-way width on all streets shall be measured from lot line to lot line and shall not be less than the following:
    - (a) Arterial streets: 80 feet.
    - (b) Collector streets: 60 feet.
    - (c) Local streets: 50 feet.
    - (d) Marginal access streets: 50 feet.
  - (5) The right-of-way width for internal roads and alleys in multifamily and commercial developments shall be determined on an individual basis.
  - (6) No residential service street may be connected directly to any artery other than a collector street.
  - (7) Streets having a right-of-way of 50 feet shall not be less than 30 feet wide between curblines, and streets having a right-of-way of 60 feet shall not be less than 40 feet wide between curblines.
  - (8) Subdivisions that adjoin or include existing streets that do not conform to widths as shown on the Master Plan or Official Map or the street width requirements contained in this section shall dedicate additional width along either one or both sides of said road. If the subdivision is along one side only,  $\frac{1}{2}$  of the required extra width shall be dedicated. This requirement shall apply to minor subdivisions, unless waived by the Board.
  - (9) No street shall have a minimum grade of less than .75%. All streets shall have a crown of not less than six inches.
  - (10) Streets shall be as nearly at right angles as is possible, and in no case shall such streets be at an angle of less than 75°. The block corners at intersections shall be rounded at the curbline with a curve having a radius of not less than 15 feet.

- (11) Street jogs with center-line offsets of less than 100 feet shall be prohibited.
  - (12) A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.
  - (13) When connecting street lines deflect from each other at any one point by more than  $10^\circ$  but not more than  $45^\circ$ , they shall be connected by a curve with a radius of not less than 100 feet for minor streets and 300 feet for arterial and collector streets.
  - (14) Dead-end streets (culs-de-sac) shall not be longer than 600 feet. They shall be provided with an unobstructed turning radius of at least 50 feet, the end of which shall be tangent, whenever possible, to the right side of the street. If a dead-end street is of a temporary nature, a similar turnaround shall be provided and provisions made for future extension of the street and reversion of the excess right-of-way to the adjoining properties.
- B. Surface drainage. Where drainage water from the streets shown on the plat discharges on the property of either the owner or others, proper easements shall be obtained by the applicant and shall be furnished to the city covering the rights to discharge such drainage water.
- C. Blocks.
- (1) Block lengths and widths or acreage within bounding roads shall be such as to accommodate the size of the lot required in the area by the Zoning Ordinance and to provide for convenient access, circulation control and safety of street traffic.
  - (2) In blocks over 700 feet long, pedestrian crosswalks shall be required in locations deemed necessary by the Planning Board. Such walkway shall be 10 feet wide.
- D. Street surfacing and curbs and gutters. Road construction shall conform to New Jersey Department of Transportation standard specifications.
- (1) Subgrade. Where fill is required, the underlying ground surface shall be stripped of all brush and trees before filling is commenced. The material used for fill shall be suitable therefor and shall be free from any matter that may decay. The fill shall be formed in successive layers and each layer compacted by operating the construction equipment over it until it is firm and unyielding before the next layer is placed. Before construction of the gravel base is commenced, the subgrade shall be neatly dressed to the proper lines, grades and cross sections.
  - (2) Pavement foundation.
    - (a) The pavement foundation shall consist of six inches of compacted gravel and four inches of bituminous stabilized base. The gravel base course may require a prime coat of asphaltic oil, if so directed by the City Engineer. Base course may be recycled asphalt or concrete.
    - (b) The gravel base course shall consist of six inches of compacted road gravel, Type 2, Class A or B, conforming to the requirements of the New Jersey State Highway Department standard specifications. The finished subbase shall be thoroughly compacted and bound together, hard, smooth and even, free from defects and at the proper grade and contour.

- (c) The bituminous stabilized base course shall comply with the requirements of Section 3.2A (Mix No. 1) of the New Jersey State Highway Department standard specifications, latest edition.
  - (3) Bituminous concrete pavement. Streets shall be permanently paved with two-inch-thick bituminous concrete pavement, Type FABC-1. The pavement shall be constructed in accordance with the requirements of the New Jersey State Highway Department standard specifications, latest edition, for both materials and methods of construction.
  - (4) Concrete curbs, gutters and sidewalks.
    - (a) Materials for concrete shall conform to the requirements of the New Jersey State Highway Department standard specifications. Concrete shall be Class B. Metal forms shall be used for the construction of concrete curbs and gutters. Curbs are to be six inches wide and 18 inches deep and are to be constructed true to the required lines, grades and curvatures. Gutters are to be six inches thick and 24 inches wide. Sidewalks are to be four inches thick and five feet wide.
    - (b) At all intersections the sidewalk on each roadway corner shall be designed to meet New Jersey barrier-free standards.
- E. Sanitary sewage.
- (1) Provisions shall be made to convey sanitary waste from each lot through laterals and interceptors of sufficient size, material and capacity to collectors and then to trunk sewers to public treatment facilities. Such provisions shall be shown on a set of plans accompanying the preliminary plat. The following information shall accompany the detailed provisions:
    - (a) An estimate from the subdivider/developer of the daily flow from the proposed development based upon an average daily flow of 100 gallons per person per day for residential use and comparable data for commercial uses.
    - (b) An estimate of total per capital water use for the proposed development based upon an average usage of 100 gallons per person per day for residential use and comparable use data for commercial uses.
    - (c) Minimum grades for sewers for each size used and all sizes, slopes and inverts elevations.
  - (2) Sanitary sewer designs shall receive all required county and state permits and approvals prior to construction.
  - (3) Sewers will be designed to carry twice the estimated average design flow when flowing half full and shall be designed for a twenty-five-year period. Sewers shall be constructed of PVC pipe sloped to permit a minimum mean velocity of not less than two feet per second when half or more full, based upon the Manning or Kutters Formula. Minimum diameter of sewer pipe shall be eight inches. It shall be laid in straight alignment unless the Planning Board specifically waives this requirement to better fit design.

- (4) In areas where groundwater elevation or soil conditions make subbase instability likely, the sewer shall be designed for these conditions.
- (5) Sewer lines and waterlines shall be separated 10 feet horizontally and 18 inches vertically or as approved by regulatory agencies.
- (6) Manholes shall be located at the end of each sewer line, at maximum distances of 400 feet and in intersections, and all changes in slope, pipe size and direction shall be confined to manholes.

F. Water supply:

- (1) Provisions shall be made and shown on a set of plans accompanying the preliminary plat for adequate water supply to each lot. In addition to locations and diameters of pipes, hydrants, blowoffs and valves, the plan submitted shall include:
  - (a) Capacity and size of mains. Design capacity of mains shall be such as to provide a minimum pressure of 20 pounds per square inch at peak demand plus fire flow. All pipes used in water mains shall be ductile iron with a minimum diameter of six inches.
  - (b) General design requirements. Wherever possible, distribution mains shall be laid in the loop system to eliminate dead ends. Dead ends, if unavoidable, shall have a fire hydrant, flushing hydrant or blowoff for flushing purposes.
  - (c) All distribution mains shall be provided with sufficient earth or other suitable cover to prevent freezing. All water distribution mains shall have a minimum of three feet of cover.
  - (d) Adequate disinfection of all new distribution mains prior to use shall be required.
  - (e) Water mains and sewers shall be separated by a horizontal distance of 10 feet. If such lateral separation is not possible, water and sewer lines shall be in separate trenches, with the sewer at least 18 inches below the water main or with other such separation as approved by the regulatory or permitting agencies.
- (2) At crossings of sewers and water mains, the sewer shall, in general, be at least 18 inches below the bottom of the water main. Where this is not possible, the sewer shall be constructed of cast-iron pipe for a distance of at least 10 feet on either side of the crossing or other suitable protection as approved by regulatory or permitting agencies.

G. Stormwater. Provisions shall be made and shown on a set of plans accompanying the preliminary plat for collection and conveyance of stormwater on and, as required, off site and for proper connection with an approved system.

- (1) Collection system basis shall be in accordance with the rational method of design, using the formula  $Q=AI R$ , where:

"Q" is the required capacity in cubic feet per second for the collection system at the point of design.

"A" is the tributary drainage area in acres and shall include areas tributary from outside sources as well from within the subdivision itself.

"T" is the rainfall intensity in inches per hour and shall be determined from Rainfall Intensity Duration Curves for New Jersey, as prepared by the New Jersey Department of Transportation.

"R" is the coefficient of runoff applicable to the area based upon soil conditions, average slope of the area and degree of ultimate area development. In no case shall "R" equal less than .30.

Land Use Type	Runoff Coefficients
Business	
Downtown area	0.70 to 0.95
Neighborhood area	0.50 to 0.70
Design commercial centers	0.35 to 0.50
Residential	
Single-family areas	0.30 to 0.50
Multifamily areas	0.60 to 0.75
Residential (suburban)	0.25 to 0.40
Planned industrial	0.50 to 0.80
Parks and cemeteries	0.10 to 0.25
Playgrounds	0.20 to 0.35
Unimproved areas	0.10 to 0.30
Surface type	
Streets	
Asphalt	0.90 to 0.95
Concrete	0.90 to 0.95
Drives and walks	0.75 to 0.85
Roofs	
Lawns, sandy soil	
Flat, grade of 2%	0.05 to 0.10
Average, grade of 2% to 7%	0.10 to 0.15
Lawns, heavy soil	
Flat, grade of 2%	0.18 to 0.22
Average, grade of 2% to 7%	0.18 to 0.22

Using the above runoff coefficients, composite coefficients shall be calculated for use in the storm sewer design.

- (2) Flow design criteria shall be based upon a design storm that will be equaled or exceeded on a frequency of once every 15 years. System design will be based upon Mannings Formula. "N" values (coefficient of friction) used shall be approved by the reviewing engineer. The minimum velocity at flowing full condition shall be three feet per second.
- (3) The system of collection shall include:

- (a) Curbs six inches wide and 18 inches deep constructed of Class B concrete and true required lines, grades and curvatures.
- (b) Catch basins and manholes constructed in accordance with New Jersey Standard Specifications for Road and Bridge Construction, latest revision. Access manholes shall be required at three-hundred-foot intervals. Sufficient catch basins will be installed at each intersection to avoid gutter overflow and at low points in street grades. Bicycle-safe grates shall be used in all catch basins.
- (c) Reinforced concrete pipe shall be utilized which shall be minimally 15 inches in diameter laid in straight alignment. All transitions in slope, change of direction or pipe size shall be confined to manholes or catch basins. Such pipes shall conform to AASHOM 170 for specified diameter and strength class. Installation shall be inspected by the appropriate city official and shall be in accordance with accepted engineering practice.
- (d) Catch basins shall be spaced so that the runoff water in gutters does not create flooding in streets for a fifteen-year-storm-frequency design. Calculations shall be submitted verifying both the depth of water in gutters and that proposed catch basins are of sufficient capacity to remove design stormwater runoff.
- (e) In certain limited traffic areas, concrete valley gutters shall be permitted at "T" intersections.
- (f) In no case shall provisions for storm drainage overload an existing facility, and in those instances where increased flow may create increased potential for erosion or flooding, the subdivider/developer may be required to improve the off-tract facility in accordance with Article XXIV, § 224-179.
- (g) Where a subdivision is transversed by a watercourse, surface water or groundwater drainage or drainage system, channel or stream or a dedicated drainage right-of-way easement at least 10 feet in width shall be granted to the City of Absecon City.
- (h) Construction of all drainage facilities shall conform to the specifications contained herein. In the event that detailed specifications are not included, standard specifications of the New Jersey Department of Transportation, latest revision, shall govern.

#### H. Stormwater management system.

- (1) Provision shall be made to control stormwater runoff, using the following general guidelines:
  - (a) Channeling runoff directly to water bodies should be discontinued. Instead, runoff should be routed through swales and other drainage systems designed to increase the time of concentration, decrease velocity, increase infiltration and allow suspended material to settle.
  - (b) Natural watercourses should not be dredged, cleared of vegetation, deepened, widened, straightened, stabilized or otherwise altered without a stream encroachment permit from the New Jersey Department of Environmental

Protection, Division of Water Resources, Bureau of Floodplain Management. Water should be retained or detained before it enters any natural watercourse in order to preserve the natural hydrodynamics of the watercourse and to prevent siltation or other forms of pollution.

- (c) Retention and detention facilities shall be used to retain and detain the increased accelerated runoff which the development generates. Water should be released from detention facilities into a watercourse or wetlands at a rate and in a manner approximating the natural flow which occurred before development. Care must be taken, since the design of detention/retention facilities without an associated analysis of downstream impact can create increased stormwater runoff problems even when a stormwater management system is in place.
- (d) The sides of detention and/or retention basins shall slope at a gentle grade into the basin bottom as a safeguard against drowning and personal injury and to ensure the structural integrity of the facility.
- (e) The bottom of all proposed retention structures shall be at least two feet above the seasonal high water table found in the soil logs. In the event of impervious strata, provision shall be made for percolation through this strata.
- (f) Runoff from parking areas should incorporate measures (i.e., grit and oil chamber or sediment traps) to prevent oil and sediment from entering receiving waters and/or clogging the interstices, preventing infiltration in subsurface recharge and/or retention facilities.
- (g) Artificial watercourses, such as swales, should be designed considering soil type, so that the velocity of flow is low enough to prevent erosion.
- (h) Intermittent watercourses, such as swales, should be vegetated.
- (i) The area of land disturbed by development should be as small as practicable (footprint: only removing the vegetation necessary to build the structure). Those areas which are not to be disturbed should be protected by an adequate barrier from construction activity using acceptable soil erosion and sedimentation control techniques. Whenever possible, natural vegetation should be retained and protected.
- (j) Although the use of wetlands for storing and purifying water is sometimes encouraged, care must be taken not to overload their capacity, thereby harming wetlands and transitional vegetation. Wetlands should be not damaged by the construction of detention ponds.
- (k) Wetlands and other water bodies should not be used as sediment traps during development.
- (l) Vegetated buffer strips should be created or, where practicable, retained in their natural state along the banks of all watercourses, water bodies or wetlands. The width of the buffer should be sufficient to prevent erosion, trap the sediment carried with overland runoff, provide access to the water body and allow for periodic flooding without damage to structures.

- (m) The use of drainage facilities and vegetated buffer zones as open space, recreation and conservation areas should be encouraged.
  - (n) Erosion and sedimentation facilities should receive regular maintenance during construction to ensure that they continue to function properly.
  - (o) No grading, cutting or filling should be commenced until the plan is approved by the Municipal and County Planning Boards and the Soil Conservation District.
  - (p) Land which has been cleared for development and upon which construction has not commenced should be protected from erosion by appropriate techniques designed to revegetate the area.
  - (q) Adherence to the development time schedule contained in the erosion and sediment control plan should be followed.
  - (r) Sediment should be retained on the development site.
  - (s) Volumes and rate of runoff are to remain at predevelopment levels for the two-, ten- and fifty-year storm.
  - (t) The developer shall formulate a maintenance plan for retention and detention facilities. This plan shall include maintenance schedules, type of maintenance required and a periodic inspection program. In the case of homeowner or condominium associations or commercial development, the plan shall include provisions for inspection at specified intervals by the City Engineer. The cost of such inspections shall be borne by the applicant or developer.
- (2) Stormwater management plan, details and design criteria:
- (a) The proposed finished grade elevations at the corners of any structure or structures.
  - (b) Existing topography and proposed grading at contour intervals of two feet or less.
  - (c) The lowest elevation within any proposed structure after its completion.
  - (d) The location, type and size of all existing and proposed storm drainage facilities and other utilities servicing the premises in question.
  - (e) The location, size and nature of all existing and proposed drainage rights-of-way or easements and the location, size and description of any land to be dedicated to the city.
  - (f) The layout and size of any existing and proposed public streets.
  - (g) The location, type and size of all existing and proposed erosion and siltation control measures, such as slope protection, soil stabilization, sedimentation basins, sediment traps, headwalls and water retention facilities.
  - (h) All the pertinent rainfall data, stream flow data, gaugings, etc., on which calculations were based.

- (i) Complete calculations and hydraulic profiles for normal, average and storm of record.
  - (j) In addition, the developer shall furnish information relating to subsurface conditions, based on percolation tests and soil borings or probes. Borings to determine depth to seasonal high water shall be witnessed and be approved by the engineer.
- (3) No land area, except for single- or two-family residential construction not part of a major subdivision, shall be developed such that:
- (a) The volume and/or rate of stormwater runoff occurring at the area is increased over what occurred there under conditions existing on or before the effective date of this chapter. The Planning Board engineer shall determine storm frequencies to be used in the design of stormwater management facilities.
  - (b) The drainage of adjacent areas is adversely affected.
  - (c) Soil erosion during and after development is increased over what naturally occurs there.
  - (d) Soil absorption and groundwater recharge capacity of the area is decreased below the conditions existing on or before the effective date of this chapter.
  - (e) The natural drainage pattern of the area is significantly altered.
- (4) In order to duplicate as nearly as possible natural drainage conditions, regulation and control of stormwater runoff and erosion shall be through on-site stormwater retention and/or ground absorption systems which include, but are not limited to, the following:
- (a) Detention areas, which may be depressions in parking areas, excavated basins or basins created through use of curbs, or any other form of grading which serves to temporarily impound and store water.
  - (b) Rooftop storage through temporary impoundment and storage of stormwater on flat or slightly pitched building rooftops by use of drain outlets which restrict the stormwater runoff from the roof surface.
  - (c) Dry wells or leaching basins which control stormwater runoff through ground absorption and temporary storage.
  - (d) Retention of natural vegetation to the greatest extent possible which preserves the natural ground-absorption capacity of the site.
  - (e) Any system of porous media, such as gravel trenches drained by porous wall or perforated pipe, which temporarily stores and dissipates stormwater through ground absorption.
  - (f) Any combination of the above mentioned or other techniques, as approved by the City Engineer, which serve to limit and control stormwater runoff from a given site.
- (5) Stormwater retention facilities shall be designated so that the peak rate and volume of surface runoff that occurred prior to development is not exceeded after development.

The engineer shall submit calculations, based on the following table, verifying that the above criteria is met for the two year, ten-year and fifty-year storms. Calculations shall be based on a twenty-four-hour storm event in accordance with United States Soil Service Technical Release No. 55 or the Soil Conservation Service National Engineering Handbook.

New Jersey Twenty-Four-Hour Rainfall  
County of Atlantic  
(inches)

1-year	2-year	5-year	10-year	25-year	50-year	100-year
2.8	3.5	4.5	5.5	6.2	6.8	7.6

- (6) The weighted CN (curve number) shall be determined for each site for both existing and proposed conditions, and the difference shall be used to compute the volume of excess for the design of stormwater retention facilities. The volume is equal to the depth of the rainfall excess multiplied by the area of the site.
- (7) The outlet for any stormwater retention facility shall be designed such that the discharge rate does not exceed the peak runoff rate for conditions existing on or before the effective date of this chapter such that there is no adverse effect on any other property.
- (8) In the case of detention facilities utilizing porous media for ground absorption, such as dry well, porous media shall be large enough to contain the total volume of rainfall excess within the voids. Ground absorption systems shall be used only where the soil infiltration rate is acceptable, as determined by percolation tests and soil borings provided by the developer and witnessed by the reviewing engineer. Seasonal high groundwater shall be determined by the mottling method or other approved methods.
- (9) If a combination of different retention techniques is used, combined volume of the systems shall be large enough to fully contain the total volume of rainfall excess.
- (10) Stormwater retention facilities shall be maintained regularly 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.
- (11) As-built plans (two sets) shall be submitted to the city after construction. They shall reflect all or any revisions made in the stormwater management plan during construction.

§ 224-159. Landscape plans.

Landscape plans for major subdivisions and commercial and residential site plans shall utilize plant material from the following list:

## Suggested Landscape Plants for the City of Absecon City

Scientific Name	Common Name
Deciduous shade trees	
<i>Acer Pseudoplatanus</i>	Sycamore Maple
<i>Acer Rubrum</i>	Red Maple
<i>Amelanchier Candensis</i>	Shadblow Serviceberry
<i>Betula Populifolia</i>	Gray Birch
<i>Celtis Australis</i>	European Hackberry
<i>Crataegus Oxyacantha</i>	English Hawthorn
<i>Crataegus Crus-galli</i>	Cockspur Hawthorn
<i>Crataegus Phaenopyrum</i>	Washington Hawthorn
<i>Elaeagnus Augustifolia</i>	Russian Olive
<i>Fraxinus Pennsylvania</i>	Green Ash
<i>Fraxinus Pennsylvania Lanseolata</i>	Marshall's Seedless Green
Marshall's Seedless	Ash
<i>Ginkgo Biloba</i>	Ginkgo
<i>Gleditsia Triacanthos "inermis"</i>	Thornless Honeylocust
<i>Liquidambar Styraciflua</i>	Sweetgum
<i>Magnolia Virginia</i>	Sweetbay Magnolia
<i>Nyssa Sylvatica</i>	Black Tupelo
<i>Ostrya Virginia</i>	Hop Hornbeam
<i>Platanus X Acerifolia</i>	London Plane
<i>Populus Alba</i>	White Poplar
<i>Pyrus Calleryana "Bradford"</i>	Bradford Callery Pear
<i>Quercus Alba</i>	White Oak
<i>Quercus Bicolor</i>	Swamp White Oak
<i>Quercus Palustris</i>	Pin Oak
<i>Quercus Phellos</i>	Willow Oak
<i>Quercus Rubra</i>	Red Oak
<i>Sassafras Albidum Officinale</i>	Sassafras
Salix Species	Willow Species
<i>Sophora Japonica</i>	Japanese Pagoda Tree
<i>Tilia Cordata</i>	Littleleaf Linden
<i>Zelkova Serrata</i>	Japanese Zelkova
Evergreen trees	
<i>Cedrus Atlantica</i>	Atlas Cedar
<i>Chamaecyparis Thiodes</i>	White Cedar
<i>Ilex Opaca</i>	American Holly
<i>Juniperus Virginia</i>	Eastern Red Cedar
<i>Picea Species</i>	Spruces
<i>Picea Pungens Glauca</i>	Colorado Blue Spruce
<i>Pinus Mugo</i>	Swiss Mountain Pine
<i>Pinus Nigra</i>	Austrian Pine
<i>Pinus Rigida</i>	Pitch Pine

Scientific Name	Common Name
Pinus Sylvestris	Scotch Pine
Pinus Thunbergii	Japanese Black Pine
Taxus Cuspidata	Japanese Yew
Thuja Occidentalis	American Arborvitae
Small trees	
Acer Ginnala	Amur Maple
Acer Palmatum	Japanese Maple
Amelanchier Canadensis	Shadblow Serviceberry
Betula Pendula	European Birch
Betula Populifolia	Gray Birch
Carpinus Caroliniana	American Hornbeam
Cornus Florida	Flowering Dogwood
Cornus Florida Rubra	Pink Flowering Dogwood
Cornus Kousa	Japanese Dogwood
Cornus Mas	Cornelian-cherry Dogwood
Crateagus Crus-galli	Cockspur Thorn
Crateagus Phaenopyrum	Washington Hawthorn
Elaeagnus Angustifolia	Russian Olive
Magnolia Soulangeana	Saucer Magnolia
Magnolia Stellata	Star Magnolia
Magnolia Virginiana	Sweetbay Magnolia
Malus Floribunda	Japanese Flowering Crab Apple
Malus X "Katherine"	Katherine Crab Apple
Malus X "Hopa"	Hopa Crab Apple
Malus Sargentii	Sargent Crab Apple
Malus X Zumi Calocarpa	Zumi Crab Apple
Ostrya Virginiana	Hop Hornbeam
Phellodendron Amurense	Amur Cork Tree
Prunus Sargentii	Sargent Cherry
Prunus Serrulata "Kwanzan"	Kwanzan Cherry
Prunus Serotina	Wild Black Cherry
Prunus Subhirtella Pendula	Weeping Cherry
Prunus Virginiana	Chokecherry
Prunus Yedoensis	Yosbino Cherry
Pyrus Calleryana "Bradford"	Bradford Callery Pear
Sophora Japonica	Japanese Pagoda Tree
Styrax Japonica	Japanese Snowbell
Evergreen shrubs	
Berberis Species	Barberry
Ilex Species	Holly
Juniperus Species	Junipers
Kalmia Latifolia	Mountain Laurel
Leucothoe Species	Leucothoe

Scientific Name	Common Name
Mahonia Species	Mahonia
Myrica Pennsylvanica	Bayberry
Pieris Floribunda	Mountain Andromeda
Pieris Japonica	Rhondodendrons
Rhododendron Species	Yews
Taxus Cuspidata	Japanese Yew
 Deciduous shrubs	
Abelia X Grandiflora	Glossy Abelia
Amelanchier Species	Serviceberries
Aronia Arbutifolia	Red Chookberry
Berberis Species	Barberry
Clethra Alnifolia	Summersweet
Cornus Stolonifera	Redosier Dogwood
Cotoneaster Species	Cotoneasters
Evonymus Bungeanus	Winterberry
Ilex Species	Ilexes
Ligustrum Species	Privet
Lonicera Species	Honeysuckles
Prunus Maritima	Beach Plum
Rhus Typhina	Staghorn Sumax
Rosa Species	Roses
Spirea Species	Spireas
Syringa Species	Lilacs
Vaccinium Species	Blueberries
Viburnum Species	Viburnums
 Groundcover	
Arctostaphylos uva-ursi	Bearberry
Cotoneaster Horizontalis	Rock Cotoneaster
Cotoneaster Apiculata	Cranberry Cotoneaster
Hedera Helix	English Ivy
Hemerocallis Fulva	Common Daylily
Juniperus Species	Junipers
Juniperus Horizontalis	Creeping Juniper
Juniperus Horizontalis "Plumosa"	Andorra Juniper

ARTICLE XXIII

Signs

[Added 11-7-1996]

§ 224-160. Purposes.

The purposes of these sign regulations are to:

- A. Encourage the effective use of signs as a means of communication in the City of Absecon City.
- B. Maintain and enhance the aesthetic environment of the city.
- C. Increase the city's ability to attract sources of economic development and growth.
- D. Improve pedestrian and traffic safety within the city.
- E. Minimize the possible adverse effect of signs on nearby public and private property.
- F. Enable the fair and consistent enforcement of these sign restrictions.
- G. Support the need of the existing business and commercial enterprises to identify themselves.

§ 224-161. Conformance required; effect of article.

- A. A sign may be erected, placed, established, painted, created or maintained in the City of Absecon City only in conformance with the standards, procedures, exemptions and other requirements of this article.
- B. The effect of this article as more specifically set forth herein is to:
  - (1) Establish a permit system to allow a variety of types of signs in commercial and industrial zones and a limited variety of signs in residential zones, subject to the standards and permit and registration procedures of this article.
  - (2) Allow certain signs that are small, unobstructed and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this article, but without a requirement for a sign permit or registration.
  - (3) Provide for temporary signs without commercial messages in limited circumstances in the public right-of-way.
  - (4) Provide for temporary signs with commercial messages in specific circumstances on private property without the need to obtain a sign permit.
  - (5) Prohibit all signs not expressly permitted by this article.
  - (6) Provide for the enforcement of the provisions of this article.

§ 224-162. Definitions.

As used in this article, the following terms shall have the meanings indicated:

- A. General sign definitions.

SIGN — Any object, device or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

**SIGN AREA** — The entire face of a sign, including the advertising surface and any framing, trim or molding, but not including the supporting structure. Sign area shall be determined according to the method and criteria set forth in § 224-163 of this article.

**SIGN FACE** — The area or display surface of a sign used for the message.

B. Sign definitions by structural type.

**BANNER** — A sign of lightweight fabric or similar material that is mounted to a pole or a building or other structure at one or more of its edges. National flags, state or municipal flags or the official flag of any institution or business shall not be considered banners.

**PENNANT** — Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.

**SIGN, AWNING, CANOPY OR MARQUEE** — A sign that is mounted, painted or attached to an awning, canopy or marquee that is otherwise permitted by ordinance. (Refer to Illustration of Structural Sign Types.<sup>22</sup>)

**SIGN, FREESTANDING** — Any permanent sign not affixed to a building. (Refer to Illustration of Structural Sign Types.)

**SIGN, GROUND** — A freestanding sign, other than a pole sign, in which the entire bottom is in contact with the ground surface or is within 12 inches of the ground surface and is independent of any other structure. (Refer to Illustration of Structural Sign Types.)

**SIGN, POLE** — A freestanding sign that is mounted on a pole or other support so that the bottom edge of the sign face is eight feet or more above grade. (Refer to Illustration of Structural Sign Types.)

**SIGN, PORTABLE** — Any sign designed to be transported by means of wheels or signs attached to or painted on vehicles and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

**SIGN, PROJECTING** — A sign that is wholly or partly dependent upon a building for support and that projects more than 12 inches from such building. (Refer to Illustration of Structural Sign Types.)

**SIGN, ROOF** — A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the decline of a building with a mansard roof. (Refer to Illustration of Structural Sign Types.)

**SIGN, SUSPENDED** — A sign hanging down from a marquee, awning, porch, deck or any other structure that would exist without the sign.

**SIGN, TEMPORARY** — A sign not meeting the definition of a "portable sign" whose construction, material and purpose are designed or intended for a limited period of display.

<sup>22</sup> Editor's Note: The illustrations are included at the end of this chapter.

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 that does not project more than 12 inches from such building or structure.

SIGN, WINDOW — A sign placed inside a window, within three inches of the pane, or upon the window pane or glass and which is visible from the exterior of the window.

C. Sign definitions by functional type.

FLAG — Any fabric, banner or bunting containing distinctive colors, patterns or symbols used as a symbol of a government, political subdivision or other entity.

SIGN, ANIMATED OR MOVING — A sign or portion thereof that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

SIGN, BILLBOARD — A sign that 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.

SIGN, BULLETIN BOARD — A sign that identifies an institution or organization on the premises on which it is located and that 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.

SIGN, BUSINESS — A sign that 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.

SIGN, CHANGEABLE COPY — A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this article. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a time and temperature portion of a sign and not a changeable copy sign for purposes of this article.

SIGN, CONSTRUCTION — A sign erected on the premises on which construction is taking place, only during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans and the financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the structure or project.

SIGN, DIRECTIONAL — A sign limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance" and "exit."

SIGN, DIRECTORY — A sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.

SIGN, GOVERNMENTAL — A sign erected and maintained pursuant to and in discharge of any government function or required by law, ordinance or other governmental regulations.

SIGN, HOLIDAY DECORATION — A sign, primarily taking the form of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday.

SIGN, IDENTIFICATION — A sign giving the nature, logo, trademark or other identifying symbol or address or any combination of the name, symbol and address of a building, business, development or establishment on the premises where it is located.

SIGN, INCIDENTAL — A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only" and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

SIGN, ON-SITE INFORMATIONAL — A sign commonly associated with, but 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 pickup and delivery areas.

SIGN, POLITICAL — A sign announcing or supporting political candidates or issues in connection with any national, state, county or local election.

SIGN, PRIVATE SALE OR EVENT — A sign advertising private sales of personal property, such as house sales, garage sales, rummage sales and the like, or private not-for-profit or for-profit events, such as picnics, carnivals, bazaars, game nights, art fairs, craft shows or Christmas tree sales.

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.

#### § 224-163. Computation of sign area and height.

The following principles shall control the computation of sign area and sign height.

- A. Computation of area of individual signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself. Refer to Illustrations of Sign Area Calculations.<sup>23</sup>
- B. Computation of area of multifaced signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point.

<sup>23</sup> Editor's Note: The illustrations are included at the end of this chapter.

When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 36 inches apart, the sign area shall be computed by the measurement of one of the faces.

- C. Computation of height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.
- D. Computation of maximum total sign area: single frontage property. The permitted sum of the area of all individual signs on a lot and/or building shall not exceed that specified in Schedule B, Maximum Total Sign Area.<sup>24</sup>
- E. Computation of maximum total sign area: multifrontage property. In the case of a building fronting on two or more streets, the maximum total sign area shall be computed as follows:
  - (1) The permitted sign area for each building facade shall be determined by the percentage specified in Schedule B.
  - (2) The permitted sign area determined for the individual building facade must be oriented to the fronting street for that facade and may not be applied to the other building facade(s), except for corner properties which are addressed below in Subsection E(3).
  - (3) Corner property signage shall be based on the sum of the total signage allotted to the two frontages and allocated in the discretion of the owner within the maximum total allowance and any other functional, size or structural regulations.
  - (4) The maximum total sign area for the entire property shall not exceed that specified in Schedule B.
- F. Computation of maximum total sign area: White Horse Pike frontage. The maximum total sign area for properties located in the Community (C2) and Central Business (C1) Districts with frontage only on the White Horse Pike (U.S. Route 30) shall be computed by applying the criteria for the Highway Commercial (HC) District as specified in Schedule B and Schedule C, Part 3.
- G. Computation of maximum total sign area: dual frontage property on New Jersey Avenue and White Horse Pike. In the case of a building fronting on both New Jersey Avenue and the White Horse Pike in the Central Business District, the maximum total sign area shall be computed as follows:
  - (1) The permitted sign area for the building facade fronting on New Jersey Avenue shall be determined by the percentage specified in Schedule B for the Central Business District.
  - (2) The permitted sign area for the building facade fronting on White Horse Pike shall be determined by the percentage specified in Schedule B for the Highway Commercial District.

<sup>24</sup> Editor's Note: Schedule B is included at the end of this chapter.

- (3) The permitted sign area determined for the individual building facade must be oriented to the fronting street for that facade and may not be applied to the other building facade(s), except for corner properties which are addressed above in Subsection E(3).
- (4) The number and dimensions of the signs shall be determined by applying the criteria from Schedule C, Part 2, for the New Jersey Avenue frontage and from Schedule C, Part 3, for the White Horse Pike frontage.

#### § 224-164. General standards.

The following general standards shall apply to all signs:

##### A. Illumination.

- (1) In no event shall a sign be illuminated by other than a shielded or otherwise indirect, nonflashing light source.
- (2) In no event shall an illuminated sign be placed so as to allow the illumination therefrom to be directed to any adjacent public or private property so as to cause glare or reflection that may constitute a nuisance or traffic hazard.
- (3) No illuminated sign located on a lot adjacent to or across from any residential district and visible from such residential district shall be illuminated between the hours of 11:00 p.m. and 7:00 a.m., unless the use to which the sign pertains is open for business.
- (4) Neon signs are not prohibited by the above language.

##### B. Obstruction of accessways. No sign or sign structure shall obstruct free ingress to or egress from a fire escape, door, window which can be opened or other required accessway.

##### C. Traffic safety.

- (1) No sign shall be maintained at any location where, by reason of its position, size, shape, content or color, it may obstruct, impair, obscure, interfere with the view of or be confused with any traffic control sign, signal or device or where it may interfere with, mislead or confuse traffic circulation.
- (2) No sign, nor any part of a sign other than a supporting pole or brace, no greater than 10 inches in width or diameter shall obstruct the sight triangle required under the provisions of this chapter.

##### D. Landscaping.

- (1) All ground and pole signs shall be landscaped at their base in such a manner as to highlight the immediate area surrounding the sign.
- (2) There shall be a minimum of 25 square feet of landscaped area at the base of any ground or pole sign in the Highway Commercial District, Highway Development District or Design Commercial District.

- (3) Landscaping at the base of a ground or pole sign is encouraged but not required in the Central Business District or Community Business District or for home professional offices in residential districts.
- (4) Landscaping is defined as any appropriately maintained ground cover, such as vegetation or decorative stone.

§ 224-165. Signs on private property.

Signs shall be allowed on private property in the City of Absecon City in accordance with Schedule A.<sup>25</sup> However, any sign, whether requiring a permit or not, shall be allowed only if:

- A. The sum of the area of all building and freestanding signs on the lot conforms to the maximum permitted sign area as specified in Schedule B; and
- B. The size, location and number of signs on the lot conform to the requirements of Schedule C, Parts 1 through 5, as applicable, which establish permitted sign dimensions by sign type, and with any additional limitations listed in Schedule B.

§ 224-166. Permits required.

- A. If a sign requiring a permit under the provision of this article is to be placed, constructed, erected or modified on a lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection or modification of such a sign in accordance with the requirements of § 224-167.
- B. No signs shall be erected in the public right-of-way except in accordance with § 224-169 and the permit requirements of § 224-167.
- C. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this article (including those protecting existing signs) in every respect and with the site plan approvals in effect for the property.
- D. Permits are required for signs which require construction approval and/or a building which requires site plan review. Annual registration, not a permit, is required for all other signs which conform to the requirements of this article.

§ 224-167. Application for sign registration.

- A. Private property. Application for the erection, relocation or expansion of a sign on private property shall be made to the Building Inspector and shall include the following information:
  - (1) Name and address of the owner of the sign.
  - (2) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.

<sup>25</sup> Editor's Note: Schedules A, B and C are included at the end of this chapter.

- (3) The structural and functional type of the sign as defined within this article.
  - (4) A plot plan prepared by the owner or his agent with sufficient measurements and dimensional detail showing the proposed location of the sign, along with the locations of all existing buildings and signs on the property, if any. This plan does not require the seal of a licensed New Jersey professional engineer, land surveyor or architect.
- B. Signs within the public right-of-way.
- (1) Application for the erection or relocation of a temporary sign within the public right-of-way shall be made to the Municipal Clerk and shall include the following information:
    - (a) Name and address of the owner of the sign.
    - (b) The location of the sign with the public right-of-way.
    - (c) The location of the structures, building or poles that will be used to support the sign over the street or right-of-way.
    - (d) The dimension and size of the proposed sign, including sign area calculations.
    - (e) The date of installation and removal.
  - (2) If the Municipal Clerk does not have sufficient grounds or information to grant the temporary sign permit, the application shall be referred to the City Council for review.
- C. Signs as part of an application for development. Signs on structures or buildings subject to the review of the Planning Board as part of a major or minor site plan, site plan modification or request for site plan waiver shall require the review and approval of the Board prior to the issuance of a building permit. In those cases the site plan application shall supersede and replace the application for sign permit, provided that the information specified in Subsection A is included as part of the application for development.

§ 224-168. Design, construction and maintenance.

All signs shall be designed, constructed and maintained in accordance with the following standards:

- A. All signs shall comply with applicable provisions of the BOCA Code and the National Electrical Code or any other applicable code or ordinance as adopted by the City of Absecon City at all times.
- B. Except for banners, flags, temporary signs, changeable copy signs and window signs conforming in all respects to the requirements of this article, all other signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
- C. All signs shall be maintained in good structural and physical condition, in compliance with all building and electrical codes and in conformance with this chapter, at all times.

## § 224-169. Signs in the public right-of-way.

- A. No signs shall be allowed in the public right-of-way, except for the following:
- (1) Permanent signs.
    - (a) Governmental signs erected by or on behalf of the City of Absecon City, County of Atlantic or State of New Jersey to post legal notices, identify public property, convey public information and direct or regulate pedestrian or vehicular traffic.
    - (b) Bus stop signs erected by New Jersey Transit.
    - (c) Informational signs of a public utility regarding its poles, lines, pipes or facilities.
    - (d) Existing awning, canopy or marquee signs projecting over a public right-of-way subject to the conditions of § 224-174 of this article.
    - (e) Signs overhanging and projecting into the public right-of-way as approved by the Municipal Council.
  - (2) Temporary signs. Temporary signs for which a permit has been issued in accordance with § 224-167 which shall be issued only for signs meeting the following requirements:
    - (a) Term and number of permits. The term of such a permit shall not exceed 60 days. No more than one permit for temporary signs shall be issued to any one applicant or organization in any calendar year.
    - (b) Number of signs. The number of signs shall be determined on a case-by-case basis depending on the event, sign location and size.
    - (c) Content and purpose. The purpose of these signs shall be expressly for or related to the promotion of the public welfare, advancement of community purposes or in support of charitable organizations. No message of strictly commercial purposes shall be permitted.
  - (3) Emergency signs. Emergency warning signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way.
- B. Other signs forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City of Absecon City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

## § 224-170. Exempt signs.

The following signs shall be exempt from regulation under this article:

- A. Any public notice or warnings required by a valid and applicable federal, state, county or local law, regulation or ordinance.

- B. Works of art that do not include a commercial message.
- C. Holiday lights and decorations with no commercial message.
- D. Incidental signs on private property erected for the purpose of traffic control, the face and dimension of which meet New Jersey Department of Transportation standards and which contain no commercial message of any sort.
- E. Flags of the United States, the State of New Jersey, County of Atlantic, City of Absecon City or foreign nations having diplomatic relations with the United States and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

§ 224-171. Prohibited signs.

- A. All signs not expressly permitted under this article or exempt from regulation hereunder in accordance with the previous section are prohibited in the City of Absecon City. Such signs include, but are not limited to:
  - (1) Beacons.
  - (2) Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section.
  - (3) Inflatable signs and tethered balloons.
  - (4) Portable signs.
- B. The use of beacons, inflatable signs and tethered balloons as temporary signage for special events as designated in § 224-173 may be permitted.

§ 224-172. Signs permitted in all zoning districts.

The following signs are allowed in all zoning districts of the City of Absecon City without the issuance of a sign permit:

- A. Signs within residential districts not exceeding two square feet in area and bearing only property numbers, post office box numbers or names of the occupants of the premises.
- B. Construction signs, limited to one nonilluminated sign for each street frontage of a construction project, not to exceed 16 square feet in sign area in residential districts or 24 square feet in sign area in all other zones. Such signs may be erected 60 days prior to the beginning of construction and shall be removed 30 days following completion of construction.
- C. Real estate signs, limited to one nonilluminated sign for each street frontage of a listed lot or premises, not to exceed six square feet in sign area in residential districts or 12 square

feet in sign area in all other zones. Such signs shall be removed within 24 hours following settlement of the property sale, rental or leasing of the real estate involved.

- D. Political signs, nonilluminated, which may be erected 60 days prior to the election or referendum concerned and shall be removed 10 days after the election or referendum.
- E. Temporary signs and decorations, including but not limited to banners, beacons, pennants, inflatable signs and tethered balloons, displayed as an integral part of a grand opening of a legally permitted commercial use for a period not to exceed 30 days.

§ 224-173. Temporary signs on private property.

Temporary signs on private property, excluding those signs permitted without review in § 224-172, shall be allowed only upon issuance of a temporary sign permit, which shall be subject to the following requirements:

- A. Term. The length of time for a temporary sign is 30 days.
- B. Number. There is no limit as to the number of temporary signs throughout the year or at any given time.
- C. Sign area. Temporary sign area is included in the total signage area permitted and can be any percentage of that amount.
- D. Other conditions. A temporary sign shall be allowed only in the districts designated in Schedule A.<sup>26</sup>

§ 224-174. Nonconforming signs.

- A. Nonconforming existing signs.
  - (1) All signs which were in existence as of April 27, 1995, shall be deemed to be nonconforming existing signs which shall be permitted to continue pursuant to this article.
  - (2) Signs which came into existence after April 27, 1995, and which are not in conformity with this article must be in conformity within one year of the effective date of this article.
- B. Signs included as part of a site plan approval. Signs that are the subject of site plan applications received after the enactment of this article shall be subject to all of the terms and conditions of this article and shall not be entitled to the protection of Subsection A.

§ 224-175. Violations and penalties.

Any of the following shall be a violation of this article and shall be subject to the enforcement remedies and penalties provided by this article and by state law:

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<sup>26</sup> Editor's Note: Schedule A is included at the end of this chapter.

- A. To install, create, erect or maintain any sign in a way that is inconsistent with any site plan approval or sign permit governing such sign or the lot on which the sign is located.
- B. To install, create, erect or maintain any sign requiring a permit without such a permit.
- C. To fail to remove any sign that is installed, created, erected or maintained in violation of this article, or for which the sign permit has lapsed.

## ARTICLE XXIV

## Performance Guaranties and Improvement Costs

## § 224-176. Performance guaranties.

- A. Performance guaranties shall be posted prior to the granting of final developmental approval.
- B. Performance guaranties shall be submitted in favor of the City of Absecon City in an amount not to exceed 120% of the cost of installation for improvements it may deem necessary or appropriate, including streets, grading, pavement, gutters, curbs, sidewalks, streetlighting, shade trees, surveyor's monuments, 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, other on-site improvements and landscaping. Ten percent of the total performance guaranty shall be in cash, deposited with the City Clerk, and the remaining 110% shall be in a form acceptable to the City Attorney. Such guaranties may be usable at any point by the city for the nonperformance of the applicant. Such guaranties shall run for a period of 18 months, subject to extension by the City Council for an additional period of 18 months.
- C. If the required improvements are not completed or corrected in accordance with the performance guaranties within the time limit or extension, the obligor and surety shall be liable thereon to the city for all reasonable costs of improvements not installed, and, upon receipt of the proceeds thereof, the city shall install such improvements.
- D. Prior to acceptance of a performance guaranty by the City Council, the Council shall receive:
  - (1) A letter from the City Engineer stating that the proposed bond covers all items required.
  - (2) A list of the items covered and their cost.
  - (3) A letter of approval from the City Attorney as to bond form.
  - (4) A letter from the City Engineer and Planning Board stating that the plans meet all specifications.
- E. Following acceptance of a performance guaranty by the City Council, a letter so stating shall be sent to the Planning Board prior to signing of final plats for the development.
- F. Prior to release of a performance guaranty in full or in part in accordance with N.J.S.A. 40:55D-53, the City Council shall receive:
  - (1) A recommendation from the Planning Board.

- (2) As-built plans of all utilities and roads approved by the City Engineer.
- (3) A statement from the developer/subdivider that there are no liens or other legal encumbrances on any of the improvements or utilities to be deeded.
- (4) Deeds, free and clear from all encumbrances, for all streets, public easements, drainage easements or other dedicated lands.
- (5) An acceptable maintenance guaranty as outlined in § 224-177.

§ 224-177. Maintenance guaranty.

- A. All improvements required by the Planning Board shall, prior to the release of performance guaranties, be covered by a maintenance guaranty running in favor of the city in the amount of 15% of the estimated cost of improvements, as determined by the City Engineer. Said bond shall run for a period of two years following acceptance by the city and shall provide for proper repair and/or replacement during this period. In the event that all improvements have been completed prior to granting of final approval by the Planning Board, the maintenance bond shall be posted before final plat approval. Maintenance bonds will be approved as to form by the City Attorney.
- B. In the event that other governmental agencies or public utilities will automatically own the utilities to be installed or the improvements are covered by a performance or maintenance guaranty to another governmental agency, no performance or maintenance guaranty shall be required by the municipality for such utilities or improvements.

§ 224-178. Acceptance of roads.

- A. City Council shall not accept any roadway or other improvement until the maintenance guaranty has been posted and all deficiencies corrected or repaired. The city may, however, agree to perform limited services if requested, in writing, by the subdivision developer and if held harmless for any damages resulting from such action.
- B. A deed for any roadway or improvement shall be submitted to the City Council prior to being recorded after the twenty-four-month period and upon certification from the City Engineer that no further maintenance is required. The deed will be approved by the City Attorney and recorded at the expense of the subdivider.

§ 224-179. Off-tract improvements.

- A. Any subdivision which requires off-tract improvements, as defined below, shall comply with the provisions of this section.
- B. Definition. An off-tract improvement shall be one or more required improvements necessary for successful completion of a development in the interest of furthering public health, safety and general welfare and located outside the bounds of the owner's or subdivider's property. Off-tract improvement shall be required where:

- (1) The existing service serving the geographic area or subarea is already operating at a deficient level.
  - (2) The new development will make such present level of service deficient according to engineering and professional standards.
- C. The proportionate contribution of any such off-tract improvement to the owner or subdivider shall be reasonably related to the relative benefit or use of the total area served in line with the following formulas:
- (1) Street widening, alignment, corrections, channelization of intersections, construction of barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, utility improvements not covered elsewhere, the construction of new streets and other similar street or traffic improvements. The owner's or subdivider's proportionate cost shall be in the ratio of the estimated peak-hour traffic generated by the proposed property or properties to the sum of the present deficiency in peak-hour traffic capacity of the present facility and the estimated peak-hour traffic generated by the proposed development. The ratio thus calculated shall be increased by 10% for contingencies.
  - (2) Water distribution facilities, including the installation of new water mains, the extension of existing water mains, the relocation of such facilities and the installation of other appurtenances associated therewith. The owner's or subdivider's proportionate cost shall be in the ratio of the estimated daily use of water from the property or properties in gallons to the sum of the deficiency in gallons per day for the existing system or subsystem and the estimated daily use of water for the proposed development. The ratio thus calculated shall be increased by 10% for contingencies.
  - (3) Sanitary sewage distribution facilities, including the installation, relocation or replacement of collector and interceptor sewers and the installation, relocation or replacement of other appurtenances associated therewith. The owner's or subdivider's proportionate cost shall be in the ratio of the estimated daily flow in gallons to the sum of the present deficient capacity for the existing daily flow from the proposed project or development. In the case where the peak flow from the proposed development may occur during the peak flow period for the existing system, the ratio shall be the estimated peak flow rate from the proposed development in gallons per minute to the sum of the present peak flow deficiency in the existing system or subsystem and the estimated peak flow rate from the proposed development. The greater of the two ratios thus calculated shall be increased by 10% for contingencies and shall be the ratio used to determine the cost to the owner or subdivider.
  - (4) Drainage facility improvements shall be based upon the percentage relationship between the subdivision acreage and the total acreage of the drainage basins imparted upon plus 10% for contingencies.
  - (5) Other facilities or services shall be determined by use of equitable formula.
- D. Planning Board determination of required off-tract improvements shall be guided by the zoning articles, land use element and such professional advice as it may deem necessary for the specific project. Once it has determined that one or more off-tract improvements are necessary, the Board shall notify the City Council via resolution of its findings and shall

provide an estimate of cost, a suggested pro-rata share for the development in question and suggested means of payment. The Board shall not take final action on a preliminary subdivision until all aspects of such agreements have been mutually agreed to by developer/subdivider and the City Council and the Board has been advised, in writing, by the Council.

- E. Implementation. Where a performance or maintenance guaranty is required in connection with off-tract improvement, the procedures outlined in §§ 224-176 and 224-178 of this article shall be followed. Cash contributions where required by agreement shall be deposited with the City Clerk who shall place them in an escrow account for the purposes outlined. If improvements are not completed within 10 years, the funds shall be returned to the subdivider/developer under terms outlined by the City Attorney. Cash contributions shall not be required where county or state agencies have jurisdiction over subject improvements and where those units require a guaranty that would represent a duplication.
- F. Prior to release of a performance guaranty for off-tract improvements in full or in part, in accordance with N.J.S.A. 40:55D-53, the City Council shall receive:
- (1) A recommendation from the Planning Board.
  - (2) As-built plans of all utilities and roads approved by the City Engineer.
  - (3) A statement from the developer/subdivider that there are not liens or other legal encumbrances on any of the improvements or utilities to be deeded.
  - (4) Deeds, free and clear from all encumbrances, for all streets, public easements, drainage easements or other dedicated lands.

#### ARTICLE XXV

#### Enforcement; Penalties; Appeals

##### § 224-180. Enforcement.

All provisions of this chapter shall be enforced by the Construction Official of Absecon City. In no case shall a building permit be issued for construction or alteration of use/or any building be issued where such construction or alteration would be in violation of any provision of this chapter. The Construction Official shall be authorized to grant permits where provisions of this chapter have been complied with, to make inspections and to examine plans and specifications. The Construction Official shall keep careful and comprehensive records of all applications, permits issued, inspections made and notices issued. The City Tax Assessor shall receive a copy of all permits.

##### § 224-181. Assistant Zoning Officer.

There is hereby established a position of Assistant Zoning Officer in and for the City of Absecon City. The term of office for the Assistant Zoning Officer shall be one year from the date of his appointment. The Assistant Zoning Officer shall assist the Zoning Officer in ascertaining any violations of the Zoning Ordinance of the City of Absecon City, specifically but not limited to § 224-106, General regulations, and Ordinance No. 14 of 1985 (the

Appearance Ordinance). The Assistant Zoning Officer's work schedule and salary shall be fixed by the City Council of the City of Absecon City annually. The Assistant Zoning Officer shall be under the direct authority of the Zoning Officer.

§ 224-182. Permits for major subdivisions.

No building permits shall be issued for alteration or construction of buildings or structures, sign construction or change in use until final site plan approval has been granted as required in this chapter.

§ 224-183. Other permits.

No building permits shall be issued for alteration or construction of buildings or structures, sign construction or change in use until final site plan approval has been granted as required in this chapter.

§ 224-184. Certificate of occupancy.

No certificate of occupancy for any dwelling, building or structure shall be granted by the Construction Official unless all required improvements have been installed or completed.

§ 224-185. Certificate of approval.

Certificates of approval for subdivisions and site plans shall be issued by the City Clerk upon receipt of a signed approved plat from the appropriate board.

§ 224-186. Applications.

Applications for all permits and certificates provided in this article shall be made upon the proper form and accompanied by the fee prescribed in Article XXVI.

§ 224-187. Violations and penalties.

A. The following penalties shall be imposed for violation of the provisions of this chapter:

- (1) Sale before approval. If, before final approval has been granted, any person transfers, sells or agrees to sell as owner or agent any land which forms a part of a subdivision on which, by ordinance, the Planning Board is required to act, such person shall be subject to a fine not to exceed \$500 or imprisonment not to exceed 30 days, and each lot or parcel so disposed of shall be deemed a separate violation.
- (2) Any other violation of the provisions of this chapter shall be punishable by a fine not to exceed \$500 or imprisonment not to exceed 30 days. Each day that a violation shall continue shall constitute a separate violation.

- B. Nothing in this article shall be construed to limit the City of Absecon City's right to institute and maintain a civil action, to seek active injunctive relief or to set aside or invalidate any conveyance made pursuant to a contract of sale.

§ 224-188. Denial of permits and certificates.

Where a permit or certificate is denied, the official responsible shall send promptly to the applicant, at the address given on the application, a notice of decision setting forth the reasons for denial.

§ 224-189. Issuance of permits and certificates; expiration.

Building permits shall be issued separately for each lot and shall lapse one year after issued. Certificates of occupancy shall be granted or denied within 10 days of application, if all city requirements are complied with, in the case of new construction, within 30 days in the case of alterations and conversions and within 30 days following Zoning Board approval in the case of nonconforming uses and variances. Such certificates shall lapse 90 days after issued. Minor and major subdivision approvals shall expire unless properly recorded pursuant to §§ 224-137 and 224-150, respectively, of this chapter.

§ 224-190. Board powers; appeals; public notice.

For purposes of this chapter, the Zoning and Planning Boards of the City of Absecon City shall exercise the following powers:

- A. The Planning Board of the City of Absecon City shall enforce the subdivision, site plan and certain of the zoning articles of this chapter.
- (1) Subdivision/site plan. The City Council of the City of Absecon City requires, with passage of this chapter, Planning Board approval by resolution of subdivision plats as a condition for filing of such plats with the County Recording Office and Planning Board approval by resolution of site plans as a condition for the issuance of a permit for any development, except as provided in Article XXII or in those cases specified below where Zoning Board of Adjustment approval shall be required.
  - (2) The Planning Board, when reviewing applications for approval of subdivision plats, site plans or conditional uses, shall have the power to grant, to the same extent and subject to the same restrictions as the Zoning Board of Adjustment, variances pursuant to N.J.S.A. 40:55D-70c.
  - (3) Additionally, the Planning Board, when reviewing applications for approval of subdivision plats, site plans or conditional uses, shall have the power to grant, to the same extent and subject to the same restrictions as the Zoning Board of Adjustment, direction pursuant to N.J.S.A. 40:55D-34 for issuance of a permit for a building or structure in the bed of a mapped street or public drainageway, flood-control basin or public area reserved pursuant to N.J.S.A. 40:55D-32 and direction pursuant to N.J.S.A. 40:55D-36 for issuance of a permit for a building or structure not related to a street.

B. The Zoning Board of Adjustment of the City of Absecon City shall enforce the zoning articles of this chapter, except as provided above, and in certain instances site plan/subdivision articles.

- (1) Zoning. The City Council of the City of Absecon City provides, with passage of this chapter, for continuation of the city's Zoning Board of Adjustment and vests the Board with the power to:
  - (a) Hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision or refusal made by an administrative office based on or made in the enforcement of the Zoning Ordinance.
  - (b) Hear and decide, in accordance with provisions of the zoning articles of this chapter, requests for interpretation of the Zoning Map or articles or for decisions upon other special questions upon which the Board is authorized to pass by the zoning articles.
  - (c) Grant a hardship variance where the strict application of the zoning articles of this chapter, as they apply to a specific piece of property of exceptional narrowness, shallowness, shape, exceptional topographic conditions or other extraordinary and exceptional situation or condition, would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the developer of such property. However, no such variance shall be granted to allow a structure or use in a district restricted against such structure or use, and provided that the proposed development does not require subdivision/site plan or conditional use approval of the Planning Board.
  - (d) Grant, in particular cases and for special reasons, a variance to allow a structure or use in a district restricted against such structure or use, but only by an affirmative vote of at least five members.
  - (e) Direct issuance of a permit for a building or structure in the bed of a mapped street, public drainageway, flood-control basin or public area reserved and issuance of a permit for a building or structure not related to a street in conjunction with Sections 23, 24, 27 of the New Jersey Land Use Law, Chapter 291 of the Laws of 1975.<sup>27</sup>
  - (f) Grant conditional use approval in conjunction with review for a use variance as specified in Subsection B(1)(d) above, provided that the Board shall have 120 days from the filing of a completed application with the City Clerk or such additional time as may be mutually agreeable to the Board and developer.

§ 224-191. County review.

Wherever review or approval of an application by the County Planning Board is required by Section 5 of P.L. 1968, c. 265 (N.J.S.A. 40:27-6.3) for submissions or Section 8 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.6) for site plans, the Municipal Boards (Planning and Zoning) shall

<sup>27</sup> Editor's Note: See N.J.S.A. 40:55D-32, 40:55D-33 and 40:55D-36, respectively.

condition all approvals upon timely receipt of a favorable report on the application by the County Planning Board.

§ 224-192. Appeals.

A. The appeal process for official actions taken with regard to any portion of this chapter shall be as outlined in prior articles and sections and as further outlined below.

(1) Appeals to the Board of Adjustment.

(a) Appeals may be taken by an interested party affected by an administrative office of the City of Absecon City based on or made in the enforcement of the zoning articles of this chapter. Such appeal shall be taken within 65 days of official action by filing a notice of appeal with the office from which the appeal is taken specifying the grounds of such appeal.

(b) The Board shall render a decision not later than 120 days after the date an appeal is taken. In its decision the Board may reverse or affirm, wholly or in part, or modify the action, order, requirement, interpretation or determination of the original decision. An appeal to the Board shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made, unless the officer from whose action the appeal is taken certifies to the Board, after filing of the appeal, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court.

(2) Appeals to the City of Absecon City Council.

(a) Any interested party may appeal to the City Council any final decision of the Board of Adjustment approving an application for development pursuant to N.J.S.A. 40:55D-57(d).

(b) All appeals to the City Council shall be conducted in accordance with the requirements of the State of New Jersey Municipal Land Use Law.<sup>28</sup>

(c) Notice of the meeting to review the record below shall be given by the governing body by personal service or certified mail to the appellant, to those entitled to notice of a decision and to the board from which the appeal is taken at least 10 days prior to the date of the meeting. The parties may submit oral and written argument on the record at such meeting, and the governing body shall provide for verbatim recording and transcripts of such meeting.

(d) The governing body shall conclude a review of the record below not later than 95 days from the date of publication of notice of the decision below unless the appellant consents, in writing, to an extension of such period. The appellant shall arrange for a transcript for use by the governing body. Failure of the governing body to hold a hearing and conclude a review of the record below and to render a

decision within such specified period without such written consent of the appellant shall constitute a decision affirming the action of the board.

- (e) The governing body may reverse, remand or affirm, wholly or in part, or may modify the final decision of the Planning Board or Board of Adjustment, as the case may be.
  - (f) The affirmative vote of a majority of the full authorized membership of the governing body shall be necessary to reverse, remand or modify any final action of either board.
  - (g) An appeal to the governing body shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made, unless the board from whose action the appeal is taken certifies to the governing body, after the notice of appeal shall have been filed with such board, that by reason of facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court on application, upon notice to the board from which the appeal is taken and on good cause shown.
  - (h) The governing body shall mail a copy of the decision to the appellant or, if represented, then to his attorney without separate charge and, for a reasonable charge, to any interested party who has requested it not later than 10 days after the date of the decision. A brief notice of the decision shall be published in the official newspaper of the municipality, if there is one, or in a newspaper of general circulation in the municipality. Such publication shall be arranged by the applicant unless a particular municipal officer is so designated by ordinance, provided that nothing contained herein shall be construed as preventing the applicant from arranging such publication if he so desires. The governing body may make a reasonable charge for its publication.
- B. The period of time in which an appeal to a court of competent jurisdiction may be made shall run from the first publication, whether arranged by the municipality or the applicant.
- C. Nothing in this chapter shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction according to law.

#### § 224-193. Hearings.

Hearings shall be held by the Planning and Zoning Boards for all developmental applications. Notice of such hearing in accordance with the public notice requirements listed below shall be provided for by the applicant/developer/subdivider for all applications, except those for minor subdivisions and conventional site plans and final subdivision approval if such applications do not require the Planning Board to exercise its ancillary jurisdiction pursuant to N.J.S.A. 40:55D-60.

- A. Public notice shall be given pursuant to N.J.S.A. 40:55D-12. At least 10 days prior to the date of the hearing, a notice of hearing shall be given stating the date, time and place of the hearing and nature of the matters to be considered and identification of the property proposed for development by street address, if any, or by reference to lot and block

numbers as shown on the current tax duplicate in the Municipal Tax Assessor's office and the location and times at which maps and exhibits for which approval is sought are available for inspection.

- (1) Such notice shall be given as follows:
  - (a) By publication in the official newspaper of the City of Absecon City.
  - (b) To all owners of real property as shown on the current tax duplicate located within 200 feet in all directions of the property which is the subject of the hearing, which notice shall be given by serving a copy thereof on the owner, as shown on the current tax duplicate, or his agent in charge of the property or by mailing a copy thereof by certified mail to the property owner at his address as shown on said current tax duplicate. It is not required that a return receipt be obtained. Notice is deemed complete upon mailing (N.J.S.A. 40:55D-14).
  - (c) 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, the 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. Where notice is required to be given to owners of all real property as shown on the current tax duplicate and within 200 feet of the subject property, this requirement shall be deemed satisfied by notice to the condominium association in the case of any unit owner whose unit has a unit above or below it.
  - (d) To the Clerk of any adjoining municipality or municipalities and to the County Planning Board when the property involved is located within 200 feet of said adjoining municipality or municipalities, which notice shall be given by personal service or certified mail.
  - (e) To the County Planning Board when the application for development involves property adjacent to an existing county road or proposed road shown on the Official County Map or a County Master Plan or adjoining other county land.
  - (f) To the Commissioner of Transportation of the State of New Jersey when the property abuts a state highway.
  - (g) To the Director of the Division of State and Regional Planning in the Department of Community Affairs when the hearing involves an application for development of property which exceeds 150 acres or 500 dwelling units, in which case the notice shall include a copy of any maps or documents required to be on file with the Municipal Clerk, pursuant to N.J.S.A. 40:55D-10b.
- (2) Upon written request from the applicant, the City Clerk will provide a certified list from the current tax duplicate of the names and addresses of owners within 200 feet

- of the subject property to whom the applicant is required to give notice for a fee not to exceed \$0.25 per name or \$10, whichever is greater.
- B. Each decision on an application for development shall be reduced to writing as provided in this subsection and shall include findings of fact and conclusions based thereon.
- (1) 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 the application.
  - (2) The board may provide such written decision and findings and conclusions either on the date of the meeting at which it takes action to grant or deny approval or, if the meeting at which such action is taken occurs within the final 45 days of the applicable time period for rendering a decision on the application for development, within 45 days of such meeting by the adoption of a resolution of memorialization setting forth the decision and the findings and conclusions thereon. An action resulting from the failure of a motion to approve an application shall be memorialized by resolution as provided above, notwithstanding that the time at which such action occurs is within the applicable time period for rendering a decision on the application.
  - (3) The adoption of a resolution of memorialization 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 who voted for the action previously taken, and no other member shall vote thereon. The vote of such resolution shall be deemed to be a memorialization of an action of the Board and not to be an action of the Board, except that failure to adopt such a resolution within the forty-five-day period shall result in the approval of the application for development, notwithstanding any prior action taken thereon.
  - (4) Whenever a resolution of memorialization is adopted, the date of such adoption shall constitute the date of the decision for purposes of the required mailings, filings and publications.
  - (5) A copy of the decision shall be mailed within 10 days of the date of the decision to the applicant or, if represented, then 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 office of the City Clerk. The City Clerk shall make a copy of such filed decision available to any interested party for a reasonable fee and available for public inspection at reasonable hours.
  - (6) A brief notice of the decision shall be published in the newspaper of the City of Absecon City by the Secretary of the Zoning and Planning Boards, and the cost is to be paid by the applicant. The period of time in which an appeal of the decision may be made shall run from the first publication of the decision.

§ 224-194. Low- and moderate-income housing.

- A. Controls on affordability. Any developments with inclusionary low- and moderate-income housing units shall meet the following requirements:

- (1) Type of control. Control of affordability shall be by deed restriction filed with the county recording officer and the city.
- (2) Length of control.
  - (a) Rental and sales units: 20 years.
  - (b) Rehab owner-occupied units: 6 years.
  - (c) Rehab renter-occupied units: 10 years.
- (3) Administration. The Planning Board shall administrate affordability controls by review of initial documents which set affordability levels, including leases, sales agreements, etc., and any subsequent turnover, sale, resale or sublease by review of appropriate documents.
- (4) Affordability levels. Levels of affordability shall be those established by the Council on Affordable Housing (COAH) as follows:
  - (a) Owner-occupied. Monthly housing cost shall not exceed 28% of gross monthly income. Housing cost includes, after a ten-percent downpayment, monthly principal, interest, taxes, insurance and condo fees.
  - (b) Renter-occupied. Rent, excluding utilities, shall not exceed 30% of gross monthly income.
- (5) Family size and income. The basis for low and moderate income shall be the family size and Section 8 Housing and Urban Development (HUD) income limits as follows:
 

Unit Size	Household
Efficiency	1 person
1 bedroom	2 persons
2 bedrooms	3 persons
3 bedrooms	5 persons
4 bedrooms	7 persons
- (6) Annual increases. The price and rent of affordable units may be increased annually according to increases in Section 8 income limits.

B. The following additional requirements shall apply to inclusionary developments:

- (1) Bedroom mix (not applicable to elderly units):
  - (a) Efficiency units: maximum of 20%.
  - (b) Two-bedroom units: minimum of 35%.
  - (c) Three-bedroom units: minimum of 15%.

- (2) Range of affordability. For purchased housing an average price of 57.5% of median income shall be utilized as best as practicable, with the following distribution of prices for each 20 units:

Low-Range		Moderate-Range	
Units	Percentage	Units	Percentage
1	40.0% to 42.5%	1	50.1% to 57.5%
3	42.6% to 47.5%	1	57.6% to 64.5%
6	47.6% to 50%	1	64.6% to 68.5%
		1	68.6% to 72.5%
		2	72.6% to 77.5%
		4	77.6% to 80%

- (3) Affirmative marketing: An affirmative marketing program shall be provided as described in applicable COAH rules (5.92 to 15.2).
- C. Changes to affordability controls. Upon submission of evidence satisfactory to the Planning Board that affordability controls may be considered. Evidence regarding such unmarketability shall include, but not necessarily be limited to, the following:
- (1) An adequate affirmative marketing program has been in place in accordance with Subsection G(3) above.
  - (2) The units in question have been on the market for a period of at least one year, including evidence of such marketing.
  - (3) Documentation of specific marketability controls which have prohibited the marketing of such units.
- D. The affordability rules established above, with the exception of Subsection H, are drawn from and intended to be in accordance with rules of the New Jersey Council on Affordable Housing.

ARTICLE XXVI  
Fees and Escrows

§ 224-195. Fees and escrows.

- A. The applicant, at the time of filing a submission to the Planning Board and Zoning Board, shall pay to the City of Absecon City the required application fees and escrows. The application fees are nonrefundable. The escrows will be paid to the city and are held to cover the costs of Board professional services and other expenses and administrative costs.
- B. The required escrows are estimates, and the actual amounts needed may be less than or more than the amounts indicated. Any escrow funds not used will be returned to the applicant at the conclusion of the matter without interest. If the escrow funds are substantially depleted before the conclusion of the matter, the applicant will be required to post additional funds in order to return the escrows to the original required amounts and to have the matter proceed.

- C. If at the conclusion of the matter there are not sufficient escrow funds to cover all costs of the city, a bill for such deficiency will be submitted to the applicant and will be paid immediately. In the event that it is necessary for the city to file suit to collect any unpaid costs, the applicant will be responsible for all costs of collection, including reasonable attorney's fees. The city may enforce payment by the withholding of building permits or certificates of occupancy.
- D. Where one submission included more than one application or request for relief, or where preliminary and final approval is sought simultaneously, the applicant shall be responsible for payment of the sum of all of the individually required fees and escrows. The Board may, however, waive any portion of the required escrows where it appears reasonably likely that the full amount normally required would not be necessary. The applicant would not be relieved of the obligation to post the full required escrow amounts should the Board subsequently determine it to be necessary. Also, the applicant would still remain responsible for paying the actual amount of Board expenses and costs.
- E. Application fees.
- (1) Minor subdivision: \$100 plus \$50 per lot.
  - (2) Major subdivision:
    - (a) Preliminary: \$200 plus \$30 per lot.
    - (b) Final: \$100 plus \$20 per lot.
  - (3) Site plans.
    - (a) Preliminary.
      - [1] Minor nonresidential (new building, structure or addition that is 5,000 square feet or less requiring 25 parking spaces or less):  
\$100 plus \$25.00 per 1,000 square feet or fraction up to 5,000 square feet. [Amended 6-17-1999]
      - [2] Residential: \$250 plus \$25 per unit up to 24 units; \$15 per unit thereafter.
      - [3] Major nonresidential (new building, structure or addition that is 5,001 square feet or greater requiring 26 parking spaces or more):  
\$300 plus \$25 per 1,000 square feet or fraction up to 7,500 square feet; \$10 per 2,000 square feet thereafter. [Added 6-17-1999]
      - [4] Minor nonresidential, site improvements only, no buildings or structures, 25 or less existing or proposed parking spaces: \$100. [Added 6-17-1999]
      - [5] Major nonresidential, site improvements only, no building or structures, 26 or more existing or proposed parking spaces: \$300. [Added 6-17-1999]
    - (b) Final.
      - [1] Nonresidential:  $\frac{1}{2}$  of the preliminary fee.

- [2] Residential:  $\frac{1}{2}$  of the preliminary fee.
  - [3] Minor or major nonresidential, site improvements only, no building or structures, with parking spaces existing or proposed, or existing building with no changes:  $\frac{1}{2}$  of preliminary fee based on number of existing or proposed parking spaces. [Added 6-17-1999]
  - (4) Conditional use application (in addition to standard application fee): \$300. [Amended 6-17-1999]
  - (5) Variances [Amended 6-17-1999]:
    - (a) NJSA 40:55D-70(c): \$100 for each variance
    - (b) NJSA 40:55D-70(d): \$450
    - (c) NJSA 40:55D-70(a): \$150
  - (6) Miscellaneous requests [Amended 6-17-1999]:
    - (a) Interpretations, NJSA 40:55D-70(b): \$100 each meeting
    - (b) Site plan waivers (Article XXVIII): \$50 each meeting (before Site Plan Waiver Committee)
    - (c) Informal meetings or site plan waiver requests before full Board: \$100 each meeting
    - (d) Extensions, continuations caused by applicant or special meetings before full Board: \$100 each meeting
- F. Escrows.
- (1) Minor subdivision: \$350.
  - (2) Major subdivisions.
    - (a) Preliminary:
      - [1] Six or fewer lots: \$1,000.
      - [2] Twenty-four or fewer lots: \$1,750.
      - [3] Twenty-five or more lots: \$3,500.
    - (b) Final:
      - [1] Six or fewer lots: \$750.
      - [2] Twenty-four or fewer lots: \$1,500.
      - [3] Twenty-five or fewer lots: \$1,750.
  - (3) Site plans, preliminary.
    - (a) Nonresidential:
      - [1] Minor:

Building Size All Floors (sq ft)	Escrow Amount
Up to 1,000	\$1,000
1,001 to 3,000	2,000
3,001 to 5,000	2,500

[2] Major:

Building Size All Floors (sq ft)	Escrow Amount
5,001 to 7,500	\$3,000
7,501 to 15,000	4,000
Over 15,000	5,000

(b) Residential:

Size (units)	Escrow Amount
Up to 24	\$3,000
24 to 100	4,000
Over 100	5,000

(c) Nonresidential, site improvements only, no building or structures, or existing building with no changes [Amended 6-17-1999]:

Lot Size (sq ft)	Escrow Amount
Up to 4,000	\$ 500
4,001 to 12,000	\$1,000
12,001 to 20,000	\$1,250
20,001 to 30,000	\$1,500
30,001 to 60,000	\$2,000
Over 60,000	\$2,500

(4) Site plans, final [Amended 6-17-1999]

- (a) Nonresidential:
  - [1] Minor — ½ of preliminary escrow
  - [2] Major — ½ of preliminary escrow
- (b) Residential: ½ of preliminary escrow
- (5) Conditional Use: \$500 (in addition to standard escrow fees) [Amended 6-17-1999]
- (6) Variances [Amended 6-17-1999]:
  - (a) NJSA 40:55D-70(c): \$200 for each variance
  - (b) NJSA 40:55D-70(d): \$750
- (7) Miscellaneous requests [Amended 6-17-1999]:
  - (a) NJSA 40:55D-70(a): \$500
  - (b) Interpretation, NJSA 40:55D-70(b): \$500
  - (c) Site plan waivers (Article XXVII): Escrow fees may be waived by the Planning Board. However, in the event the City incurs costs of Board Professionals, the City may require the Applicant pay any and all costs in accordance with Article XXVI of ADO.
  - (d) Informal meetings or site plan waiver requests before full Board: \$200
  - (e) Extensions, continuations caused by Applicant or special meetings before full Board: \$200
- G. Tax map maintenance fee [Amended 6-17-1999]: The following fees shall be paid by the applicant of a subdivision or site plan that includes a condominium form of ownership as a condition of approval. The fee(s) will not be required until final approval is granted. The fee(s) are intended to offset the cost of the City Engineer to revise the municipal tax maps as a result of the approval of a subdivision and/or site plan that includes a condominium form of ownership. Such maintenance of the municipal tax maps are required by state law.
  - Fee: \$50 per lot up to 20 lots
  - \$10 per lot thereafter
  - Plus, in the event of a condo form of ownership
  - \$50 per condo unit up to 20 units
  - \$10 per unit thereafter
- H. Notice for publication of hearings as required: paid by applicant.
- I. Publication of final decision: \$15 plus cost of publication.
- J. Expert witnesses, copies of transcripts: \$0.50 per page; recordings: actual costs.
- K. Reserved.

- L. Reserved.
- M. Reserved.
- N. All application fees and escrow fees are payable to the City of Absecon City. Application fees and escrow fees shall be paid with separate checks. [Amended 6-17-1999]

## ARTICLE XXVII

## Repealer

## § 224-196. Repealer; effect on existing offenses.

Any and all ordinances or parts thereof in conflict or inconsistent with any of the terms and provisions of this chapter are hereby repealed to the extent of their inconsistency; provided, however, that the adoption of this chapter shall not prevent or bar the continuance or institution of proceedings for offenses heretofore committed in violation of any existing ordinances of the City of Absecon City.

## ARTICLE XXVIII

## Site Plan Waiver Requirements

[Adopted 2-18-1999]

## § 224-197. Intent.

The intent of this article is to reduce the cost and time usually associated with the development review process for certain applications, to encourage economic growth, and to streamline smaller commercial development applications.

## § 224-198. Site plan waiver committee.

The Chairman of the Planning Board shall appoint a Site Plan Waiver Committee. The Committee shall consist of at least 3 regular or alternate Planning Board members. The Chairman or in the Chairman's absence, the Vice Chairman, shall be an ex officio member of the Committee. The Committee shall review all site plan waiver applications and make recommendations to the full Board to waive site plan approval, conditionally waive site plan approval, or to require site plan approval. The Planning Board Chairman shall designate 1 member of the Committee as the Committee's Chairman and another member as the committee's Vice Chairman. In no event shall more than four members be present at a Committee meeting. The Committee shall be advisory to the Planning Board and shall not be itself a public body, its meetings shall not be public meetings even if open to the public, and its actions shall not be decisions of a municipal agency subject to a right of approval.

## § 224-199. Site plan waiver procedure.

- A. Submission requirements. The applicant shall submit 6 copies of the fully completed site plan waiver application form with required attachments, The Committee may require additional documentation or information as deemed necessary to properly evaluate the application. The applicant may at any time withdraw a waiver request and proceed with a site plan application.
- B. Committee review. The Committee will review the application and the applicant or the applicant's representative shall be present unless waived by the Committee.
- C. Board professional review. The Committee Chairman or the Committee may refer any application to members of the Board Professional Staff for review and comments and the applicant shall provide such additional documentation or information as may be requested by the Board Professional Staff. Any Board Professional reviewing an application shall provide a written report to the Committee. If an additional escrow amount is required or Board Professional Review, the applicant shall deposit the additional amount or the Committee may administratively deny the application.
- D. Committee action. If the Committee unanimously recommends approval or denial of the waiver with at least 3 members of the Committee voting, no further review by the Planning Board shall be required and the Committee shall merely report such recommendation approval or denial to the full Board for acceptance. However, the Board shall not be bound by the recommendation of the Committee and may make an independent determination. If the vote is not unanimous, the waiver request shall be referred to the Planning Board for action and the Committee shall provide its report to the Board and the applicant shall have an opportunity to be heard by the Board.
- E. The opening and reconsideration. By submitting a request for a site plan waiver and accepting a waiver, the applicant shall be deemed to have consented to allowing the Planning Board to reopen and reconsider the approval of a waiver and, required by the Board, agrees to submit a site plan application within 45 days of such a determination by the Board. The Board may require a reopening and reconsideration of a waiver:
  - (1) At any time within 1 year of the approval of a waiver or the completion of construction or the change in use or occupancy, whichever is later, if the Board determines there to have been a substantial likelihood that the approval was in error.
  - (2) At any time if the Board determines there to have been substantial misrepresentation, fraud or other misconduct by or on behalf of the applicant.

## § 224-220. Standards for waivers.

The Committee may waive full site plan review where there is a change in use or occupancy and only de minimis building construction or site improvements. For purposes of this section, 1,000 square feet or less of gross floor area, 5 parking spaces, or 2,000 square feet of additional lot coverage may be considered as de minimis construction or site improvements. A waiver may only be granted upon a determination that there will be no more than a de minimis effect on storm water

drainage, traffic circulation, landscaping requirements, buffering requirements, lighting, and other considerations of site plan approval and that there is no need for additional or upgraded site improvements. No waiver may be approved if any variance is required or in connection with a conditional use approval. Since variance approval is not required where a nonconforming structure is expanded in size or altered without increasing the pre-existing nonconformity, site plan waiver may be considered.

§ 224-220.1. Administrative review procedure. [Added 12-21-2000]

- A. Submission requirements will be in accordance with the Absecon Developmental Ordinance and NJ Municipal Land Use Law.
- B. Applicant shall provide 6 copies of the completed land development application form, site plan, supplemental documents and all applicable fees in accordance with the minor site plan checklist (Exhibit A7). Additional copies may be requested by the Board.
- C. The above shall be submitted to the Board Secretary. The secretary will forward 1 copy of all documents to the Board Engineer and Board Planner for review to confirm the application meets the standards for administrative review. Once the Board Engineer and Board Planner confirm the application meets the standards they will prepare a report of their findings and submit their comments and recommendations to the Board and applicant. The Board Engineer and Planner may make recommendations to modify the development proposal. The applicant may request informal meetings with the Board Engineer and Board Planner to discuss their land development application. The applicant must request such meetings through the Board Secretary. The Board Secretary will schedule informal meetings, notify all attendees, and inform the Board Chairman of such meetings. Direct telephone calls to the Board Engineer and Board Planner are permitted by the applicant to discuss the land development proposal.
- D. The Board Engineer and Board Planner will present the findings of their review to the full Board as earliest Planning Board agenda for formal approval in accordance with the Absecon Developmental Ordinance and the NJ Municipal Land Use Law.
- E. The Planning Board retains the right to request the applicant present the land development application to the Board to facilitate formal approval.
- F. The applicant must be present at the Planning Board meeting to allow for formal action to be taken by the Board.

§ 224-220.2. Standards for administrative review. [Added 12-21-2000]

To qualify for possible administrative review by the Board Professionals the application for development must conform to the following:

- A. Applications must be for commercial development only.

- B. Proposed development up to 5,000 square feet of new structures or addition to an existing structure.
- C. Proposed development up to 10 new parking spaces or 10 additional parking spaces in the use of an existing development.
- D. Administrative review may only be conducted if no variances are requested.
- E. Design waivers may be considered by the Board Professionals. Board Professionals may defer the approval of design waivers to the Board.
- F. Since variance approval is not required where a nonconforming structure is expanded in size or altered without increasing the pre-existing nonconformity, administrative review for site plan may be considered.
- G. Administrative review of site plan will be in accordance with the Absecon Developmental Ordinance and the NJ Municipal Land Use Law.
- H. Applicant is responsible to secure any developmental approvals required by all other regulatory authorities having jurisdiction.

#### ARTICLE XXIX

##### Professional Office Overlay District

[Adopted 2-7-2000]

#### § 224-221. Purpose.

The purpose of the Professional Office Overlay District is to encourage the utilization of existing residential structures and the introduction of new structures fronting on Shore Road with direct access to Shore Road with sufficient controls to preserve the residential character and architectural integrity of the structures; to strengthen the City's economic base by allowing an alternative use to assist with the high maintenance costs required to protect, enhance and preserve the existing structures; to establish and improve property values; to foster economic development; to manage growth; and to preserve and protect the architectural assets of the City of Absecon City.

#### § 224-222. Guidelines and criteria for approval of professional office as a conditional use.

Conditional use shall only be permitted upon a showing that such use at a specified location will comply with the conditions and standards for the location or operation of such use as contained in this § 224-222.

All applications for conditional use will be reviewed with consideration given to the general compatibility to architectural values of the structure (existing or proposed). Use shall not adversely affect the uses in the adjacent or surrounding areas.

- A. Professional Office Overlay District location. Professional office use is permitted as a conditional use on lots fronting on Shore Road along the entire length of Shore Road from Church Street to Galloway Township situate in the R-2 Zone.
- B. Definition of professional office. For the purpose of the Professional Office Overlay District, the term "professional office" shall include: physicians, optometrists, dentists, physical therapists, real estate appraisers, chiropractors, landscape architects, engineers, planners, surveyors, architects, insurance agents, and public accountants, all licensed by applicable State Boards and lawyers as licensed by the Supreme Court of New Jersey. Permitted uses do not include any use not specifically listed above.
- C. Architectural requirements:
- (1) The residential character of the property and dwelling shall not be altered.
  - (2) Natural wood siding, (common 2 2/3 inch height) brick, stone or similar or compatible building materials shall be utilized.
  - (3) Traditional turn of the century or earlier architectural design is encouraged for additions, alterations or all new construction. Examples of architectural styles that are encouraged include Georgian, Federal, Greek Revival, and Victorian. (See Appendix 1 a-d on file in the office of the City Clerk.)
  - (4) All new construction, additions, alterations, and/or renovations to structures shall be compatible to the architectural design of the existing structures on-site and on surrounding property.
- D. Hours of operation: For professional offices, the hours of operation shall be 7 a.m. — 8 p.m., daily.

§ 224-223. Bulk and area requirements.

- A. Lot area: 20,000 square feet min.
- B. Building coverage: 30% max.
- C. Impervious coverage: 60% max.
- D. Front yard setback: 20 feet min.
- E. Side yard setback: 20 feet min.
- F. Rear yard setback: 30 feet min.
- G. Building height: 28 feet min. (Max. 2 stories)  
(Architectural features, such as clock towers, chimneys, cupolas, captain walks, etc. can be 35 feet high.)
- H. Lot width: 100 ft min.

- I. Buffer strip is required along all side and rear lot lines that adjoin an existing residential use. The purpose of this buffer is to screen the view of automobiles in parking areas and reduce the glare of the automobile headlights and reduce noise. The buffer strip adjoining parking spaces shall be at least 25 feet in width as measured from the property line and shall consist of any/or a combination of the following: existing trees and shrubs, and new landscaping. The preservation of natural vegetation as part of the buffer strip is encouraged. Additional plantings of trees and shrubs shall be required to insure an effective buffer. The buffer strip shall have sufficient materials to obscure any glare of automobile headlights year round. The maintenance of the buffer shall be the responsibility of the property owner. The Board may grant a reduction in the twenty-five-foot wide buffer strip provided the applicant can demonstrate to the Board and the Board's landscape architect that the reduced buffer can adequately satisfy the purpose described above.
- J. Parking space perimeter setback: twenty-five-foot minimum adjoining residential uses, ten-foot minimum all other lot lines. Parking is not permitted in the front yard area. Perimeter setbacks for driveways only at all lot lines - ten-foot minimum.
- K. Pedestrian circulation and vehicle circulation: subject to Planning Board review.
- L. Gross floor area (first floor): 4,000 square feet max. Total gross floor area (first and second floors): 8,000 square feet max. Basement and attic space permitted for storage and mechanical only.
- M. Bulk and area variances:
- (1) When a proposed condition use does not comply with any of the conditions and standards set forth in § 224-222, a variance pursuant to N.J.S.A. 40:55D-70d(3) from the Zoning Board of Adjustment shall be necessary. However, it is in the public interest to recognize the traditional residential appearance of the area and to allow the grant of variances pursuant to N.J.S.A. 40:55D-70c by the Planning Board for certain pre-existing, nonconforming front, side and rear setbacks and for the possible expansion or extension thereof.
  - (2) The Planning Board may grant relief from the front, side and rear setback requirements as part of the conditional use approval provided the applicant can demonstrate to the Board that the expansion of the existing nonconforming setback is necessary for the practical use and function of the structure and the building configuration advances the architectural character of the existing structure.
  - (3) The Planning Board may also grant relief in accordance with N.J.S.A. 40:55D-70c from the lot area and coverage requirements as part of the conditional use approval provided that the applicant can demonstrate to the Board that adequate buffering, parking and storm water management is being provided.
  - (4) The Planning Board may grant relief from the lot width requirements in the case of a pre-existing, nonconforming lot width.
  - (5) The Planning Board may grant relief from the building height requirement in the case of a pre-existing, nonconforming building height or provided the applicant can demon-

strate to the Board that the proposed height is compatible with adjoining building heights, and the height relief sought does not exceed 10% of the permitted building height.

§ 224-224. Design standards.

Design standards shall conform to § 224-77 (where applicable).

§ 224-225. Landscaping and buffers.

Landscaping and buffers shall conform to § 224-199 H and § 224-78.

§ 224-226. Parking.

Parking requirements: The actual parking need shall be determined by the number of employees attended to occupy the business and the number of clients anticipated to visit the office at peak periods. It is the obligation of the applicant to demonstrate to the Board actual need for parking by the presentation of parking generation studies from authorities on the subject of parking generation. Publications by the Institute of Transportation Engineers (ITE) or the American Planners Association (APA) or other professional associations will be considered. The Board may consider permitting a 20% reduction in required parking provided an area is reserved for expansion in the event the parking is determined to be necessary by the Board at a future date or by the applicant. If the additional parking is pre-engineered and reviewed by the Board and Board's professionals at the time the original approval is granted, the additional parking can be constructed at the time of the original approval is granted, the additional parking can be constructed by the applicant at their discretion without returning to the Board. This is permitted provided the applicant informs the City Engineer in writing and posts an inspection escrow prior to actual construction taking place.

§ 224-227. Lighting.

Lighting shall conform to § 224-80.

§ 224-228. Signs.

Sign requirements: All identification signs must be constructed of wood or similar or compatible materials in keeping with architectural design of the building. Only wall mounted or ground sign types are permitted. No internal lit signs are permitted. All signs must be externally lit with light source shielded to prevent glare into the roadway. The total number of signs permitted at the site 1 wall mounted sign and 1 ground sign with maximum size of 20 square feet each and minimum letter size of 8 inches high. The wall sign may include an office directory. The maximum sign area on the site shall not exceed 40 square feet. The minimum permitted number of signs and the

maximum sign area requirements do not include required barrier free parking / traffic / directional signage necessary at the site.

§ 224-229. Maintenance bond.

Maintenance bond will be required to insure the maintenance of the landscaping and the exterior of the structure(s). More specifically, the items included in the maintenance bond shall be the following:

- A. Exterior siding and windows.
- B. Parking lot.
- C. Trash enclosure.
- D. Signage.
- E. Exterior paint.
- F. Buffer(s), shrubs, lawn, ground cover, trees.
- G. Any other items deemed appropriate by the Board.

The applicant's professional shall submit an estimate of cost for the annual maintenance of the above listed items for review and approval by the City Engineer.

The maintenance bond will be renewed annually with the mercantile license.

ARTICLE XXX

Bed and Breakfast Guest House Overlay District

§ 224-230. Purpose.

- A. The purpose of the Bed and Breakfast Overlay District is to encourage the utilization of existing residential structures fronting on Shore Road with sufficient control to preserve the residential character and architectural integrity of the structures; to strengthen the City's economic base by allowing an alternative use to assist with the high maintenance costs required to protect, enhance and preserve the existing structures; to establish and improve property values; to foster economic development; to manage growth; and to preserve and protect the architectural assets of the City of Absecon City.
- B. The purpose of this article is to expand the property owner's rights to utilize their property by offering another alternative to the uses currently permitted in the R-1 and R-2 Zones with controls to protect the residential character of Shore Road,
- C. The following is a list of currently permitted uses other than purely single family residential uses that are permitted without buffer requirements, planning or zoning board review and

without a prohibition of parking in the front yards, and without architectural requirements and are permitted by state statute and do not require planning or zoning board approval.

- (1) Congregate dwellings as defined by NJDCA Division of Codes and Standards.
- (2) Community residences for the developmentally disabled or mentally ill with maximum of 15 occupants.
- (3) Community residents for victims of domestic violence with a maximum of 15 occupants.
- (4) Community residences for persons with head injuries with a maximum of 15 occupants.
- (5) Community residences for the terminally ill with a maximum of 15 occupants.
- (6) Family day care homes with up to 5 children plus care provider and children of the care provider.
- (7) Group homes with a maximum of 12 children.

D. The following is a list of currently permitted uses other than purely single family home residential use and congregate dwellings that are permitted without buffer requirements and without a prohibition of parking in the front yards; and without architectural requirements:

- (1) Parks, playgrounds and other publicly owned recreational uses or structures.
- (2) Public utility sub-stations (with eight-foot minimum planted buffer).
- (3) Customary home occupants, such as dressmaking, preserving or millinery conducted solely by the inhabitants.
- (4) Home professional offices (R-2 Zone only).

E. The traffic on Shore Road has increased substantially over the last 20 years. The Zoning Board of Adjustment has granted numerous use variances permitting nonresidential uses over the years. The Zoning Board has cited justification for granting such uses describing Shore Road as "being too crowded and congested and presents a hazard to single family use" as far back as 1981.

F. As the traffic volume of Shore Road increases, the marketability of the existing single family uses will become more difficult. This can only translate into a reduction in property values. Lower property values will make it more practical for congregate dwellings or community residences to appear along Shore Road similar to those that exist on North Shore Road (AKA South New York Road) in Galloway Township.

**§ 224-231. Guidelines and criteria for approval of bed and breakfast guest house as a conditional use.**

Conditional use shall only be permitted upon a showing that such use at a specified location will comply with the conditions and standards for the location or operation of such use as contained in this § 224-231.

All applications for conditional use will be reviewed with consideration given to the general compatibility to architectural values of the structure (existing or proposed). Use shall not adversely affect the uses in the adjacent or surrounding areas.

A. Bed and Breakfast Guest House Overlay District location. Bed and breakfast guest house use is permitted as a conditional use on lots fronting on Shore Road along the entire length of Shore Road from Galloway Township to The City of Pleasantville situated in R-1 and R-2 Zones.

B. Definition of bed and breakfast guest house. For the purpose of the Bed and Breakfast Guest House Overlay District, the term "bed and breakfast guest house" shall be defined as: A guest house containing individual guest rooms that provide overnight accommodations for transient lodging accommodations to the general public. The bed and breakfast guest house shall conform to the following requirements:

- (1) Bed and Breakfast shall conform to NJUCC and all local and state life safety codes.
- (2) The owner(s) shall be required as a continuing and permanent condition of the approval to reside in the premises as their domicile.
- (3) Minimum of 4 guest rooms with private baths, plus owners unit.
- (4) Maximum of 14 guest rooms with private baths, plus owners unit.
- (5) Majority of units shall have access to the outside through lobby.
- (6) A lobby/common sitting room and common dining room shall be provided as a minimum.
- (7) Accommodations to serve meals only to the registered guests shall be provided.
- (8) The maximum length of stay per guest room shall not exceed 7 successive days. A minimum two-week separation of time between stays are required for the same individuals.
- (9) Maximum occupants per guest room shall not exceed 2 persons.
- (10) No cooking facilities shall be permitted in any room other than the main kitchen.

C. Architectural requirements:

- (1) The residential character of the property and dwelling shall not be altered.
- (2) Natural wood siding, (common 2 2/3 inch height) brick, stone or similar or compatible building materials shall be utilized. (Vinyl or aluminum cannot be used.)
- (3) Traditional turn of the century or earlier architectural design is encouraged for additions, alterations or all new construction. Examples of architectural styles that are encouraged include Georgian, Federal, Greek Revival, and Victorian. (See Appendix 1a-d on file in the office of the City Clerk.)
- (4) All new construction, additions, alterations, and/or renovations to structures shall be compatible to the architectural design of the existing structures on-site and on surrounding property.

- (5) All guest rooms must be attached to the principal building, with exceptions to conditions described in subsection C(6) below.
- (6) Existing accessory buildings such as garages, carriage houses, pool houses and the like may also be converted to guest room(s) provided addition(s) do not exceed 20% of the original accessory structure.
- (7) It is acknowledged that additions may be necessary to allow for compliance to NJUCC barrier free requirements.
- D. Hours of operation: For bed and breakfast guest houses, the hours of operation shall be 24 hours a day.
- When a proposed condition use does not comply with any of the conditions and standards set forth in § 224-231, a variance pursuant to N.J.S.A. 40:55D-70d(3) from the Zoning Board of Adjustment shall be necessary. However, it is in the public interest to recognize the traditional residential appearance of the area and to allow the grant of variances pursuant to N.J.S.A. 40:55D-70c by the Planning Board for certain pre-existing, nonconforming front, side and rear setbacks and for the possible expansion or extension thereof.

#### § 224-232. Bulk and area requirements.

- A. Lot area: 20,000 square feet min.
- B. Building coverage: 40% max.
- C. Impervious coverage: 60% max.
- D. Front yard setback: 20 feet min.
- E. Side yard setback: 20 feet min.
- F. Rear yard setback: 30 feet min.
- G. Building height: 35 feet max. (3 stories)  
(Architectural features, such as clock towers, chimneys, cupolas, captain walks, etc. can be 40 feet high.)
- H. Lot width: 100 feet min.
- I. Buffer strip is required along all side and rear lot lines that adjoin an existing residential use. The purpose of this buffer is to screen the view of automobiles in parking areas and reduce the glare of the automobile headlights and reduce noise. The buffer strip adjoining parking areas shall be at least 25 feet in width as measured from the property line and shall consist of any/or a combination of the following: existing trees and shrubs, and new landscaping. The preservation of natural vegetation as part of the buffer strip is encouraged. Additional plantings of trees and shrubs shall be required to insure an effective buffer. The buffer strip shall have sufficient materials to obscure any glare of automobile headlights year round. The maintenance of the buffer shall be the responsibility of the property owner. The Board may

grant a reduction in the twenty-five-foot wide buffer strip provided the applicant can demonstrate to the Board and the Board's landscape architect that the reduced buffer can adequately satisfy the purpose described above.

J. Parking space perimeter setback: twenty-five-foot minimum adjoining residential uses, ten-foot minimum, all other lot lines. Parking is not permitted in the front yard area. Perimeter setback for driveways only at all lot lines — ten-foot minimum.

K. Pedestrian circulation and vehicle circulation: subject to Planning Board review.

L. Bulk and area variances:

(1) The Planning Board may grant relief from the front, side and rear setback requirements as part of the conditional use approval provided the applicant can demonstrate to the Board that the expansion of the existing nonconforming setback is necessary for the practical use and function of the structure and the building configuration advances the architectural character of the existing structure.

(2) The Planning Board may also grant relief in accordance with N.J.S.A. 40:55D-70c from the lot area and coverage requirements as part of the conditional use approval provided that the applicant can demonstrate to the Board that adequate buffering, parking and storm water management is being provided.

(3) The Planning Board may grant relief from the lot width requirements in the case of a pre-existing, nonconforming lot width.

(4) The Planning Board may grant relief from the building height requirement in the case of a pre-existing, nonconforming building height or provided the applicant can demonstrate to the Board that the proposed height is compatible with adjoining building heights, and the relief sought height does not exceed 10% of the permitted building height.

#### § 224-233. Design standards.

Design standards shall conform to § 224-77 (where applicable).

#### § 224-234. Landscaping and buffers.

Landscaping and buffers shall conform to § 224-199 H and § 224-78.

#### § 224-235. Parking.

Parking requirements: The actual parking need shall be determined by the number of employees intended to occupy the business and the number of guests anticipated to occupy the bed and breakfast guest house at peak periods. It is the obligation of the applicant to demonstrate to the Board actual need for parking by the presentation of parking generation studies from authorities on the subject of parking generation. Publications by the Institute of Transportation Engineers (ITE)

or the American Planners Association (APA) or other professional associations will be considered. The Board may consider permitting a 20% reduction in required parking provided an area is reserved for expansion in the event the parking is determined to be necessary by the Board at a future date or by the applicant. If the additional parking is pre-engineered and reviewed by the Board and Board's professionals at the time of the original approval is granted, the additional parking can be constructed at the time the original approval is granted, the additional parking can be constructed by the applicant at their discretion without returning to the Board. This is permitted provided the applicant informs the City Engineer in writing and posts an inspection escrow prior to actual construction taking place.

#### § 224-236. Lighting.

Lighting shall conform to § 224-80 and § 224-130, which includes the requirement to design lighting to prevent glare upon surrounding properties.

#### § 224-237. Signs.

Sign requirements: All identification signs must be constructed of wood or similar or compatible materials in keeping with architectural design of the building (plastic cannot be used). Only wall mounted or ground sign types are permitted. No internal lit signs are permitted. All signs must be externally lit with light source shielded to prevent glare into the roadway. The total number of signs permitted at the site 1 wall mounted sign and 1 ground sign with maximum size of 20 square feet each and minimum letter size of 8 inches high. The maximum text area can not exceed 10 square feet for each sign with the remaining area for ornamentation. The maximum sign area on the site shall not exceed 40 square feet. The minimum permitted number of signs and the maximum sign area requirements do not include required barrier free parking/traffic/directional signage necessary at the site.

#### § 224-238. Maintenance bond.

Maintenance bond will be required to insure the maintenance of the landscaping and the exterior of the structure(s). More specifically, the items included in the maintenance bond shall be the following:

- A. Exterior siding and windows.
- B. Parking lot.
- C. Trash enclosure.
- D. Signage.
- E. Exterior paint.
- F. Buffer(s), shrubs, lawn, ground cover, trees.

G. Any other items deemed appropriate by the Board.

The applicant's professional shall submit an estimate of cost for the annual maintenance of the above listed items for review and approval by the City Engineer.

The maintenance bond will be renewed annually with the mercantile license.

**§ 224-239. Public notice.**

Public notice shall be required in accordance with NJSA 40:55D-12.

**ARTICLE XXXI**

**Senior Citizen Housing Community Overlay District**

[Adopted 10-19-2000]

**§ 224-240. Intent and purpose.**

- A. The intent of the Senior Citizen Housing Community Overlay Districts are to advance the purpose of the New Jersey Municipal Land Use Law (NJSA 40:55D-2L) which is to encourage senior citizen community housing, and to permit a residential community designed for senior citizens which contains residential dwelling units, nursing facilities, assisted living facilities, open space and may include medical facilities as well as social, cultural and recreational facilities.
- B. Regulations in district. The use, height and area regulations of § 224-242A and § 224-243A inclusive, and those regulations set forth elsewhere in this chapter, where applicable to these sections, and the general regulations of Article XVIII are the regulations in Senior Citizen Housing Community Overlay District A.
- C. Regulations in district. The use, height and area regulations of § 224-242B and § 224-243B inclusive, and those regulations set forth elsewhere in this chapter, where applicable to these sections, and the general regulations of Article XVIII are the regulations in Senior Citizen Housing Community Overlay District B.

**§ 224-241A. Districts affected.**

The areas included in the Senior Citizen Housing Community Overlay District A include the following zoning districts:

- A. A portion of the Residential Inclusionary District (R-I).
- B. Residential Fair-Share Housing District (R-FSH).
- C. High Density Residential District (R-4)
- D. Planned Senior Citizen Community (PSCC)

In addition to the uses permitted in the respective districts above by the Absecon Development Ordinance, the uses and regulations in §§ 224-242A, 224-243A, 224-244, 224-245A, 224-246A, 224-247 through 224-250 are applicable as an overlay.

**§ 224-241B. Districts affected.**

- A. The area included in the Senior Citizen Housing Community Overlay District B includes the C-1 Zoning District.
- B. In addition to uses permitted in the C-1 Zoning District by the Absecon Developmental Ordinance, the uses and regulations in §§ 224-242B, 224-243B, 224-244, 224-245B, 224-246B, 224-247 through 224-250 are applicable as an overlay, provided that the retail uses only front on New Jersey Avenue, U.S. Route 30, or Shore Road.

**§ 224-242A. Permitted uses.**

A building or land shall be used only for following purposes in District A:

- A. Residential Senior Citizen Community designed for senior citizens which may include the following uses:

- (1) Independent living facilities
- (2) Assisted living facilities
- (3) Nursing facilities
- (4) Medical facilities
- (5) Social, cultural facilities
- (6) Adult day care facilities
- (7) Open space
- (8) Golf courses
- (9) Indoor and outdoor recreation facilities
- (10) Congregate senior residences
- (11) Long-term care facilities
- (12) Extended care facility
- (13) Intermediate care facility
- (14) Adult retirement community

- (a) A "senior citizen housing community" is a planned community that includes any 1 or all of permitted uses listed above.

(b) The above uses are permitted provided the senior citizen can contract for a lifetime or lesser duration use of a unit and may receive health care, including but not limited to food services; housekeeping, maintenance, utilities and the use of social, recreational, and cultural facilities.

(c) Health care, food service and the use of recreational, social and cultural facilities may also be offered on a contract basis to nonresident senior citizens. The regulations for such a community must comply with all applicable federal regulations governing age-restricted housing.

B. Accessory uses and buildings: Accessory uses and buildings shall be uses and buildings customarily incidental to the principal uses listed as permitted. They shall be understood to include but not be limited to, swimming pools, pool houses, coffee shops, gift shops, barber shops, beauty salons, gatehouses, garages, carports, guardhouses and storage facilities for maintenance and equipment. Cultural and recreational structures shall be permitted.

#### § 224-242B. Permitted uses

A building or land shall be used only for following purposes in District B:

A. Residential senior citizen community designed for senior citizens which may include the following uses:

(1) Independent living facilities

(2) Assisted living facilities

(3) Medical facilities

(4) Social, cultural facilities

(5) Adult day care facilities

(6) Indoor and outdoor recreation facilities

(7) Congregate senior residences

(8) Intermediate care facility

(9) Adult retirement community

(a) A "senior citizen housing community" is a planned community that includes any 1 or all of permitted uses listed above.

(b) The above uses are permitted provided the senior citizen can contract for a lifetime or lesser duration use of a unit and may receive health care, including but not limited to food services; housekeeping, maintenance, utilities and the use of social, recreational, and cultural facilities.

(c) Health care, food service and the use of recreational, social and cultural facilities may also be offered on a contract basis to nonresident senior citizens. The regula-

tions for such community must comply with all applicable federal regulations governing age-restricted housing.

- B. Accessory uses and buildings. Accessory uses and buildings shall be uses and buildings customarily incidental to the principal uses listed as permitted. They shall be understood to include but not be limited to, swimming pools, pool houses. Cultural and recreational structures shall be permitted.

§ 224-243A. Bulk and area requirements for District A.

- A. Lot area: 10 acre minimum
- B. Impervious coverage: 65% max.
- C. Front yard setback: 100 feet min.
- D. Side yard setback: 50 feet min.
- E. Rear yard setback: 50 feet min.
- F. Parking setback: 15 ft min. between buildings and parking areas
- G. Building height: 35 feet max. with minimum fifty-foot setback  
45 feet max. with minimum one hundred-foot setback  
55 feet max. with minimum one hundred twenty-five-foot setback  
65 feet max. with minimum one hundred fifty-foot setback
- H. Lot width: 100 feet min.
- I. Buffer strip is required along all side and rear lot lines that adjoin an existing residential use. The purpose of this buffer is to screen the view of automobiles in parking areas and reduce the glare of the automobile headlights and reduce noise. The buffer strip adjoining parking areas shall be at least 25 feet in width as measured from the property line and shall consist of any/or a combination of the following: existing trees and shrubs, and new landscaping. The preservation of natural vegetation as part of the buffer strip is encouraged. Additional plantings of trees and shrubs shall be required to insure an effective buffer. The buffer strip shall have sufficient materials to obscure any glare of automobile headlights year round. The maintenance of the buffer shall be the responsibility of the property owner. The Board may grant a reduction in the twenty-five-foot wide buffer strip provided the applicant can demonstrate to the Board and the Board's landscape architect that the reduced buffer can adequately satisfy the purpose described above.
- J. Parking space perimeter setback: twenty-five-foot minimum adjoining residential uses. Parking is permitted in the front yard area provided that there is a minimum fifty-foot landscaped area between the public R.O.W. and the parking area.

- K. Permitted density: There is no limit to permitted density for nursing facilities, assisted living facilities or independent living residential units. Independent living units are for senior citizens only and shall not exceed 2 bedrooms per unit. The intensity of the site is controlled by the site coverage, setbacks and building height requirements of this section. The inclusion of 5% low-income and 5% moderate-income housing is required. ~~Low- or moderate-income housing shall be consistent with the Absecon Housing Element and include appropriate measures for affordability controls.~~
- L. Physical characteristics of buildings. A maximum length of 150 feet per freestanding building shall be permitted. Up to 3 such one-hundred-fifty-foot maximum depth buildings may be attached, provided that an angle of at least 30° exists between adjacent buildings. However, there can be no continuous roofline or continuous front and/or rear building line of more than 80 linear feet. It is the purpose of this section to provide for both broken rooflines and different setbacks and to break up a straight linear configuration. Buildings connected by party or common walls shall not be considered separate buildings for the purposes of this section. Buildings connected by open walkways may be considered separate buildings for the purposes of Subsection N dealing with space between buildings.
- M. Bedroom content. The applicant shall furnish as part of the project submittal data indicating the proposed mix of bedrooms of structures included within the development. Independent living units shall not exceed 2 bedrooms.
- N. Space between buildings. No building shall be closer than 30 feet to any other building.
- O. Floor area of independent living units. A studio-type unit shall contain not less than 400 square feet; a unit intended for single occupancy, one-bedroom design, shall contain not less than 500 square feet; and a unit with 2 bedrooms shall contain not less than 600 square feet.
- P. Social and recreational facilities shall reflect, insofar as possible, preferences of the anticipated residents. Indoor facilities shall include hobby or craft facilities, lounging areas which may also be used for meetings and group activities, card rooms, lavatories and may include an indoor swimming pool. Outdoor facilities shall include pedestrian walks and benches, and may include shuffleboard, horseshoe courts, pavilions, outdoor pool and the like.
- Q. The architectural design of all buildings and the site location and recreational facilities must be consistent with the ultimate purpose of achieving independent, self-reliant and pleasant living arrangements and shall take into account the desires and needs of older persons for privacy, participating in social community activities and access to community activities. At the same time, provisions shall be made to accommodate the limitations that sometimes accompany advanced years so that independent living can be sustained as long as possible. The architectural design as aforesaid shall be a matter of review by the Planning Board. The applicant shall comply to the criteria as aforesaid or provide good and sufficient cause not to comply and offer acceptable alternatives. The use of natural materials, such as wood, brick or stone, is encouraged.
- R. Laundry facilities, either located in individual units or in common areas, shall be provided for the use of residents.

## § 224-243B. Bulk and area requirements for District B.

- A. Lot area: 2 acre minimum
- B. Impervious coverage: 80% maximum
- C. Front yard setback: 25 feet minimum adjoining residential streets or adjoining residential uses.  
8 feet minimum along New Jersey Avenue.
- D. Side yard setback: 8 feet minimum
- E. Rear yard setback: 8 feet minimum
- F. Building height: 35 feet max. with minimum twenty-five-foot setback  
45 feet max. with minimum fifty-foot setback
- G. Lot width: 75 feet min.
- H. Buffer strip is required along all side and rear lot lines that adjoin an existing residential use. The purpose of this buffer is to screen the view of automobiles in parking areas and reduce the glare of the automobile headlights and reduce noise. The buffer strip adjoining parking areas shall be at least 15 feet in width as measured from the property line and shall consist of any/or a combination of the following: existing trees and shrubs, board on board fencing and new landscaping. The preservation of natural vegetation as part of the buffer strip is encouraged. Additional plantings of trees and shrubs shall be required to insure an effective buffer. The buffer strip shall have sufficient materials to obscure any glare of automobile headlights year round. The maintenance of the buffer shall be the responsibility of the property owner. The Board may grant a reduction in the fifteen-foot wide buffer strip provided the applicant can demonstrate to the Board and the Board's landscape architect that the reduced buffer can adequately satisfy the purpose described above.
- I. Permitted density: There is no limit to permitted density for assisted living facilities or independent living residential units. Independent living units are for senior citizens only and shall not exceed 2 bedrooms per unit. The intensity of the site is controlled by the site coverage, setbacks and building height requirements of this section. The inclusion of 5% low-income and 5% moderate-income housing is required. Low- or moderate-income housing shall be consistent with the Absecon Housing Element and include appropriate measures for affordability controls.
- J. Physical characteristics of buildings. A maximum length of 150 feet per freestanding building shall be permitted. Up to 3 such one-hundred-fifty-foot maximum depth buildings may be attached, provided that an angle of at least 30° exists between adjacent buildings. However, there can be no continuous roofline or continuous front and/or rear building line of more than 80 linear feet. It is the purpose of this section to provide for both broken rooflines and different setbacks and to break up a straight linear configuration. Buildings connected by party or common walls shall not be considered separate buildings for the purposes of this section.

- K. Bedroom content. The applicant shall furnish as part of the project submittal data indicating the proposed mix of bedrooms of structures included within the development. Independent living units shall not exceed 2 bedrooms.
- L. Floor area of independent living units. A studio-type unit shall contain not less than 400 square feet; a unit intended for single occupancy, one-bedroom design, shall contain not less than 500 square feet; and a unit with 2 bedrooms shall contain not less than 600 square feet.
- M. Social and recreational facilities shall reflect, insofar as possible, preferences of the anticipated residents. Indoor facilities shall include hobby or craft facilities, lounging areas which may also be used for meetings and group activities, card rooms, lavatories and may include an indoor swimming pool. Outdoor facilities shall include pedestrian walks and benches, and may include shuffleboard, horseshoe courts, pavilions, outdoor pool and the like.
- N. The architectural design of all buildings and the site location and recreational facilities must be consistent with the ultimate purpose of achieving independent, self-reliant and pleasant living arrangements and shall take into account the desires and needs of older persons for privacy, participating in social community activities and access to community activities. At the same time, provisions shall be made to accommodate the limitations that sometimes accompany advanced years so that independent living can be sustained as long as possible. The architectural design as aforesaid shall be a matter of review by the Planning Board. The applicant shall comply to the criteria as aforesaid or provide good and sufficient cause not to comply and offer acceptable alternatives. The use of natural materials, such as wood, brick or stone, is encouraged.
- O. Laundry facilities, either located in individual units or in common areas, shall be provided for the use of residents.

**§ 224-244. Design standards.**

Design standards shall conform to Article XXII (where applicable) and § 224-116 of the Absecon Developmental Ordinance.

**§ 224-245A. Landscaping and buffers for District A.**

Landscaping shall conform to § 224-78 and § 224-129. Buffers shall conform to § 224-243A I.

**§ 224-245B. Landscaping and buffers for District B.**

Landscaping shall conform to § 224-78 and § 224-129. Buffers shall conform to § 224-243B H.

§ 224-246A. Parking for District A.

Parking requirements. Guidelines offered for provided parking are as follows:

	Minimum Spaces Recommended
Independent living unit:	1/unit
Nursing bed:	0.3/bed
Assisted living bed:	0.3/bed
Employee (peak shift):	0.5/employee

The actual parking need shall be determined by the number of employees attended to occupy the facility and the number of residents, visitors, guests anticipated to occupy the units or visit the site at peak periods. It is the obligation of the applicant to demonstrate to the Board actual need for parking by the presentation of parking generation studies from authorities on the subject of parking generation. Publications by the Institute of Transportation Engineers (ITE) or the American Planners Association (APA) or other professional associations will be considered. The Board may consider permitting a 20% reduction in required parking provided an area is reserved for expansion in the event the parking is determined to be necessary by the Board at a future date or by the applicant. If the additional parking is pre-engineered and reviewed by the Board and Board's professionals at the time of the original approval is granted, the additional parking can be constructed at the time of the original approval is granted, the additional parking can be constructed by the applicant at their discretion without returning to the Board. This is permitted provided the applicant informs the City Engineer in writing and posts an inspection escrow prior to actual construction taking place.

§ 224-246B. Parking for District B.

Parking requirements. Guidelines offered for provided parking are as follows:

	Minimum Spaces Recommended
Independent living unit:	1/unit
Assisted living bed:	0.3/bed
Employee (peak shift):	0.5/employee

The actual parking need shall be determined by the number of employees attended to occupy the facility and the number of residents, visitors, guests anticipated to occupy the units or visit the site at peak periods. It is the obligation of the applicant to demonstrate to the Board actual need for parking by the presentation of parking generation studies from authorities on the subject of parking generation. Publications by the Institute of Transportation Engineers (ITE) or the American Planners Association (APA) or other professional associations will be considered. The Board may consider permitting a 20% reduction in required parking provided an area is reserved for expansion

in the event the parking is determined to be necessary by the Board at a future date or by the applicant. If the additional parking is pre-engineered and reviewed by the Board and Board's professionals at the time of the original approval is granted, the additional parking can be constructed at the time of the original approval is granted, the additional parking can be constructed by the applicant at their discretion without returning to the Board. This is permitted provided the applicant informs the City Engineer in writing and posts an inspection escrow prior to actual construction taking place.

#### § 224-247. Lighting.

Lighting shall conform to § 224-130, which includes the requirement to design lighting to prevent glare upon surrounding properties.

#### § 224-248. Public notice.

Public notice shall be required in accordance with N.J.S.A. 40:55D-12.

#### § 224-249. General provisions.

For general provisions refer to § 224-154.

#### § 224-250. Definitions.

The following definitions of terms shall be used for the purpose of this article:

**INDEPENDENT LIVING FACILITY, ADULT RETIREMENT COMMUNITY** — An age-restricted planned development that emphasizes social and recreational activities but may also provide personal services, limited health facilities, and transportation. Communal dining may be provided.

**ASSISTED LIVING FACILITY** — Residences for frail elderly that provide rooms/beds, meals, personal care, and supervision of self-administered medication. Other services, such as recreation activities, financial services, and transportation.

**CONGREGATE SENIOR RESIDENCES** — Apartments and dwellings for the elderly that provide communal dining facilities and services, such as housekeeping, organized social and recreation activities, transportation services, and other support services appropriate for the senior residences.

**NURSING FACILITY, NURSING HOME, LONG-TERM CARE FACILITY** — An institution that is licensed or approved by the state to provide health care under medical supervision for 24 or more consecutive hours.

**MEDICAL FACILITIES** — A facility that contains establishments dispensing health services.

**EXTENDED CARE FACILITY** — A long-term facility licensed or approved by the state as a nursing home, infirmary unit of a home for the aged, or a governmental medical institution.

**INTERMEDIATE CARE FACILITY** — A facility that provides personal care (including dressing, eating, and health-related care and services) on a regular basis, to individuals who require such assistance but who do not require the degree of care and treatment that a hospital or skilled nursing facility would provide.

**ADULT DAY CARE** — A facility that offers daily organized social and recreational activities, transportation services, meals, and other support services appropriate for senior citizens.

**§ 224-251. Repealer; severability; effective date.**

- A. Any ordinance or portion of ordinances inconsistent with this article is hereby repealed to the extent of such inconsistency.
- B. If any portion of this article is declared to be invalid by a court of competent jurisdiction, it shall not affect the remaining portions of this article which shall remain in full force and effect.
- C. The ordinance codified in this article shall take effect in the time and manner prescribed by law.

City of Absecon City  
Schedule A  
Permitted Signs by Sign Type and Zoning District  
[Added 11-7-1996]

- KEY:**  
 P Allowed without sign permit  
 R Sign registration required  
 N Sign not allowed in district  
 T Temporary sign allowed only with sign permit

Zoning District	R1	R2	R3	R4	R-FSH	C, Part 2				C, Part 3				I/PI C, Part 4	CH/I-SPB C, Part 5	CR	PK
						C1	C2	C3	HC	DC	HD	DC	HC				
Refer to Schedule																	
Structural Sign Type																	
Awning	N	N	N	R	R	R	R	R	R	R	R	R	R	R	R	N	R
Canopy	N	N	N	R	R	R	R	R	R	R	R	R	R	R	R	N	R
Marquee	N	N	N	R	R	R	R	R	R	R	R	R	R	R	R	N	R
Freestanding	N	N	N	R	R	R	R	R	R	R	R	R	R	R	R	N	R
Ground	N	N	N	R	R	R	R	R	R	R	R	R	R	R	R	N	R
Pole	N	N	N	R	R	R	R	R	R	R	R	R	R	R	R	N	R
Portable	N	N	N	R	R	R	R	R	R	R	R	R	R	R	R	N	R
Projecting	N	N	N	R	R	R	R	R	R	R	R	R	R	R	R	N	R
Roof	N	N	N	R	R	R	R	R	R	R	R	R	R	R	R	N	R
Suspended	N	N	N	R	R	R	R	R	R	R	R	R	R	R	R	N	R
Temporary	P	P	P	T	T	T	T	T	T	T	T	T	T	T	T	N	T
Wall	N	N	N	R	R	R	R	R	R	R	R	R	R	R	R	N	R
Window	N	N	N	R	R	R	R	R	R	R	R	R	R	R	R	N	R



City of Absecon City  
 Schedule B  
 Maximum Total Sign Area Per Lot by Zoning District  
 [Added 11-7-1996]

This schedule specifies the maximum total sign area for all signs on a property and/or a building, except for temporary and incidental signs.

Zoning District Refer to Schedule	C, Part 1						C, Part 2			C, Part 3			C, Part 4		C, Part 5		CR	PK	
	R1	R2	R3	R4	RFS	C1	C2	C3	HC	DC	HD	IPI	CH/I-SPB	CR	PK				
Maximum total sign area <sup>1</sup> (square feet)	2	6	2	6	6				110	110	110	110		25				25	
Percentage of building facade surface area <sup>2</sup>						10%	10%	10%											

**NOTES:**

- 1 Refer to § 224-163 for the specified method of computing maximum total sign area.
- 2 As illustrated herein, the building facade for sign area calculations is determined by area formed by the total building height, excluding roof areas, and the total building width fronting on an improved street. Properties in the Marine Commercial (C3) District may consider the Absecon Creek as the improved street for sign area calculations and sign location.

City of Absecon City  
 Schedule C  
 Number and Dimensions of Permitted Signs  
 [Added 11-7-1996]  
 Part 1, Residential Districts

	Total Number of Signs Allowed	Maximum Total Sign Area	Property Line Setbacks	Maximum Sign Height
<b>Structural Sign Type<sup>1</sup></b>				
Canopy	1 per lot or 1 per building	6 square feet	Canopy face	12 feet
Ground				4 feet
Projecting Wall			Building face	10 feet
Temporary <sup>2</sup>	1 per lot	Refer to §§ 224-172 and 224-173	5 feet	6 feet
<b>Functional Sign Type</b>				
Business <sup>3</sup>	1 per lot or 1 per building	6 square feet	See structural type	
Identification	1 per building	4 square feet		
Directory	1 per building	4 square feet		
Temporary	Refer to §§ 224-172 and 224-173			

**NOTES:**

- <sup>1</sup> Only one structural sign type is permitted for a lot or building for the R2, R4 or R-FSH Residential District, except for temporary signs in the R4 or R-FSH District.
- <sup>2</sup> Temporary signs shall only be permitted with review by the Planning Board and/or Building Inspector in the R4 and R-FSH Residential Districts.
- <sup>3</sup> Signage in the R2 Residential District shall be limited to that permitted for home professional offices (business/identification) as approved by the Planning Board.

City of Absecon City  
 Schedule C  
 Part 2, Central and Community Business Districts

	Total Number of Signs Allowed	Property Line Setbacks	Maximum Sign Height
<b>Structural Sign Type</b>			
Awning	1 per building	N/A	10 feet
Canopy			
Marquee			
Pole	1 per lot	5 feet	12 feet
Ground			4 feet
Projecting Wall	1 per building	None	12 feet
Window	N/A	Window face	
Temporary	Refer to §§ 224-172 and 224-173		
<b>Functional Sign Type</b>			
Changeable copy bulletin board	1 per lot	Refer to structural type	
Directory	1 per building		
Identification	2 per building		
Incidental	As required		
Temporary	Refer to §§ 224-172 and 224-173		
Time/temperature	1 per building	Building line	12 feet

City of Absecon City  
 Schedule C  
 Part 3, Highway Commercial, Highway Development,  
 Design Commercial and Marine Commercial Districts

	Total Number of Signs Allowed	Property Line Setbacks	Maximum Sign Height
<b>Structural Sign Type</b>			
Awning	1 per building	N/A	12 feet
Canopy			
Marquee			
Pole	1 per lot	5 feet	25 feet
Ground			6 feet
Projecting Wall	2 per building	None	12 feet
Window		None	
Window	N/A	Window face	N/A
Temporary	Refer to §§ 224-172 and 224-173		
<b>Functional Sign Type</b>			
Changeable copy bulletin board	1 per lot	Refer to structural type	
Directory	1 per building		
Identification	4 per lot		
Incidental	As required		
Temporary	Refer to §§ 224-172 and 224-173		
Time/temperature	1 per building	Building line	12 feet

City of Absecon City  
Schedule C

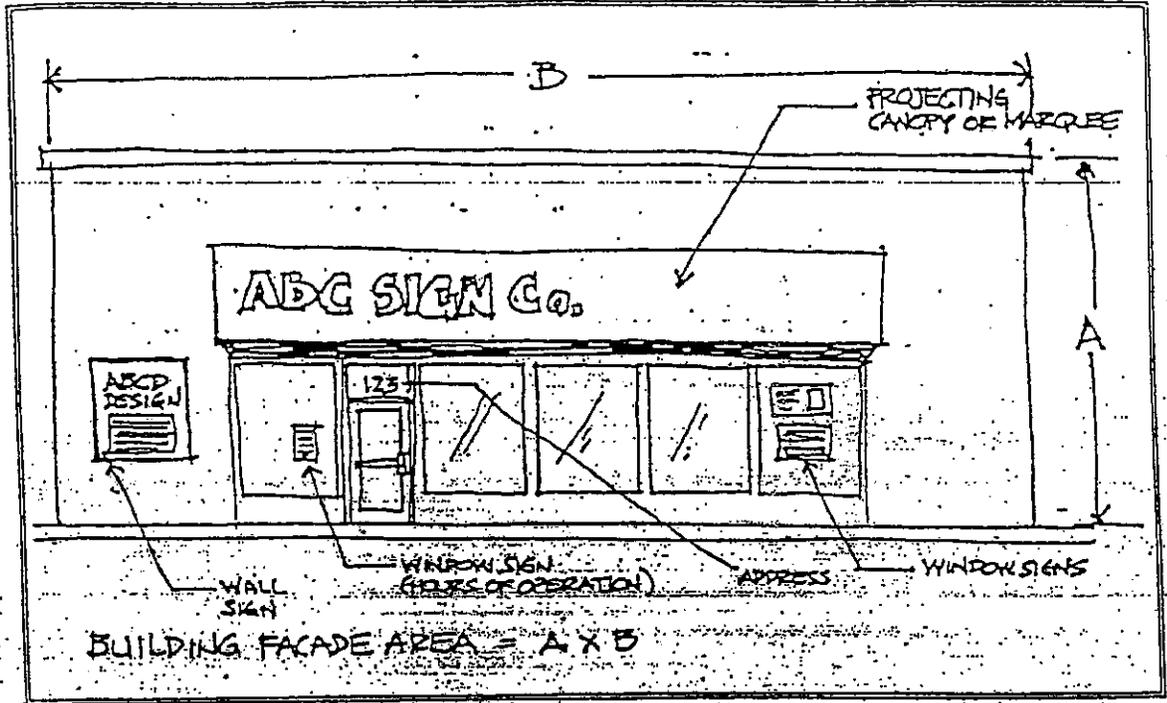
Part 4, Industrial and Planned Industrial Area Districts

	Total Number of Signs Allowed	Property Line Setbacks	Maximum Sign Height
<b>Structural Sign Type</b>			
Canopy	1 per building	N/A	12 feet
Awning			
Marquee			
Pole	1 per lot	5 feet	12 feet
Ground			6 feet
Projecting Wall	2 per building	None	12 feet
Window		None	
Window	N/A	Window face	N/A
Temporary	Refer to §§ 224-172 and 224-173		
<b>Functional Sign Type</b>			
Changeable copy	1 per lot		Refer to structural type
Bulletin board			
Directory			
Identification			
Incidental	As required		
Temporary	Refer to §§ 224-172 and 224-173		
Time/temperature	1 per building	Building line	12 feet

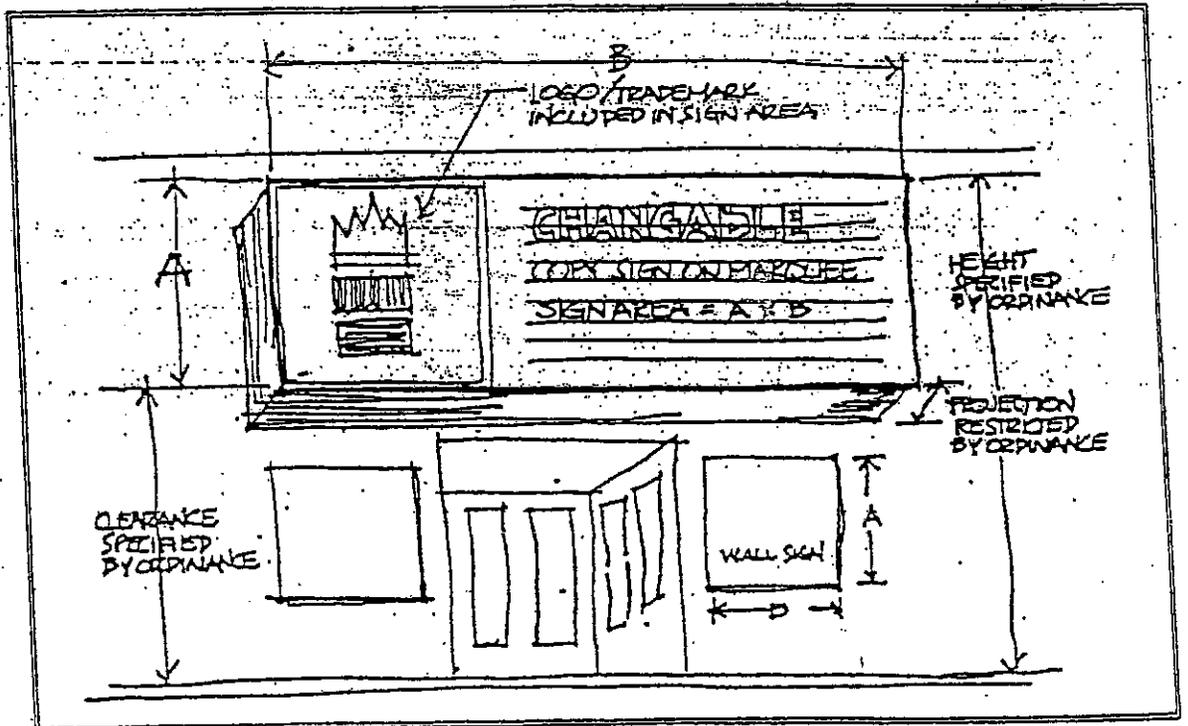
City of Absecon City  
 Schedule C  
 Part 5, Church/Institutional and  
 Schools/Public Building Districts

	Total Number of Signs Allowed	Property Line Setbacks	Maximum Sign Height
<b>Structural Sign Type</b>			
Awning	1 per building	N/A	10 feet
Canopy			
Marquee			
Pole	1 per lot	5 feet	12 feet
Ground			4 feet
Wall	2 per building	Building face	12 feet
Window	N/A	Window face	N/A
Temporary	Refer to §§ 224-172 and 224-173		
<b>Functional Sign Type</b>			
Changeable copy Bulletin board	1 per lot	Refer to structural type	
Identification	2 per building		
Incidental	As required		
Temporary	Refer to §§ 224-172 and 224-173		

LAND USE AND DEVELOPMENT

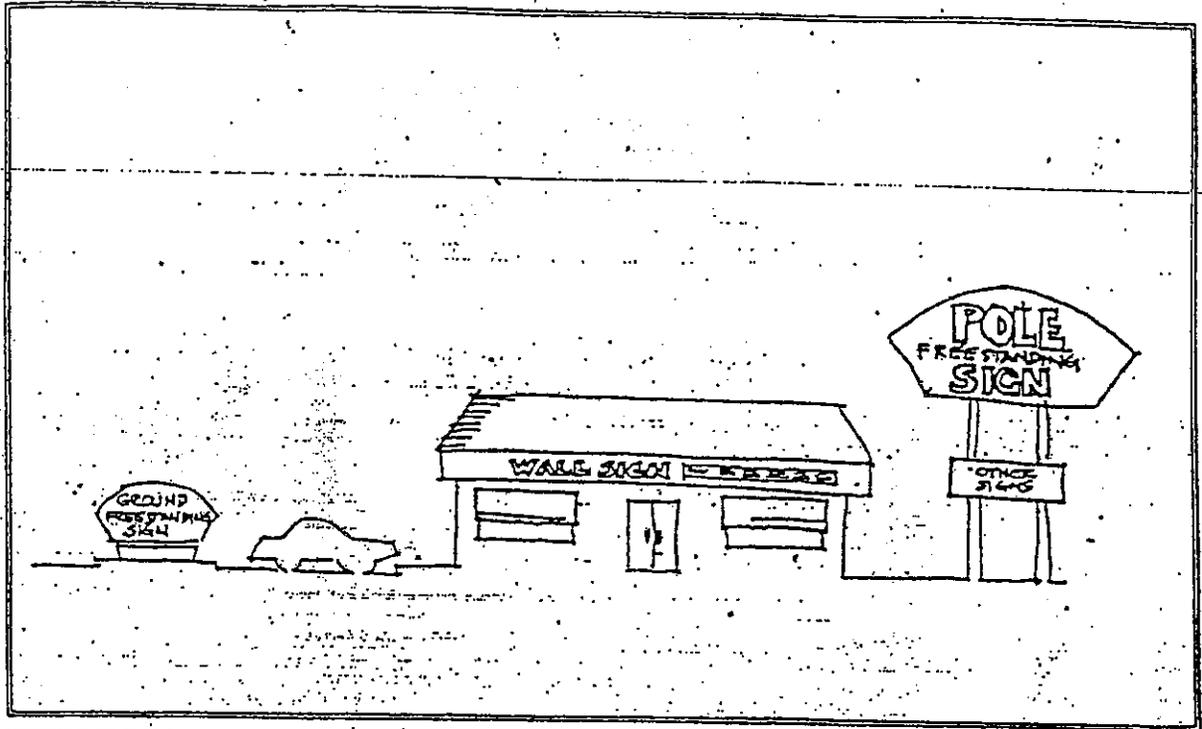


SIGN ILLUSTRATIONS: CANOPY, MARQUEE, WALL AND WINDOW SIGNS



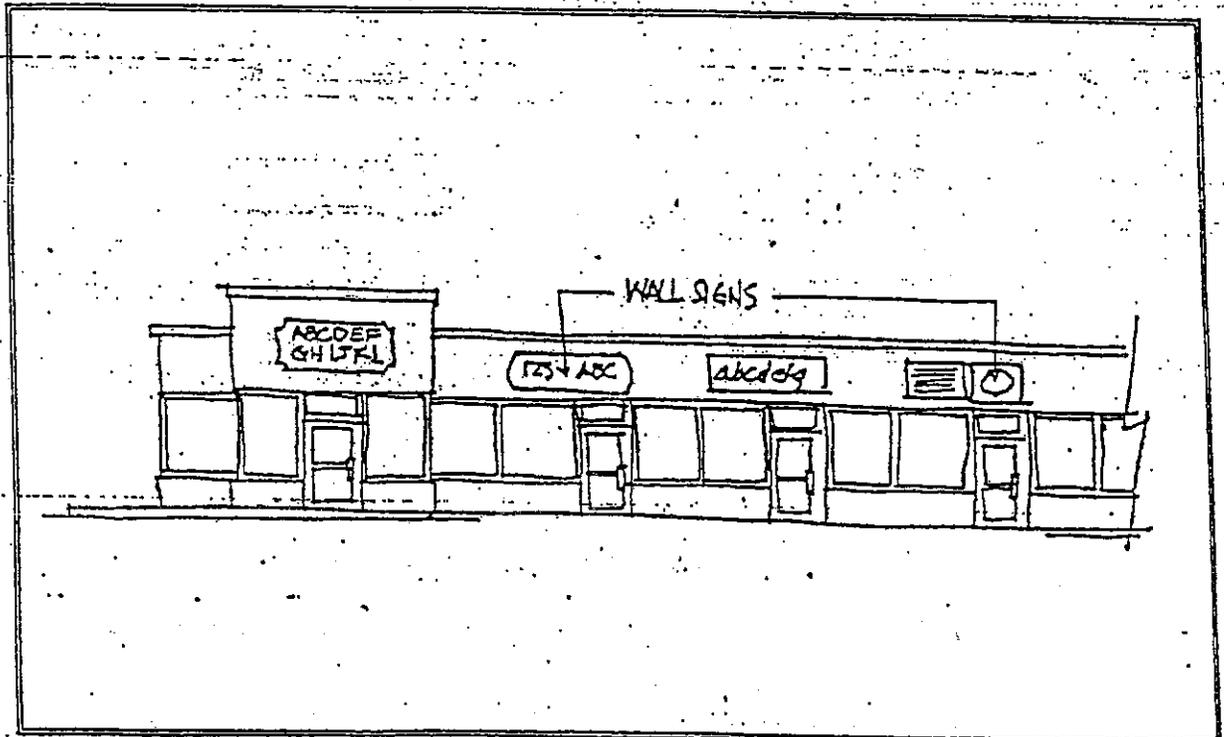
SIGN ILLUSTRATIONS: MARQUEE, WALL AND CHANGEABLE COPY

LAND USE AND DEVELOPMENT



SIGN ILLUSTRATIONS:

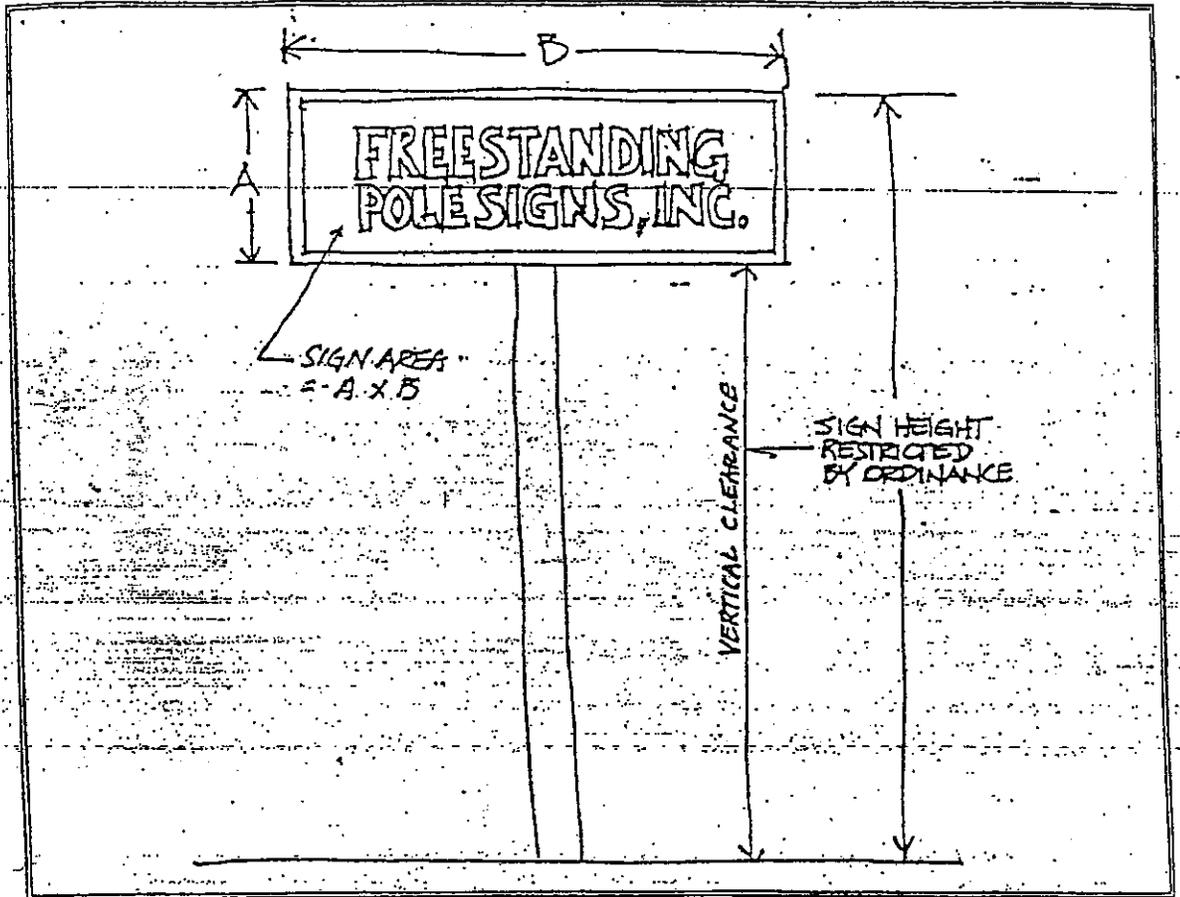
GROUND, POLE AND WALL SIGNS



SIGN ILLUSTRATIONS:

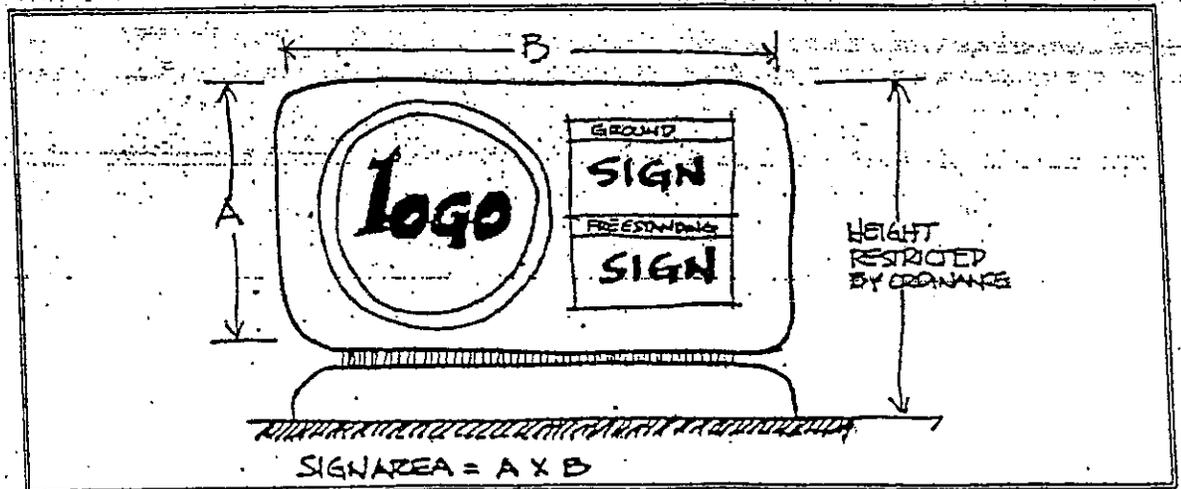
WALL SIGNS

LAND USE AND DEVELOPMENT



SIGN ILLUSTRATIONS:

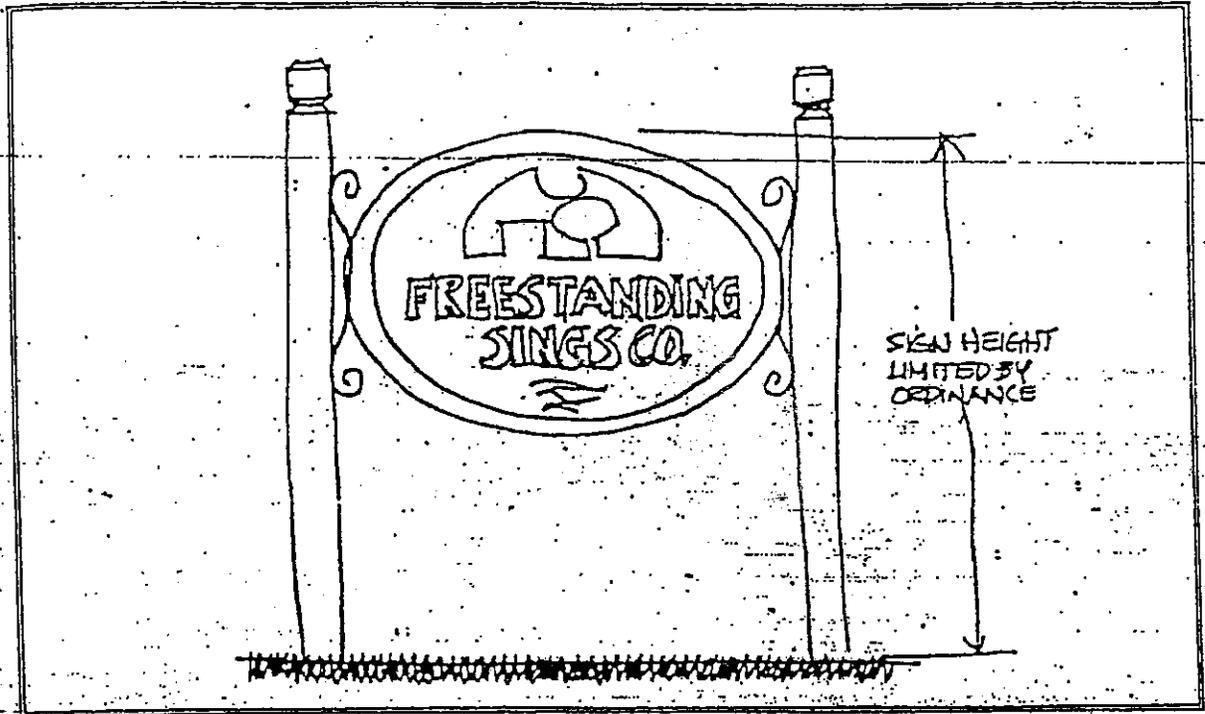
FREESTANDING POLE SIGN



SIGN ILLUSTRATIONS:

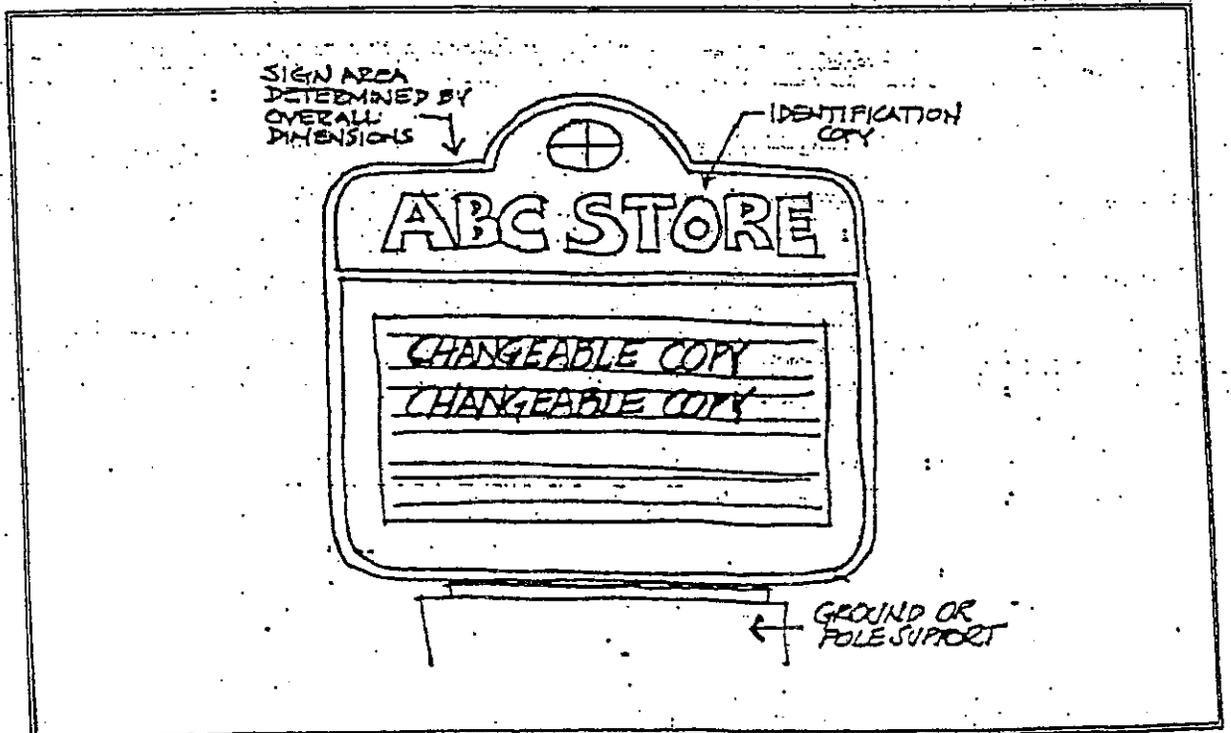
FREESTANDING GROUND SIGN

LAND USE AND DEVELOPMENT



SIGN ILLUSTRATIONS:

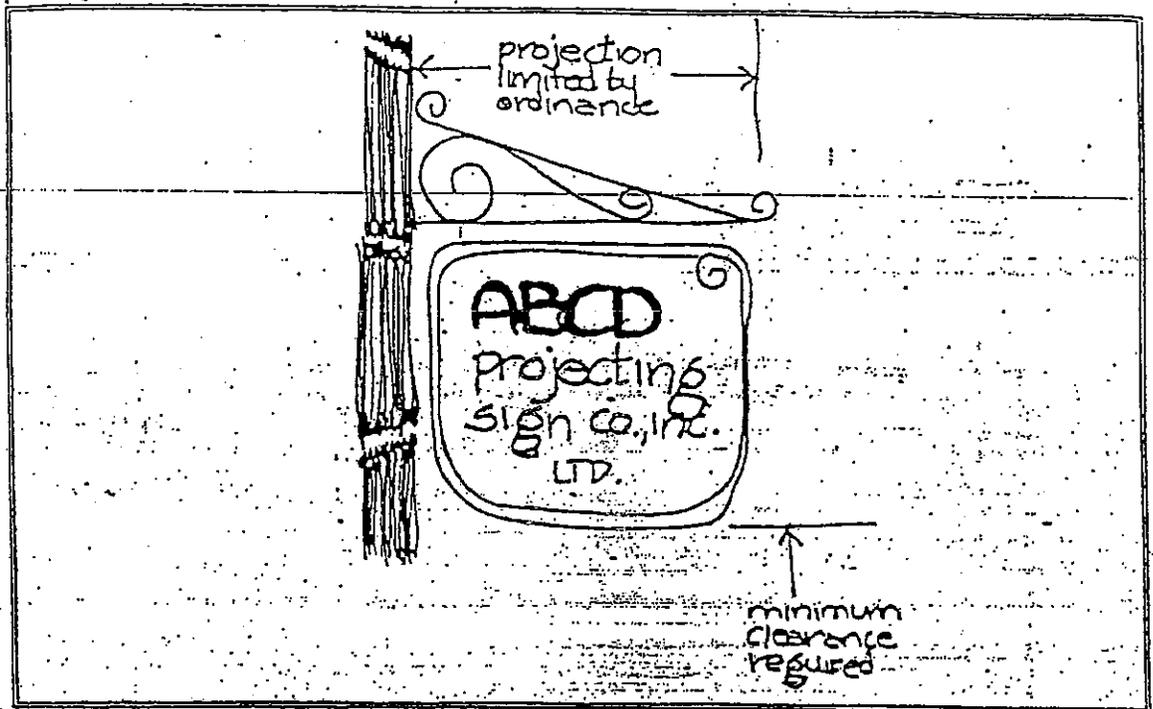
FREESTANDING SIGN



SIGN ILLUSTRATIONS:

FREESTANDING SIGN WITH CHANGEABLE COPY

LAND USE AND DEVELOPMENT



SIGN ILLUSTRATIONS:

PROJECTING SIGN



SIGN ILLUSTRATIONS:

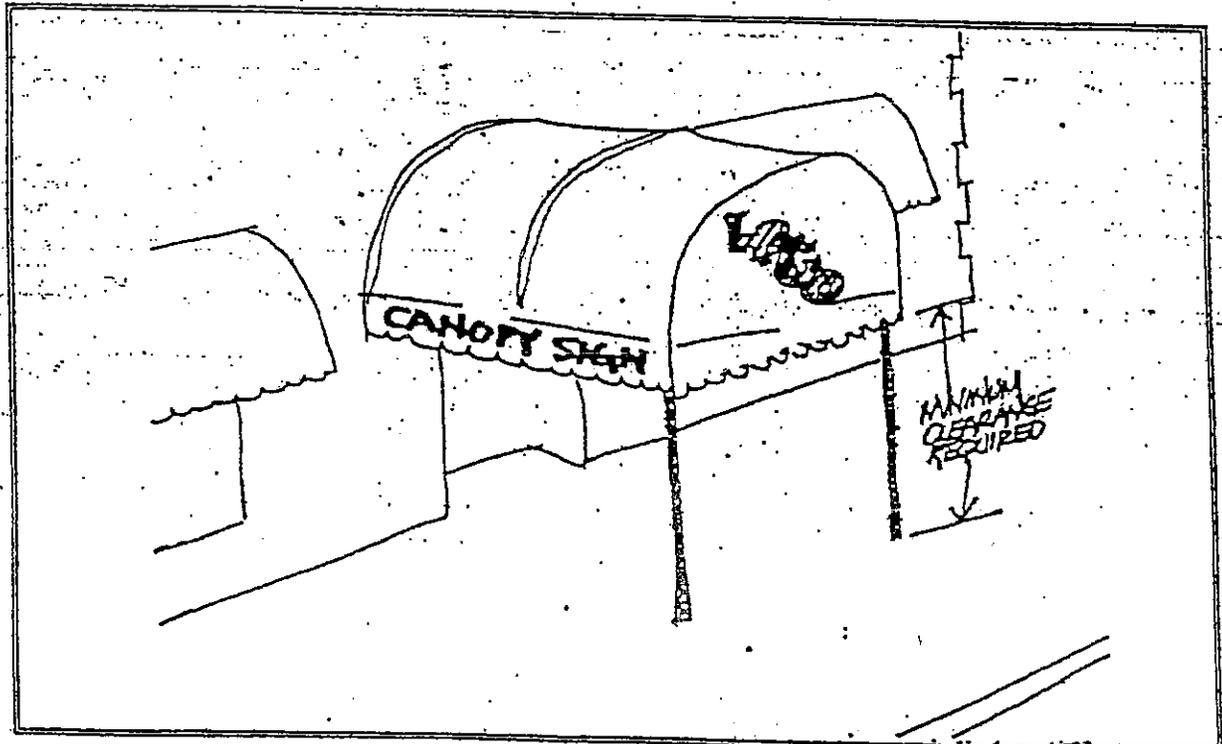
WALL SIGN

LAND USE AND DEVELOPMENT



SIGN ILLUSTRATIONS:

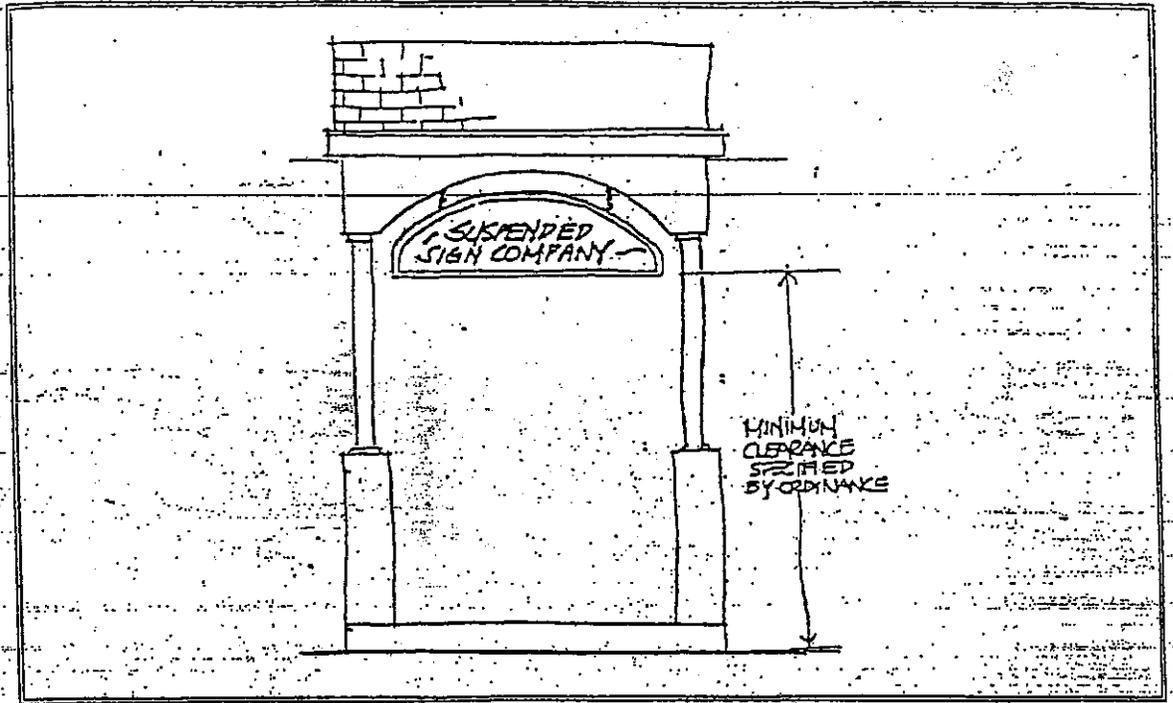
AWNING AND WINDOW SIGNS



SIGN ILLUSTRATIONS:

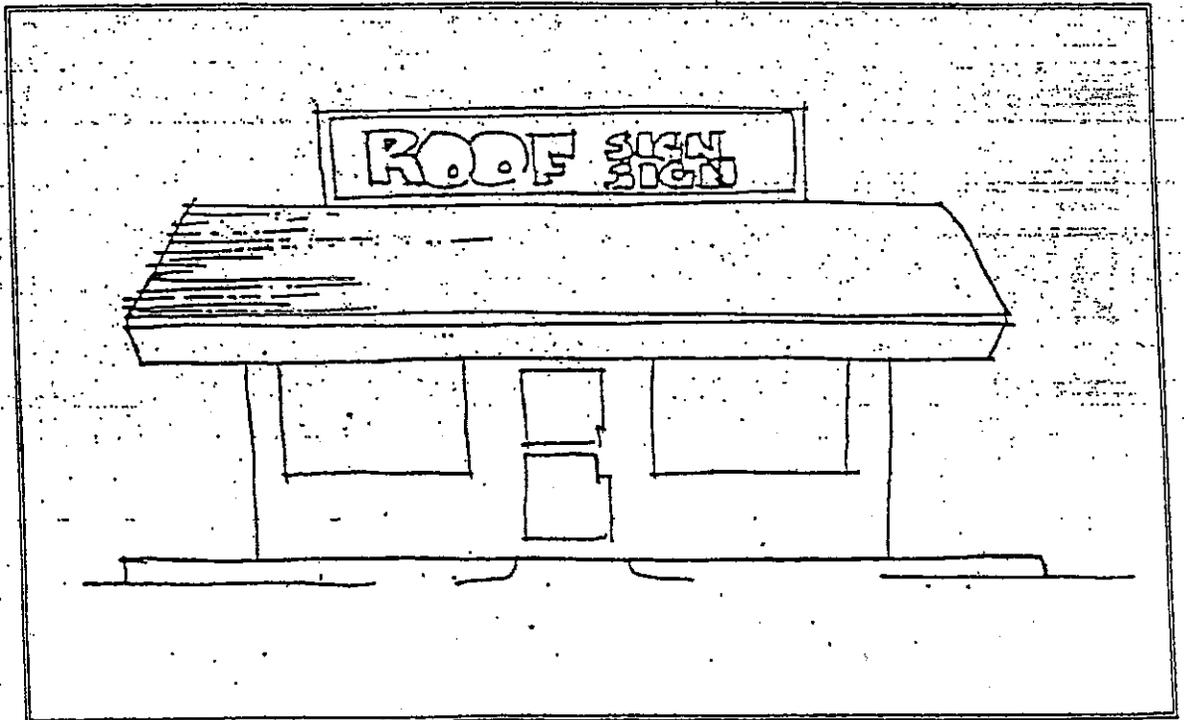
CANOPY SIGN

LAND USE AND DEVELOPMENT



SIGN ILLUSTRATIONS:

SUSPENDED SIGN



SIGN ILLUSTRATIONS:

ROOF SIGN