

Chapter 130

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[HISTORY: Adopted Amendments noted where applicable.]

Part 1
General Provisions

ARTICLE I
General Provisions

§ 130-1. Title.

The long title for this chapter shall be "A comprehensive ordinance regulating and limiting the uses of land and the uses and locations of buildings and structures; regulating and restricting the height and bulk of buildings and structures and determining the area of yards and other open spaces; regulating and restricting the density of population; dividing the City of Salem into districts for such purposes; adopting a map of said city boundaries and the classification of such districts; establishing rules, regulations, and standards governing the subdivision and site planning of land within the city; establishing a Planning Board and Board of Adjustment; and prescribing penalties for the violation of its provisions."

§ 130-2. Short title.

This chapter shall be known and may be cited as the "Land Development Ordinance of the City of Salem."

§ 130-3. Purposes enumerated.

It is the general purpose of the chapter to encourage and guide the appropriate use and development of all land and natural resources within the City of Salem in a manner which will promote the health, safety, moral, and general welfare of the community and which will further the following related and more specific objectives:

A. To guide and regulate the orderly growth and development of the city in accordance with a comprehensive plan.

B. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of the community and the preservation and conservation of the natural environmental and natural resources.

C. To protect the established character and the social and economic well-being of the community.

D. To provide sufficient space in appropriate locations for a variety of land uses according to their respective environmental requirements.

- E. To promote the conservation of open spaces, prime agricultural lands, and other valuable natural resources and to prevent environmental degradation through the improper use of land.
- F. To encourage the location and design of safe and efficient transportation routes which will promote the free flow of traffic and pedestrians.
- G. To promote a desirable and attractive visual environment through creative development techniques and good community design.
- H. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with the land use policies.

ARTICLE II Definitions

§ 130-4. Word usage.

- A. For the purposes of this chapter, the following rules of construction shall apply:

- (1) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (2) Words used in the singular include the plural and vice versa.
- (3) Any word tense includes every tense of the word.
- (4) The word "shall" is mandatory, the word "may" is permissive.
- (5) The words "used" and "occupies" includes the words "designed, intended, or arranged to be " used or occupied.
- (6) The word "building" includes the words "structure", "dwelling" or "residence" and includes "or any part thereof".
- (7) The word "lot" includes the words "plot", "premises", and "tract".
- (8) The word "zone" includes district and vice versa.

- B. Whenever a term is used in the chapter which is defined in N.J.S.A. 40:55D-1 et. seq. such term is intended to have the meaning as defined in said statute, unless specifically defined to the contrary in this chapter.
- C. Any word or term not defined herein shall be used with a meaning of standard usage.

§ 130-5. Words and phrases defined.

Unless otherwise stated in context, the words and phrases set forth in the following paragraphs shall have the meaning therein indicated:
ACCESSORY BUILDING -- A building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.
ACCESSORY USE -- A use subordinate to the main use of land or of a building on a lot and customarily incidental thereto.

BUILDING:

- A. DETACHED -- A building which has no party wall.
- B. SEMIDETACHED -- A building which has only one (1) party wall in common with an adjacent building.
- C. ATTACHED -- A building which has two (2) party walls in common with adjacent buildings. (See also "townhouse.")

BUILDING AREA -- The aggregate of the maximum horizontal cross-section area, excluding cornices, eaves and gutters of all buildings on a lot.
BUILDING LINE -- The line parallel to the street line at a distance therefrom equal to the depth of the required front yard.

CARTWAY -- The portion of a street or alley intended for vehicular use.

COMPLETE APPLICATION -- An application form completed as specified by this chapter and the rules and regulations of the City of Salem and all

accompanying documents required by ordinance for approval of the application for development, including where applicable, but not limited to, a site plan or subdivision plat; provided that the Planning Board may require such additional information not specified in this chapter as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Planning Board. An application shall be certified as complete immediately upon the meeting of all requirements specified in the chapter and in the rules and regulations of the Planning Board, and shall be deemed complete as of the day it is so certified by the administrative officer for purposes of the commencement of the time period for action by the Planning Board.

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 § 130-76 herein, and upon the issuance of an authorization therefore by the Planning Board.

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

DEVELOPER -- The legal or beneficial owner or owners of a lot of any land proposed to be included in a proposed subdivision or 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, excavating 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 authorization may be required pursuant to this chapter.

DEVELOPMENT REGULATION -- A Zoning Ordinance, subdivision ordinance, site plan ordinance, official map ordinance or other city regulation of the use and development of land, or amendment thereto adopted and filed pursuant to N.J.S.A. 40:55 D-1 et seq.

DRAINAGE RIGHT-OF-WAY -- The lands required for the installation of storm water sewers or drainage ditches; or lands 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 1 of Title 58 of the New Jersey Statutes Annotated.

DWELLING:

A. SINGLE-FAMILY -- A building, on a lot, designed and occupied exclusively as a residence for one (1) family.

B. TWO-FAMILY -- A building, on a lot, designed and occupied exclusively as a residence for two (2) families.

C. MULTIPLE DWELLING OR APARTMENT HOUSE -- A building, on a lot, designed and occupied exclusively as a residence for three (3) or more families.

D. HOTEL, MOTEL, TOURIST HOUSE -- A building, or group of buildings on a lot, with three (3) or more rental rooms, arranged and used for the lodging and accommodation of guests for compensation.

E. TOWNHOUSE -- A group of attached, single-family dwellings or dwelling units constructed in a series as part of a unified development on a single lot or tract, with each dwelling unit extending from basement to roof.

F. DWELLING UNIT -- One or more living rooms or bedrooms with separate cooking and sanitary facilities which are used or intended to be used by a single family and to which there is access to the outdoors either directly or through a common entrance hall.

EASEMENT -- A right granted for the use of private land for certain public or quasi-public purposes; also, the land to which such a right pertains.

ELECTRIC SUBSTATION -- An assemblage or equipment for purposes other than generation or utilization, through which electric energy in bulk is

passed for the purposes of switching or modifying its characteristics to meet the needs of the general public, providing that in residence districts an electric substation shall not include rotating equipment, except as is incidental to the operation of the substation as such, storage of materials, trucks or repair facilities or housing of repair crews.

FAMILY -- One or more persons related by blood, adoption, or marriage, including foster children and household servants, living and cooking together as a single housekeeping unit. A number of persons but not to exceed three (3) living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage shall be deemed to constitute a family.

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

HEIGHT OF BUILDING -- A building's vertical measurement from the main level of the ground abutting the building to a point midway between the highest and lowest points of the roof, provided that chimneys, spires, towers, elevator penthouses, tanks and similar projections of the building and structures supporting utility or transmission facilities, shall not be included in calculating the height.

HOME OCCUPATION -- Any lawful occupation customarily conducted in a dwelling as an incidental use. A clinic barber shop, beauty parlor, hair stylist, tearoom, tourist home, mortuary, convalescent home, commercial kennel, or any similar use shall not be deemed to be a home occupation.

LOT -- A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

LOT -- A parcel of land on which a main building and any accessory buildings are or may be placed, together with the required open spaces. The area of a lot which abuts a street shall be measured to the street line only.

MAINTENANCE GUARANTEE -- Any security, other than cash, which may be accepted by a municipality for the maintenance of any improvements required by this act.

MAJOR SUBDIVISION -- Any subdivision not classified a minor subdivision.

MINOR SITE PLAN -- A development plan of one or more lots which proposes new development within the scope of development specifically permitted by this chapter as a minor site plan; does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to N.J.S.A. 40:55D-42; and contains the information reasonably required in order to make an informed determination as to whether the requirements established by this chapter for approval of a minor site plan have been met.

MINOR SUBDIVISION -- A subdivision of land that does not involve the creation of more than three lots including any residual portion of the tract; planned development; any new street; extension of any off-tract improvement; the cost of which is to be prorated in accordance with § 130-137F of this chapter; conflict with any portion or provision of the Master Plan, Official Map, Zoning Ordinance, or this chapter; or will not adversely affect the proper development of any remainder of the tract or the adjoining properties.

MULTIFAMILY HOUSING DEVELOPMENT -- A building containing three (3) or more dwelling units occupied or intended to be occupied by persons living independently of each other, or a group of such buildings.

NONCONFORMING BUILDING OR USE -- A building or a use of land or of a building existing at the effective date of this chapter which does not conform with the requirements of this chapter.

NOXIOUS -- That which is toxic and injurious to health.

OFF-SITE -- Located outside the lot lines of the lot in question but within the property (of which the lot is a part), which is the subject of a 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.

OVERLAY DISTRICT -- A zoning district which is an additional district, carrying its own restrictions, to another zoning classification of land.

PARKING SPACE -- An open space or a garage, on a lot, used for parking motor vehicles, the area of which is not less than one hundred eighty (180) square feet and to which there is access from a street.

PERFORMANCE GUARANTEE -- Any security, which may be accepted by a municipality, including cash; provided, that not more than ten percent (10%) of the total performance guarantee may be required in cash.

PLAT -- A map or maps of a subdivision or site plan.

PRELIMINARY APPROVAL -- The conferral of certain rights pursuant to N.J.S.A. 40:55 D-46, 48 and 49, prior to final approval after specific elements of a development plan have been agreed upon by the Planning Board and the applicant.

PRIVATE GARAGE -- An accessory building used for the storage of motor vehicles, which may include one (1) commercial vehicle, owned and used by the owner or tenant of the premises and for the storage of not more than two (2) private noncommercial vehicles owned and used by persons other than the owner or tenant of the premises.

PUBLIC GARAGE -- A building, not a private garage, used primarily for the storage and/or repair of motor vehicles of any type or ownership.

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

RESUBDIVISION -- The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law, or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

RIGHT-OF-WAY -- Land set aside for use as a street, alley, crosswalk or common means of communication, travel or drainage.

SINGLE AND SEPARATE OWNERSHIP -- The ownership of a lot by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of an adjoining lot.

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, screening devices; and

C. Any other information that may be reasonably required in order to make an informed determination pursuant to the provisions of this chapter relating to review and approval of site plans by the Planning Board.

STREET -- Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway; which is shown upon a plat heretofore approved pursuant to law; which is approved by official action as provided by this act; 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 of such Board of the power to review plats; and includes the land between the street lines,

whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines. For the purpose of this chapter streets shall be classified as follows:

A. ARTERIAL or MAJOR STREETS -- Those which are used primarily for fast or heavy through traffic.

B. MINOR COLLECTOR STREETS -- Those which carry traffic from residential service streets to arterial or major streets, including the principal entrance streets of a residential development and streets for circulation within such a development.

C. RESIDENTIAL SERVICE STREETS -- Those which are used primarily for access to the abutting properties.

D. MARGINAL ACCESS STREETS -- Streets which are parallel to and adjacent to arterial or major streets and which provide access to abutting properties and protection from through traffic.

E. ALLEYS -- Minor ways which are used primarily for vehicular service access to the back or the side of properties which have frontage on a street.

STREET LINE -- The dividing line between a lot and outside boundary of a public street, road, or highway legally open or officially platted by the city, or between a lot and a private street, road or way over which the owners, or tenants of two (2) or more lots held in single and separate ownership have the right-of-way.

STRUCTURAL ALTERATION -- Any change in or addition to the supporting members of a building or structure, such as bearing wall partitions, columns, beams or girders.

SUBDIVISION -- The division of a lot, tract or parcel of land for sale or development. The following shall not be considered subdivisions if no new streets are created:

A. Divisions of land found by the Planning Board or Subdivision Committee thereof to be for agricultural purposes where all resulting parcels are five (5) acres or larger in size;

B. Divisions of property by testamentary or intestate provisions;

C. Divisions of property upon court order, including but not limited to judgments of foreclosure;

D. Consolidation of existing lots by deed or other recorded instrument; and

E. The conveyance of one (1) or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the Planning Board Secretary to conform to the requirements of the city development regulations and are shown and designated

as separate lots, tracts or parcels on the Tax Map of the city. The term "subdivision" shall also include the term "resubdivision".

TELEPHONE CENTRAL OFFICE -- A building and its equipment erected and used for the purposes of facilitating transmission and exchange of telephone or radiotelephone messages between subscribers, and other business of the telephone company, but in Residence Districts not to include public business facilities, storage of materials, trucking or repair facilities, or housing of repair crews.

TRACT -- A contiguous land area unbroken by a public street or road, distinguishable in its ownership from all adjacent areas.

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

YARD:

A. FRONT - The required open space, extending along the street line throughout the full width of the lot, exclusive of overhanging eaves, gutters, cornices and steps.

B. SIDE - The required open space, extending along the side line of the lot throughout the full depth of the lot, exclusive of overhanging eaves, gutters, cornices and steps.

C. REAR - The required open space, extending along the rear line of the lot throughout the full width of the lot, exclusive of overhanging eaves, gutters, cornices and steps.

Part 2

Administration

ARTICLE III

Planning Board

§ 130-6. Establishment; composition.

A. The Planning Board of seven (7) members previously established by ordinance of the Mayor and Common Council of the City of Salem is hereby established as the Planning Board for the City of Salem pursuant to Chapter 291 (P.L. 1975) consisting of the following four (4) classes:

(1) Class I. The Mayor.

(2) Class II. A member of the City Environmental Commission, said member to be appointed by the Mayor to the Planning Board.

(3) Class III. A member of the Common Council, appointed by said Common Council to the Planning Board.

(4) Class IV. Four (4) other citizens of the municipality to be appointed by the Mayor.

B. The members of Class IV shall hold no other municipal office.

C. In addition to the foregoing, alternate members may be appointed to the Planning Board in Class IV. Such alternate members shall not exceed two (2) in Class IV. Such alternate members shall be designated by the Chairman as "Alternate No. 1" and "Alternate No. 2" and shall serve in rotation during the absence or disqualification of any regular member or members of Class IV. Alternate members of each class shall be appointed by the same appointing authority as regular members of that class.

§ 130-7. Terms of office.

A. The term of the member composing Class I shall correspond with his official tenure.

B. The term of the member composing Class II shall be for three (3) years or terminate at the completion of his or her term of office on the Environmental Commission, whichever occurs first.

C. The term of the member composing Class III shall be for one (1) year or terminate at the completion of his or her respective term of office on the Common Council, whichever occurs first.

D. The terms of all Class IV members first appointed pursuant to this Part 2 shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four (4) years after their appointment; provided, however, that no term of any member shall exceed four (4) years, and further provided that nothing herein shall affect the term of any present member of the Planning Board, all of whom shall continue in office until the completion of the term for which they were appointed. Thereafter, all Class IV members shall be appointed for a term of four (4) years or less, as needed to evenly distribute expiration dates as provided above.

E. Alternate members of Class IV shall serve for terms of two (2) years; provided, however, that the initial terms of such members shall be one (1) and two (2) years respectively.

F. All terms shall run from January 1 of the year in which the appointment was made.

§ 130-8. Vacancies and removal.

A. If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as provided above for the unexpired term.

B. Any member other than a Class I member, after a public hearing if he requests one, may be removed by the governing body for cause.

§ 130-9. Organization.

The Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV and select a Secretary who may be either a member of the Planning Board or a municipal employee designated by it.

§ 130-10. Experts and staff.

A. There is hereby created the office of Planning Board Solicitor. The Planning Board may annually appoint and fix the compensation of the Planning Board Solicitor who shall be an attorney other than the Municipal Attorney.

B. The Planning Board may also employ or contract for the services of experts and staff as it may deem necessary. The Board shall not, however, exceed exclusive of gifts or grants, the amount appropriated by the governing body for its use.

§ 130-11. Powers and duties generally.

A. The Planning Board shall have the following powers and duties:

(1) To make and adopt and from time to time amend a master plan for the physical development of the municipality including any areas outside its boundaries, which in the Board's judgment bear essential relation to the planning of the municipality, in accordance with the provisions of N.J.S.A. 40:55D-28.

(2) To administer provisions of all development regulations of the municipality in accordance with the provisions of said regulations and the Municipal Land Use Law of 1975, N.J.S.A. 40:55D-1 et seq.

(3) To consider and make recommendations to the governing body within thirty-five (35) days after referral as to any proposed development regulation submitted to it pursuant to the provisions of N.J.S.A. 40:55D-26a, and also pass upon other matters specifically referred to the Planning Board by the governing body, pursuant to the provisions of N.J.S.A. 40:55D-26b.

(4) To assemble data on a continuing basis as part of a continuous planning process.

(5) To annually participate in the preparation and review of a municipal capital improvement program projected over a term of six (6) years and amendments thereto when requested by the City Council.

(6) To participate in the preparation and review of programs or plans required by state or federal law or regulations.

(7) Review of applications.

(a) When reviewing applications for approval of subdivision plats, site plans or conditional uses, grant to the same extent and subject to the same restrictions as the Zoning Board of Adjustment:

[1] Variances pursuant to N.J.S.A. 40:55D-70c;

[2] 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 drainage way, flood control basin or public area reserved to N.J.S.A. 40:55D-32; and

[3] 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) Whenever relief is requested pursuant to this section, notice of the hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit, as the case may be.

(8) To perform such other advisory duties as are assigned to it by ordinance or resolutions of the governing body for the aid and assistance of the governing body or other agencies or officers.

B. The Planning Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions of this Part 2.

ARTICLE IV

Development Review Procedures

§ 130-12. Application for development.

A. Assignment. The applicant shall have the option of seeking the advice of the administrative officer as to which approvals are required and the appropriate board for hearing same, or of filing an application and proceeding before the board which the applicant believes to be appropriate. The administrative officer's determination and advice shall be presumed to be correct but shall not be binding on the boards or on the governing body.

B. Specifications and checklists for items and information to be submitted for complete applications for development.

(1) In order for an application for development to be complete for purposes of commencing the applicable time period for action by a municipal agency pursuant to N.J.S.A. 40:55D-10.3, the items set forth in the attached Schedule A, General Requirements, must be submitted, regardless of the type of application for development, as well as those items on the following Schedules B, C, D, E and F for the particular type of application being made. Said schedules shall serve as checklists and shall be provided to each applicant for development approval.

(2) A development application shall be complete for purposes of commencing the applicable time period for action by the approving authority when so verified by the approving authority or its authorized committee or designee. In the event that the board, committee, or designee does not certify the application to be complete within forty-five (45) days of the date of the 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 the application lacks information indicated on the checklist of items to be submitted specified herein and provided in writing to the applicant, and the approving authority or its authorized committee or designees has notified the applicant, in writing, of the deficiencies in the application within forty-five (45) days of submission of the application. The applicant may request that one (1) or more of the submission requirements be waived, in which event the board or its authorized committee shall grant or deny the request within forty-five (45) days of the date of its submission. Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that the applicant is entitled to approval of the application. The approving authority may subsequently require correction of any information found to be in error and submission of additional information not specified in this chapter or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the approving authority.

(3) An applicant may appeal the committee or designee's decision concerning completeness of an application to the Board which has jurisdiction to hear the application. The board shall have forty-five (45) days after receipt of a written request to schedule a public hearing at which time the Board will determine if the application is complete. The Board shall affirm, modify, or reverse the decision of the committee or designee.

§ 130-13. General review procedures.

A. All subdivisions and site plans as defined by this chapter are subject to the review and approval requirements specified herein.

B. The Planning Board shall determine on the basis of advice from the City Engineer, the Planning Board Solicitor and the Planning Board Secretary, that the application is complete and properly submitted and therefore subject to review or that the application is incomplete, in which case the developer shall be advised within forty-five (45) days of his initial submission as to the additional materials required. An amended application shall be submitted in the same manner as the original application.

C. An applicant for subdivision or site plan approval may make a sketch plat or plan submission for purposes of classification and informal discussion. A conceptual sketch of the proposed site plan or subdivision is strongly recommended for major development prior to any sketch plat submission. The submission of a conceptual sketch need not meet sketch plat information requirements and affords the applicant the opportunity to discuss the proposal in its formative stages and receive the advice of the Planning Board. If a sketch submission results in classification as a major subdivision, the application shall not be deemed to be complete until all preliminary application requirements have been met. Notwithstanding these procedures for sketch submissions, nothing shall prohibit an applicant from initially submitting to the Planning Board for preliminary major subdivision approval.

D. Whenever review or approval of the application by the County Planning Board is required by Section 5 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.3) in the case of a subdivision, or Section 8 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.6), in the case of a site plan, 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 period.

§ 130-14. Minor subdivision approval.

Minor subdivision approvals shall be granted or denied within forty-five (45) days of the date of submission of a complete application or within such further time as may be consented to by the applicant. Said approval shall not be subject to notice requirements or a public hearing and shall be the final action of the Board which may be conditioned upon improvement provisions specified in Part 5 pursuant to N.J.S.A. 40:55D-38. Failure of the Planning Board to act within the prescribed period shall constitute minor subdivision approval. Pursuant to N.J.S.A. 40:55D-48 approval of a minor subdivision shall expire one hundred ninety (190) days from the date of Planning Board approval unless within such period, a plat in conformity with such approval and the Map Filing Law, or a deed clearly describing the approved minor subdivision is filed by the developer with the County Clerk, City Engineer, and City Tax Assessor. Any such plat or deed must be signed by the Chairman and Secretary of the Planning Board before it will be accepted for filing by the County Clerk. The zoning requirements and approval terms and conditions shall not be changed for a period of two (2) years after the date of minor subdivision approval provided the subdivision has been duly recorded.

§ 130-15. Major subdivisions and site plans.

A. Preliminary approval.

(1) Pursuant to N.J.S.A. 40:55D-48c, upon submission of a complete preliminary application for a subdivision of ten (10) or fewer lots or a site plan of ten (10) acres or less, the Planning Board shall grant or deny preliminary approval within forty-five (45) days of submission or within such time as may be consented to by the developer. Upon submission of a complete preliminary application for a subdivision of more than ten (10) lots, a site plan of more than ten (10) acres, or planned development application, the Planning Board shall grant or deny preliminary approval within ninety-five (95) days or within such further time as may be consented to by the developer. All such applications shall be subject to a public hearing after proper notice. Failure to act within the period prescribed shall constitute preliminary approval of the subdivision or site plan.

(2) In the event preliminary approval of a subdivision or site plan is denied because of failure to comply with municipal or regional development requirements, a notation to that effect together with the signature of the Planning Board Secretary shall be placed on the plat and reasons for the decision shall be stated in the denial resolution.

(3) Preliminary approval of a major subdivision, site plan or planned development shall be granted by resolution which shall set forth any conditions that must be met, including required performance guarantees, and plat changes that must be made precedent to final action. A notation indicating preliminary approval shall be placed on each plat and plan together with the signature of the Chairman and Secretary of the Planning Board. This preliminary approval does not authorize the recording of a subdivision or the issuance of a building permit for a site plan.

(4) Pursuant to N.J.S.A. 40:55D-49, preliminary approval of a subdivision plat or site plan shall confer upon the developer the following rights:

(a) That the zoning requirements, and the general terms and conditions on which preliminary approval was granted shall not be charged for a three (3) year period from the date of preliminary approval unless modified by ordinance provisions relating to public health and safety;

(b) That the developer 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; and

(c) That the applicant may apply for and the Planning Board may grant extensions of one (1) year or longer as provided in N.J.S.A. 40:55D-49.

B. Final approval.

(1) Pursuant to N.J.S.A. 40:55D-50, an application for final major subdivision or site plan approval shall be granted or denied within forty-five (45) days of submission of a complete final application or within such further time as consented to by the developer. Failure of the Planning Board to act within the prescribed period shall constitute final approval.

(2) Final approval of a major subdivision, site plan or planned development shall be granted only after all requirements and conditions imposed at the time of preliminary approval have been complied with and all required easements have been submitted and approved as to content by the City Engineer and approved as to form by the City Solicitor.

(3) Final approval of a major subdivision shall expire ninety-five (95) days from the date of the signing of the plat unless, within such period, a plat meeting the "Map Filing Law" and bearing the signature of the Chairman and Secretary of the Planning Board shall have been duly filed with the County Clerk. The Planning Board may in accordance with N.J.S.A. 40:55D-54, for good cause shown, extend the period for recording for an additional period not to exceed one hundred ninety (190) days from the date of signing of the plat.

(4) Final approval of a major subdivision or site plan shall confer upon the developer the following rights:

(a) Zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer in subsection A of this section shall not be changed for a period of two (2) years after the

date of final approval; provided that in the case of a major subdivision the rights conferred by this section shall expire if the plat has not been duly and properly recorded. The Planning Board may in accordance with N.J.S.A. 40:55D-52 extend such protection periods by extensions of one (1) year but not exceeding three (3) such extensions. The granting of final approval of a major subdivision or site plan terminates the time period of preliminary approval given pursuant to Subsection A of this section for any portion granted final approval.

(b) In the case of a subdivision or site plan of planned development or residential cluster of fifty (50) acres or more or a conventional subdivision or site plan for one hundred fifty (150) acres or more, the Planning Board may extend the period of protection as provided in N.J.S.A. 40:55D-52.

(5) Upon final approval, copies of the approved plat or plans shall be distributed by the Planning Board Secretary to the Planning Board files, City Engineer, Zoning Officer, Tax Assessor, County Planning Board and the applicant.

§ 130-16. Conditional use approval.

In exercising its power to grant conditional uses pursuant to N.J.S.A. 40:55D-67 and § 130-11A(2) of this Part 2, the Planning Board shall grant or deny a conditional use application within ninety-five (95) days of submission of a complete application or within such further time as may be consented to by the applicant. Said applicant shall be subject to a public hearing after proper notice. The review of the conditional use application shall include any required site plan review within this prescribed period. Failure of the Planning Board to act within the prescribed period shall constitute approval of the application.

§ 130-17. Ancillary powers.

Whenever the Planning Board is called upon to exercise its ancillary powers before granting approval for a variance or the issuance of building permits as set forth in § 130-11A(6) of this Part 2, the Planning Board shall grant or deny approval of the application within ninety-five (95) days after submission by the developer of a complete application or within such further times as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute approval.

§ 130-18. Simultaneous review and approval.

The Planning Board shall have the power to review and approve or deny conditional uses or site plans simultaneously with review for subdivision approval without the developer being required to make further application to the Planning Board, or the Planning Board being required to hold further hearings. The longest time period for action by the Planning Board whether it be for subdivision, conditional use or site plan approval shall apply. Whenever approval of a conditional use is requested by the developer pursuant

to this section, notice of the hearing on the plat shall include reference to the request for such conditional use.

§ 130-19. Exception in application regulation.

The Planning Board when acting upon application for a preliminary or minor subdivision approval or preliminary site plan approval shall have the power to grant such exceptions from the requirements for approval as may be reasonable and within the general purpose and intent of the provisions for review and approval of this Part 2, if the literal enforcement of one or more provisions of this chapter is impractical or will exact undue hardship because of peculiar conditions pertaining to the land in question, provided such exceptions and reasons therefore shall be recorded in the minutes.

§ 130-20. Appeals to Mayor and Council.

An appeal from any final decision of the Planning Board may be taken to the Mayor and Common Council provided such appeal shall be taken in accordance with N.J.S.A. 40:55D-17.

ARTICLE V

Zoning Board of Adjustment

§ 130-21. Establishment, composition.

A. A Zoning Board of Adjustment is hereby established pursuant to N.J.S.A. 40:55D-69 et seq. consisting of seven (7) residents of the City of Salem appointed by the Mayor to serve for terms of four (4) years from January 1 of the year of their appointment as regular members and two (2) residents, similarly appointed, as alternates. The terms of the members first appointed shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four (4) years after their appointment, provided that the initial term of no member shall exceed four (4) years. Nothing in this chapter shall, however, be construed to affect the term of any present member of the Zoning Board of Adjustment, all of whom shall continue in office until the completion of the term for which they were appointed, at which time their replacement shall be appointed for a term of four (4) years or less as needed to evenly distribute expiration dates as provided above.

B. No member of the Zoning Board of Adjustment may hold any elective office or position under the municipality.

§ 130-22. Vacancies and removal.

A. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.

B. A member may be removed by the governing body for cause, but only after a public hearing if requested by him.

§ 130-23. Organization.

The Board of Adjustment shall elect a Chairman and Vice Chairman from its members and shall also select a Secretary who may be either a member of the Board or a city employee designated by it.

§ 130-24. Experts and staff.

A. There is hereby created the office of Zoning Board of Adjustment Solicitor. The Board of Adjustment may annually appoint and fix the compensation of the Board of Adjustment Solicitor who shall be an attorney other than the Municipal Attorney.

B. The Zoning Board of Adjustment may also employ or contract for the services of experts and staff as it may deem necessary. The Board shall not, however, exceed exclusive of gifts or grants, the amount appropriated for its use by the governing body.

§ 130-25. Powers and duties.

A. Pursuant to N.J.S.A. 40:55D-70, the Zoning Board of Adjustment shall have the following powers as granted by law:

(1) Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or referral made by an administrative officer or agency based on or made in the enforcement of the Zoning Ordinance. The Board may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from and make such other requirement, decision or determination as ought to be made, and to that end have all the powers of the administrative officer from whom the appeal was taken.

(2) Hear and decide requests for interpretation of the Zoning Map or regulations as provided in this Part 2.

(3) Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation in the Zoning Ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship.

(4) Where in an application or appeal relating to a specific piece of property the purposes of this chapter would be advanced by a deviation from the Zoning Ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from such regulations; provided, however, that no variance from those departures

enumerated in Subsection A(5) of this section shall be granted under this subsection; and provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use, in conjunction with which the Planning Board has power to review a request for a variance pursuant to N.J.S.A. 40:55D-60.

(5) In particular cases for special reasons, grant a variance to allow departure from regulations in the Zoning Ordinance to permit a use or principal structure in a district restricted against such use or principal structure, an expansion of a nonconforming use, deviation from a specification or standard pursuant to N.J.S.A. 40:55D-67 pertaining solely to a conditional use, an increase in the permitted floor area ratio as defined in N.J.S.A. 40:55D-4, an increase in the permitted density as defined in N.J.S.A. 40:55D-4, except as applied to the required lot area for a lot or lots for detached one- or two-dwelling-unit buildings, which lot or lots are either an isolated underzoned lot or lots resulting from a minor subdivision or a height of a principal structure which exceeds by ten (10) feet or ten percent (10%) the maximum height permitted in the district for a principal structure. A variance under this subsection shall be granted only by affirmative vote of at least five (5) members. [If an application for development requests one or more variances but not a variance for a purpose enumerated in Subsection A(5) of this section, the decision on the requested variance or variances shall be rendered under Subsection A(3) and (4) of this section.]

(6) Direct issuance of a permit pursuant to N.J.S.A. 40:55D-34 for a building or structure in the bed of a mapped street or public drainage way, flood control basin, or public area reserved on the Official Map, but only by the affirmative vote of a majority of the full authorized membership of the Board.

(6) Direct issuance of a permit to N.J.S.A. 40:55D-16 for a building or structure or a lot not abutting a street as required by N.J.S.A. 40:55D-36.

B. No variance or other relief may be granted under the provisions of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. Any application under any subsection of this section may be referred to any appropriate person or agency, including the Planning Board, for its report, provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act.

C. The Board of Adjustment shall have the power to grant, to the same extent and subject to the same restrictions as the Planning Board, subdivision, site plan, or conditional use approval whenever the Board is reviewing an application for approval of a use variance pursuant to Subsection A(5) of this section.

D. The Board of Adjustment shall pursuant to N.J.S.A. 40:55D-70.1, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report on its findings on Zoning Ordinance provisions which were the subject of variance requests and its recommendations for Zoning Ordinance amendment or revision, if any. The

Board of Adjustment shall send copies of the report and resolution to the governing body and Planning Board.

§ 130-26. Appeals and applications.

A. Pursuant to N.J.S.A. 40:55D-72 appeals to the Board of Adjustment may be taken by any interested party affected by the decision of an administrative officer of the municipality based on or made in the enforcement of the Zoning Ordinance or Official Map. Each appeal shall be taken within the twenty (20) days prescribed by the statute by filing a notice of appeal with the officer from whom the appeal was taken, together with ten (10) copies of said notice with the Secretary of the Board of Adjustment. Said notice of appeal shall specify the grounds for said appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

B. Applications may be made to the Board of Adjustment under any of its powers without prior application to an administrative officer. Ten (10) copies of a completed application form, and all plats or plans, along with all required accompanying documents and fees shall be filed with the Board of Adjustment Secretary at least ten (10) days prior to the date set for the hearing. The applicant shall obtain all necessary forms from the Board of Adjustment Secretary. The Secretary of the Board shall inform the applicant of the steps to be taken to initiate proceedings and of the regular meeting dates of the Board.

C. Pursuant to N.J.S.A. 40:55D-75, on appeal stays all proceedings in furtherance of the action in respect of which the decision appealed from was made, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by an order of the Superior Court of New Jersey upon notice to the officer from whom the appeal is taken and on due cause shown.

D. Decision.

(1) Pursuant to N.J.S.A. 40:55D-73, the Board of Adjustment shall render its decision not later than one hundred twenty (120) days after:

(a) An appeal is taken from the decision of an administrative officer; or

(b) The submission of a complete application for development to the Board pursuant to the provisions of N.J.S.A. 40:55D-72b.

(2) Failure of the Board to render a decision within such 120-day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.

E. Expiration of variance. Any variance from the terms of the Zoning Ordinance hereafter granted by the Zoning Board of Adjustment permitting the erection or alteration of any structure or structures shall expire by

limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said Ordinance, or unless such permitted use has actually been commenced, within nine (9) months from the date of publication of the notice of determination of the Board of Adjustment, provided that a longer period of time for such expiration may be granted by the Board of Adjustment, as a term and condition of the variance where the Board finds such an enlarged time period reasonably necessary and appropriate due to circumstances clearly demonstrated by the applicant at the hearing; except, however, that the running of the period of limitation herein provided shall be suspended from the date of filing an appeal from the decision of the Zoning Board of Adjustment to the Mayor and Common Council or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding.

§ 130-27. Appeal to Mayor and Common Council.

Any interested party may appeal to the Mayor and Common Council any final decision of the Board of Adjustment approving a use variance application pursuant to § 130-25A(5) of this Part 2, provided that such appeal shall be made within ten (10) days of the date of publication of the Board's final decision. Such appeal shall be taken in accordance with N.J.S.A. 40:55D-17.

ARTICLE VI

Provisions Applicable to Both Planning Board
and Zoning Board of Adjustment

§ 130-28. Meetings.

A. Pursuant to N.J.S.A. 40:55D-9, meetings of both the Planning Board and Zoning Board of Adjustment shall be scheduled no less often than once a month and any meeting so scheduled shall be held as scheduled unless canceled for lack of application for development to process.

B. Special meetings may be provided for at the call of the Chairman or on the request of any two (2) Board members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements.

C. No action shall be taken at any meeting without a quorum being present.

D. All actions shall be taken by majority vote of a quorum except as otherwise required by any provision of the Municipal Land Use Law, the Open Public Meetings Law or Board of Adjustment's Note: See N.J.S.A. 40:55D-1 et seq. and 10:4-6 et seq. or other applicable law.

E. The provisions of the Open Public Meetings Law, where applicable, shall be observed.

§ 130-29. Minutes.

Pursuant to N.J.S.A. 40:55D-9c minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons thereafter. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the City Recorder. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party may be charged a fee for reproduction of the minutes for use as provided for in the rules of the Board.

§ 130-30. Notice requirements for hearings.

A. Whenever a hearing is required on an application for development pursuant to N.J.S.A. 40:55D-1 et seq., or pursuant to the determination of the municipal agency in question, the applicant shall give notice thereof as follows:

(1) Public notice shall be given by publications in the official newspaper of the municipality at least ten (10) days prior to the date of the hearing.

(2) Notice shall be given to the owners of all real property as shown on the current tax duplicate or duplicates located within two hundred (200) feet in all directions of the property which is the subject of such hearing and whether located within or without the municipality in which applicant's land is located. Such notice shall be given by:

(a) Serving a copy thereof on the owner shown on the said current tax duplicates or his agent in charge of the property; or

(b) Mailing a copy thereof by certified mail to the property owner at his address as shown on the current tax duplicate. A return receipt is not required.

(3) 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, a vice president, secretary, or other person authorized by appointment or by law to accept service on behalf of the corporation.

(4) Notice of all hearings on applications for development involving property located within two hundred (200) feet of an adjoining municipality shall be given by personal service or certified mail to the clerk of such municipality, which notice shall be in addition to the notice required to be given pursuant to Subsection B of this section to the owners of lands in such adjoining municipality which are located within two hundred (200) feet of the subject premises.

(5) Notice shall be given by personal service or certified mail to the County Planning Board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the Official County Map or on the County Master Plan, adjoining other county land or situated within two hundred (200) feet of a municipal boundary.

(6) Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing or an application for development of property adjacent to a state highway.

(7) Notice shall be given by personal service or certified mail to the Director of the Division of State and Regional Planning in the Department of Community Affairs of a hearing on an application for development of property which exceeds one hundred fifty (150) acres or five hundred (500) dwelling units. Such notice shall include a copy of any maps or documents required to be on file with the City Clerk pursuant to N.J.S.A. 40:55D-10.

(8) Notice of hearings on applications for approval of a major subdivision or a site plan not defined as a minor site plan requiring public notice shall be given, in the case of a public utility, cable television company or local utility which possesses a right-of-way or easement within the city and which has registered with the city in accordance with N.J.S.A. 40:55D-12.1, by:

(a) Serving a copy of the notice on the person whose name appears on the registration form on behalf of the public utility, cable television company or local utility; or

(b) Mailing a copy thereof by certified mail to the person whose name appears on the registration form at the address shown on that form.

B. All notices hereinabove specified in this section shall be given at least ten (10) days prior to the date fixed for the hearing and the applicant shall file an affidavit of proof of service with the Board holding the hearing for the development application. Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing in accordance with N.J.S.A. 40:55D-14.

C. Form of notice. Pursuant to N.J.S.A. 40:55D-11, all notices required to be given pursuant to the terms of this Part 2 shall state the date, time, and place of the hearing, the nature of the matters to be considered and identification of the property proposed for development by street address, if any, and by reference to lot and block numbers as shown on the current tax duplicate in the City Tax Assessor's office and the location and times at which any maps and documents for which approval is sought are available as required by law.

D. List of property owners furnished. Pursuant to the provisions of N.J.S.A. 40:55D-12c the City Tax Assessor shall, within seven (7) days after receipt of a request therefor and upon receipt of payment of a fee of ten dollars (\$10.), make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to this section. In addition, the Tax Assessor shall include on the list the names, addresses and positions of all those persons who, not less than seven (7) days prior to the date on which the applicant requested to receive notice pursuant to N.J.S.A. 40:55D-12.1.

§ 130-31. Hearings.

A. Rules. In accordance with N.J.S.A. 40:55D-10, the Planning Board and Zoning Board of Adjustment shall make rules governing the conduct of hearings before such bodies which rules shall not be inconsistent with the provisions of N.J.S.A. 40:55D-1 et. seq. or of this chapter.

B. Oaths. The officer presiding at the hearing or such person as he may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law (N.J.S.A. 2A:67A-1 et seq.) shall apply.

C. Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer and the right of cross examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

D. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial, or unduly repetitious evidence.

E. Records. Each Board shall provide for the verbatim recording of the proceedings by either stenographer, mechanical, or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at their expense.

§ 130-32. Decisions.

A. Each decision on any application for development shall be set forth in writing as a resolution of the Board which shall include findings of fact and legal conclusions based thereon.

B. A copy of the decision shall be mailed by the Board within ten (10) days of the date of decision to the applicant, or if represented, then to his attorney, without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee prescribed by the Board for such service. A copy of the decision shall also be filed in the office of the City Recorder, who shall make a copy of such filed decision available to any interested party upon payment of a fee calculated in the same manner as those established for copies of other public documents in the municipality.

C. Publication of decision. A brief notice of every final decision shall be published in the official newspaper of the municipality. Such publication shall be arranged by the Secretary of the Planning Board or Zoning Board of Adjustment, as the case may be. The cost shall be charged to the applicant. Said notice shall be sent to the official newspaper for publication within ten (10) days of the date of any such decision.

§ 130-33. Conflicts of interest.

No member of the Planning Board or Zoning Board of Adjustment shall act on any matter in which he has either directly or indirectly any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter nor participate in further discussion or decision relating thereto.

§ 130-34. Payment of taxes.

Pursuant to the provisions of N.J.S.A. 40:55D-39 and 40:55D-65, every application for development submitted to the Planning Board or to the Zoning Board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application; or, if it is shown that taxes or assessments are delinquent on said property, any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment of such taxes or assessments, or the making of adequate provision for the payment thereof in such manner that the city will be adequately protected.

§ 130-35. Fees.

Fees for applications or for the rendering of any service by the Planning Board or Zoning Board of Adjustment shall be established by a separate fee schedule.

A. The following fees shall be charged an applicant for review of an application for development by a city agency:

- (1) Conditional use: \$150.00
- (2) Variance pursuant to N.J.S.A. 40:55D-70d use variance: \$150.00.
- (3) Variance pursuant to N.J.S.A. 40:55D-70c: \$150.00.
- (4) Interpretation of Land Use Ordinance by Board of Adjustment: \$150.00.
- (5) Direction pursuant to N.J.S.A. 40:55D-34 or 40:55D-36 (building lot in bed of mapped street, etc., or not abutting an improved street): \$150.00.
- (6) Zoning permit: \$ 25.00
- (7) Informal review of a concept plan (fee to be credited toward fee for application for development for same project): \$150.00 plus \$150.00 per hour for every hour of meeting time spent in excess of two hours.
- (8) Hearing transcript: maximum permitted in N.J.S.A. 2A:11-15.
- (9) Duplicate recording of hearing: \$25.00 per cassette.

(10) Certification of nonconforming use or structure, pursuant to N.J.S.A. 40:55D-68: \$ 25.00

(11) Subdivision application fees:

(a) Minor subdivision.

\$100.00 plus review fee deposit	\$150.00
and plus inspection fee deposit	\$150.00

(b) Major subdivision.

[1] Preliminary plat submission.

\$750.00 for five (5) lots or less.
\$1,200.00 for six (6) or more lots
plus review fee deposit and inspection
fee deposit.

[2] Final plat submission.

\$400.00 plus review fee deposit and
inspection fee deposit.

(12) Appeals from Zoning Board of Adjustment and Planning Board to governing body: \$ 50.00

(13) Preliminary site plan review: \$150.00 plus review fee deposit,
plus inspection fee deposit.

(14) Final site plan review. \$150.00 plus review fee deposit plus,
inspection fee deposit.

(15) Resubmission or revision. For any resubmission or revision of a
development plan or application, there shall be paid the same fees and

deposits as for a new application, which shall be in addition to the amounts
paid or owed for the original application and for any previous resubmissions
and revisions. Fees and deposits on account of a revised plan or application
shall, in the discretion of the reviewing agency, not be required for any
revision not necessary for approval but which is requested by the reviewing
agency, nor for any revision not involving any additional costs of review by
professional personnel or hearing expenses.

(16) Additions to incomplete applications: \$ 50.00.

B. Escrow fund fees.

(1) Review fee deposit.

(a) The review fee deposit is to be used to pay the fees of
any professional personnel retained or employed by the city to assist in
processing, reviewing, and making recommendations concerning the subject
application. If at any time it becomes evident that the escrow fund is, or
will become insufficient to cover all reasonable fees for the required

professional services, the applicant shall increase the fund as determined by the reviewing agency. Any excess funds in the escrow fund remaining after all review fees have been paid shall be returned to the developer.

(b) Whenever a review fee is required, the developer shall deposit with the City Treasurer a sum of money which the Treasurer shall, in turn, deposit in a separate escrow account and carry under the city's trust fund section of accounts on the books of the city as a review fee escrow fund. The amount of money so deposited, exclusive of all other fees, shall be as follows:

[1] For major subdivisions at preliminary application: \$50.00 per lot but not less than \$200.00.

[2] For major subdivision application for final approval: \$50.00 per lot but not less than \$200.00.

[3] For site plan review:

[a] Preliminary: \$400.00.

[b] Final: \$400.00.

[4] For minor subdivision: \$150.00.

(2) Inspection fees.

(a) This escrow fund shall be used to pay the fees of professional personnel employed to inspect subdivisions and site developments and approve the construction of the improvements for subdivision and site approval. Any excess of funds in the escrow at the time when all improvements have been finally accepted or approved shall be returned to the developer. If at any time it becomes evident that the escrow fund is or will be insufficient to cover said inspection fees, the developer shall increase the fund as required by the approving municipal agency.

(b) Prior to final approval of the plat, the developer is required to deposit with the City Treasurer a sum of money which the City Treasurer shall in turn deposit in a separate escrow account and carry under the city's trust fund section of accounts on the books of the city as an inspection fee escrow fund. The amount of money so deposited exclusive of all other fees shall equal five percent (5%) of the cost of all improvements required as a condition of subdivision or site plan approval as such cost is estimated by City Engineer. However, there shall be a minimum inspection fee escrow deposit of two hundred dollars (\$200.), even though the aforesaid computation produces a lesser amount, unless there are no improvements required for subdivision or site plan approval in which case there shall be no inspection fee escrow fund established.

c. All fees, unless otherwise specified, shall be paid by the applicant or appellant to the Secretary or Clerk of the municipal agency to which the application for appeal is being made at the same time as his application is submitted or his appeal is filed. Said fee shall then be turned over to the City Treasurer at the end of each month.

Part 3
Zoning

ARTICLE VII
Classification of Districts

§ 130-36. Zoning district designation.

A. For the purposes of this Part 3, the City of Salem is hereby divided into districts as follows:

R-1	Residence Districts
R-2	Residence Districts
PA	Planned Apartment Districts
R/C	Residence-Limited Commercial Districts
C-1	Retail Commercial Districts
C-2	General Commercial Districts
M-1	Light Manufacturing Districts
M-2	General Manufacturing Districts
HPD	Historic Preservation District

B. District Map. The boundaries of these zoning districts are established on the map entitled "Zoning Map of the City of Salem," as amended. Said map and all notations, references, and dates pertaining to zoning and zoning districts shown thereon are hereby incorporated by reference into this Part 3 and shall be as much a part of this chapter as if they were fully described herein. BFN:Editor's Note: The Zoning Map is on file in the office of the City Clerk. BFN:

C. Interpretation. Where uncertainty exists as to the exact location of any boundary shown on said Zoning Map, the following rules shall apply:

(1) Zoning boundary lines are intended to follow the line of streets, railroad right-of-ways, or stream channels and other natural features where possible. Where zoning boundaries do not follow such features, it shall be determined either by the dimensions shown on the map or by use of the graphic scale shown thereon.

(2) Where boundary lines are not fixed by dimensions and where they do not scale more than ten (10) feet distant from a plat or Tax Map line, such lot lines shall be construed to be the boundary line.

(3) Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by Subsection C(1) and (2) above, the Board of Adjustment shall interpret the district boundaries.

(4) Where a district boundary line divides a lot which was held in single and separate ownership at the time the boundary line was established, the use regulations applicable to the less restricted district shall extend over the portion of the lot in the more restricted district a distance of not more than fifty (50) feet beyond the district boundary line.

ARTICLE VIII

R-1 Residence Districts

§ 130-37. Applicability of regulations.

In R-1 Residence Districts, the following use and area regulations shall apply.

§ 130-38. Use regulations.

A building may be erected or used, and a lot may be used or occupied, for any of the following purposes and no other:

A. Permitted uses.

- (1) Single-family detached dwelling.
- (2) Public or parochial school, church, library, municipal building or use.
- (3) Utility uses, such as telephone central office and utility lines and structures.

(4) Community residence for the developmentally disabled as defined by N.J.S.A. 40:55D-66.2a, and which is licensed by the State of New Jersey, for victims of domestic violence as defined, approved and certified pursuant to N.J.S.A. 40:55D-66.2b; provided, however, that no such residence or shelter shall be permitted which houses more than six (6) persons, excluding resident staff, is located within one thousand five hundred (1,500) feet of an existing such residence or shelter; or would result in the total number of such persons residing within the City of Salem to exceed either fifty (50) persons, or five-tenths percent (0.5%) of the population of said city as of the last census by the Bureau of the Census, U.S. Department of Commerce, whichever is the greater.

B. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses. The term "accessory use" shall not include a business, but shall include:

- (1) Private garage.

(2) Professional office for a physician, lawyer, dentist, architect, professional engineer, or other such profession, or studio and/or rooms for home occupations, provided that such office, studio or rooms for home occupations shall be located in a dwelling in which the practitioner resides, or in a separate building, and no goods shall be publicly displayed on the premises.

(3) Signs when erected and maintained in accordance with the provisions of Article XVI of this chapter.

(4) The renting of not more than one (1) room to one (1) roomer, as an accessory use.

§ 130-39. Area regulations.

Area regulations shall be as follows:

- A. Lot area width. A lot area of not less than seven thousand two hundred (7,200) square feet per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling. Each lot shall have a frontage on at least one (1) street of not less than sixty (60) feet.
- B. Building area. Not more than thirty percent (30%) of the area of each lot may be occupied by buildings.
- C. Front yard. There shall be a front yard on each street on which a lot abuts which shall be not less than thirty (30) feet in depth, except as provided in § 130-75 hereof. The front yard on the long side of a corner lot may be reduced to a depth of not less than twenty (20) feet.
- D. Side yards. There shall be two (2) side yards on each lot which shall be not less than twenty (20) feet in aggregate width, and neither of which shall be less than eight (8) feet in width.
- E. Rear yard. There shall be a rear yard on each lot which shall be not less than twenty-five (25) feet in depth.

ARTICLE IX
R-2 Residence Districts

§ 130-40. Applicability of regulations.

In R-2 Residence Districts the following regulations shall apply.

§ 130-41. Use regulations.

A building may be erected or used, and a lot may be used or occupied for any of the following purposes, and no other:

- A. Any use permitted in R-1 Residence Districts.

- B. Two-family detached dwelling.

- C. Single family or two-family semidetached dwelling, provided that the adjoining semidetached dwelling with which it has a part wall in common is erected at the same time.

§ 130-42. Area regulations.

- A. Lot area and width. A lot area of not less than three thousand six hundred (3,600) square feet per family shall be provided for every building hereafter erected or used in whole or in part as a dwelling. The minimum lot width at the building line shall be fifty-five (55) feet for detached buildings and thirty-three (33) feet for semidetached buildings.

B. Building area. Not more than forty percent (40%) of each lot may be occupied by buildings.

C. Front yard. There shall be a front yard on each street on which a lot abuts which shall be not less than twenty-five (25) feet in depth, except as provided in § 130-75 hereof. The front yard on the long side of a corner lot may be reduced to a depth of not less than thirteen (13) feet.

D. Side yard.

(1) For every detached building, there shall be two (2) side yards, on each lot which shall be not less than twenty (20) feet in aggregate width, and neither of which shall be less than seven (7) feet in width.

(2) For every semidetached building, there shall be one (1) side yard on each lot which shall be not less than twelve (12) feet in width.

E. Rear yard. There shall be a rear yard on each lot which shall be not less than twenty (20) feet in depth.

ARTICLE X

PA Planned Apartment Districts

§ 130-43. Purpose; applicability of regulations.

PA Planned Apartment Districts are designed to make special provision for low lot coverage, low-density apartment development in designated portions of Residence Districts in the city where apartment development is considered appropriate by virtue of such criteria as direct access to major highways, availability of public sewer and water facilities, adequacy of or provision for school, recreation and other community facilities, environmental amenity and safety, and economic viability. In those portions of Residence Districts which have also been classified as PA Planned Apartment Districts, the following regulations shall apply.

§ 130-44. Special procedural requirements.

An application for an amendment to the Zoning Map to establish a Planned Apartment District, and/or an application for a permit to construct a use permitted in an established Planned Apartment District, shall be accompanied by a plan and supplementary data relating to the proposed use and development in accordance with the provisions of § 130-48, Application requirements. Each such plan shall be subject to review and approval by the Planning Board and by the Common Council. When a permit is sought for an apartment, the Planning Board shall hold a public hearing thereon prior to submitting its recommendation to Council.

§ 130-45. Use regulations.

In PA Planned Apartment Districts a building may be erected or used, and a lot may be used or occupied, for any of the following purposes and no other:

A. Any use permitted in the Residence District of which the PA Planned Apartment District is a part, subject to the requirements of the Residence District in which located.

B. An apartment house, or group of apartment houses, or townhouses, designed and maintained as a unified project, under private ownership or under condominium ownership.

C. Accessory use on the same lot with and customarily incidental to the foregoing apartment use, which may include the following:

(1) Off-street parking area or parking structure.

(2) Recreational use or facility, such as a swimming pool, tennis court, sports or play area, and community building, designed to serve the residents of the apartment development.

D. Signs, as permitted in Residence Districts under the provisions of Article XVI hereof.

§ 130-46. Site development standards.

For any building, or group of buildings on a lot, the following standards shall apply:

A. Lot area and frontage. A minimum lot area of not less than four (4) acres shall be required. Such lot shall have not less than two-hundred (200) feet frontage on a public street.

B. Density.

(1) The maximum number of dwelling units in any apartment project shall be determined by the lot area per family requirements in accordance with the following:

Unit Type by Number of Bedrooms	Square Feet of Lot Area per Dwelling Unit
Efficiency or 1	3,500
2	4,000
3 or more	4,500

(2) For purposes of this Part 3, any habitable room other than a kitchen, dining room or living room, but including such rooms as dens, studios, libraries, etc., shall be considered a bedroom.

C. Building coverage and paving. Not more than twenty-five percent (25%) of the area of a lot or tract shall be occupied by buildings; and not more than fifty percent (50%) of the lot or tract shall be occupied by buildings, paving and accessory uses.

D. Minimum floor area. The minimum livable floor area required for each type of dwelling or apartment unit shall be not less than:

- (1) Four hundred fifty (450) square feet for each efficiency or no bedroom dwelling unit;

- (2) Six hundred fifty (650) square feet for each one (1) bedroom dwelling unit, provided that such area may be reduced to four hundred seventy (470) square feet for apartments exclusively for senior citizens.

- (3) Eight hundred (800) square feet for each two (2) bedroom dwelling unit, plus one hundred (100) square feet for each additional bedroom.
- E. Units per building. No apartment building shall contain more than sixteen (16) dwelling units.

F. Yards and building placement. Perimeter yards of not less than fifty (50) feet shall be maintained along any public street line, and yards of not less than forty (40) feet along any other property line. Within any apartment projects, no building shall be closer than twenty-five (25) feet from an internal street, measured from the curb or cartway line. No parking area shall be located closer than fifteen (15) feet from the front of any apartment building or from any entrance thereto, or closer than ten (10) feet from any other part of the apartment building. The distance, at the closest point, between any two buildings shall be not less than fifty (50) feet.

- G. Height. No apartment building shall exceed two (2) stories in height.
- H. Parking Space. At least two (2) parking spaces shall be provided for each dwelling unit in a designated parking lot or lots, not to include any driveway area.

§ 130-47. Required utilities, recreation area and special design requirements.

- A. Sewer and water. No application for an apartment building or project shall be considered unless such building or project can be served by the city sewer and water system. The installation of public water, sewerage, and drainage facilities shall be in accordance with city specifications and shall be made at the sole expense of the developer.

- B. Underground utilities. All telephone and electric transmission service lines connecting individual buildings on the site with the street transmission lines, and between buildings on the site, shall be installed underground.

- C. Recreation areas and natural features. At least ten percent (10%) of the total tract area shall be reserved and developed for outdoor recreation purposes. Such recreation areas shall be of such dimensions and in such locations that they are suitable for the intended purpose.

D. Refuse disposal. Provision for the disposal of refuse shall be the responsibility of the apartment owner, and shall be subject to approval of Council.

E. Supervision and management. At least one (1) qualified superintendent shall reside on the premises for supervision and management, unless alternative arrangements are approved by Council on recommendation by the Planning Board. The name, address and phone number of the superintendent shall be kept on file with the City Housing Officer, and the apartment owner shall be responsible for advising the Housing Officer of any change of superintendent.

§ 130-48. Application requirements.

The application for a permit to construct an apartment house or an apartment project in a Planned Apartment District, or an application for an amendment to establish a Planned Apartment District, shall include or be accompanied by a plan or plans showing the following information and otherwise be consistent with applicable checklists:

A. The location, boundaries, dimensions, and ownership of the area to be included in the proposed development, and the owner of adjoining properties.

B. Natural features, including topography, tree masses, and streams.

C. The location, use, dimensions, and height of each building and other structure proposed to be erected on the lot; the total gross floor area of the buildings to be constructed, the total area of ground to be built on, and the total paved area.

D. The location, dimensions and arrangements of all open spaces, yards, accessways, entrances, exits, off-street parking spaces, and pedestrian ways, and the location and width of all streets and sidewalks.

E. The character of buffer areas and screening devices to be maintained, including the location, dimensions and arrangement of all areas devoted to planting, lawns and trees.

F. Provisions made for storm-water drainage, sewer and water utilities, and exterior lighting.

G. Sketch showing the building facades, signs, types of materials used, typical floor, and individual apartment plans.

H. The provision made for the maintenance of the premises including all recreation areas, common open spaces, parking, landscaped and buffer areas; provision for refuse disposal, traffic control and police protection; a statement defining the responsibility of the owner, management or other responsible party with respect to maintenance of the premises and refuse disposal.

I. Sufficient data in all instances to enable the Planning Board to:

(1) Judge the effectiveness of the design and character of the entire tract or district;

(2) Consider properly such things as the relationship of the proposed development or use to surrounding areas, anticipated traffic, potential hazards, public health, safety and the general welfare;

(3) Determine that the proposed plan and use complies with the requirements of this Part 3 and any other applicable ordinances and codes; and

(4) Evaluate the economic viability of the project in such terms, for example, as probable municipal revenues compared with probable required municipal expenditures.

ARTICLE XI

C Commercial Districts

§ 130-49. Classes; applicability of regulations.

There shall be three (3) classes of Commercial Districts, which shall be designated as RLC Residence-Limited Commercial, C-1 Retail Commercial and C-2 General Commercial Districts, in which the following regulations shall apply.

§ 130-50. Use regulations.

A. RLC Residence Districts. In Residential Limited-Commercial Districts, a building may be erected or used, and a lot may be used or occupied for any of the following purposes, and no other:

(1) All uses permitted by this Part 3 in R-2 Residence Districts.

(2) Office or office building for administrative or executive offices, central or headquarters office building for single concern or affiliated members; insurance or financial institution; governmental and public utility offices.

(3) Professional office or office building including the offices of a physician, dentist, surgeon, optician, or other of the healing arts, attorney, accountant, tax consultant, architect, engineer, insurance broker, real estate broker or any combination of specified or similar offices.

(4) Sales offices, including office of a manufacturer's representative or catalogue-ordering establishment, provided that no inventories of merchandise shall be maintained except for display purposes in such offices.

(5) Private school, photograph or art studio, dancing or music studio, when located and soundproofed so that it will not result in noise or vibration which may interfere with the normal use of an adjoining property for any other use permitted in the district.

- (6) Personal service shops as follows: beauty, barber, tailor or dressmaker shop; pickup agency for dry cleaning, laundry, shoe repair, or similar services; repair and servicing of radio, television and appliances.
- (7) Motor vehicle parking lot not to be used for the sale, servicing, or dead storage of vehicles.
- (8) Club or lodge organized for fraternal or social purposes.
- (9) Mortuary.

B. C-1 Retail Commercial Districts. A building may be erected or used, and a lot may be used or occupied for any of the following purposes, and no other:

- (1) Any use permitted in RLC Residence-Limited Commercial Districts.

- (2) Retail store.
- (3) Restaurant, cafe, catering establishment.
- (4) Theater and other place of amusement, recreation or assembly.
- (5) Hand laundry; automatic or self-service laundry (laundromat); self-service synthetic dry cleaning establishment or synthetic cleaning establishments.

- (6) Newspaper publishing or job printing establishment.

- (7) Bakery or confectionery shop, for the production of articles to be sold only at retail on the premises.

- (8) Public garage, motor vehicle service station, automobiles sales agency, parking garage or lot provided all facilities are located and all services are conducted on the lot.

- (9) Any use of the same general character as any of the above permitted uses provided that no use which is noxious or hazardous shall be permitted.

- (10) Accessory use on the same lot with and customarily incidental to any of the above permitted uses, and signs when erected and maintained in accordance with the provisions of Article XVI hereof.

C. C-2 General Commercial Districts. A building may be erected or used, and a lot may be occupied or used, for any of the following purposes and no other:

- (1) All uses permitted by this Part 3 in C-1 Retail Commercial Districts.

(2) Contractor, craftsman's or general service shop, including plumbing, heating, light metal working, carpentry, welding, appliance or motor repair, or similar shop.

(3) Wholesale business establishment.

(4) Warehouse, yard for storage, sale and distribution of lumber and other building materials, ice, coal, or petroleum products, when enclosed within a solid fence of not less than six (6) feet in height, but not including a junk, salvage, automobile or other wrecking yard.

(5) Drive-in establishments, such as automobile washing, battery and tire service, restaurants.

(6) Trailer and truck sales agency.

(7) Express trucking or hauling station.

(8) Dairy or baker.

(9) Bottling or distributing station for milk or other beverages.

(10) Scientific or industrial research laboratory.

(11) Shopping center, to include any combination of permitted uses.

(12) Any use of the same general character as any of the above permitted use provided that no use which is noxious or hazardous shall be permitted.

(13) Accessory use on the same lot with and customarily incidental to any of the above permitted uses, and sign when erected and maintained in accordance with the provisions of Article XVI hereof.

§ 130-51. Area regulations.

Every building hereafter erected or used in whole or in part as a dwelling shall comply with the area requirements prescribed for the R-2 Residence Districts in § 130-42 hereof. For commercial and other buildings no part of which is used as a dwelling, the following area regulations shall apply:

A. Building area. Not more than sixty percent (60%) of the area of each lot may be occupied by buildings.

B. Front yard. There shall be a front yard on each street on which a lot abuts which shall be not less than twenty (20) feet in depth, subject to the provisions of § 130-75. The front yard on the long side of a corner lot may be reduced to a depth of not less than ten (10) feet.

C. Side yard. Side yards are not required for buildings used exclusively for commercial or other non-dwelling purposes, subject to the following provisions:

(1) Where side yards are provided, each such side yard shall be not less than five (5) feet in width.

(2) Where a lot used for business purposes abuts a Residence District, a side yard of not less than five (5) feet shall be provided on the side of the lot which abuts the Residence District.

D. Rear yard. There shall be a rear yard on each lot which shall be not less than twenty (20) feet in depth.

ARTICLE XII

M-1 Light Manufacturing Districts.

§ 130-52. Applicability of regulations.

In M-1 Light Manufacturing Districts, the following regulations shall apply.

§ 130-53. Use regulations.

A building may be erected or used, and a lot may be used or occupied, for any of the following purposes and no other, provided that no use which is noxious or hazardous shall be permitted except in accordance with § 130-72 of this chapter:

A. Any use permitted in C Commercial Districts.

B. Wholesale business establishment.

C. Warehouse or yard for storage, sale and distribution of ice, coal, petroleum products, building materials, or products of manufacturing uses permitted in the city, not including a junk, salvage or wrecking yard.

D. Manufacturing or processing as follows:

(1) Beverages (nonalcoholic); bottling establishment.

(2) Canvas and canvas products.

(3) Clothing and other textile products, not including manufacture of textiles.

(4) Containers for food products, fruits and vegetables.

(5) Electrical equipment, appliances, and supplies, manufacture and assembly of, not including heavy electrical machinery.

(6) Food processing; jewelry, clocks and watches.

(7) Leather products, not including tanning or leather processing.

(8) Medical, dental, drafting equipment, optical goods, and professional and scientific instruments.

(9) Metal stamping and extrusion of small products.

(10) Musical instruments.

(11) Pharmaceutical products, compounding of.

(12) Rubber products, small and synthetic processing.

(13) Small products from the following previously prepared materials, bone, cork, feathers, felt, fur, glass, hair, horn, paper, plastics, shells.

(14) Tool, dye and pattern-making and similar small machine shops.

(15) Wood products, including furniture, boxes and baskets.

E. Carpet and rug cleaning.

F. Laundry, dry cleaning or dyeing plant.

G. Laboratory, research, experimental and testing.

H. Trucking terminal.

I. Port or maritime-related uses.

J. Any use of the same general character as any of the above permitted uses when authorized as a conditional use by the Planning Board.

K. Accessory use on the same lot with and customarily incidental to any of the above permitted uses.

§ 130-54. Area regulations.

The area regulations for Commercial Districts, § 130-51, shall apply in M-1 Light Manufacturing Districts, except that the front yard on any lot on West Broadway shall not be less than one hundred (100) feet and said front yard shall not be used for any driveway carrying trucks or other heavy traffic.

ARTICLE XIII

M-2 General Manufacturing Districts.

§ 130-55. Applicability of regulations.

In M-2 General Manufacturing Districts, the following regulations shall apply.

§ 130-56. Use regulations.

A building may be erected or used, and a lot may be used or occupied, for any lawful purpose enumerated in Districts R-1 through M-1. No use or purpose

which is noxious or hazardous shall be permitted except in accordance with 130-72. Further, specifically excluded are the following uses and/or any use substantially similar to any specified below:

A. Dwellings except for living quarters for any such persons as watchman, or caretakers and their families, as an accessory use to a business or industrial use.

B. Slaughterhouse or stockyard.

C. Distillation of bones and wood.

D. Fish smoking or curing.

E. Incineration or reduction of garbage of all and dead animals, except by municipal agents and on municipally owned lots.

F. Junkyard, salvage or wrecking yard or the baling of rags or junk, except when enclosed within a building or within a solid fence of not less than ten (10) feet in height.

G. Manufacture of:

(1) Asphalt or asphalt products, including refining of explosives, fireworks, including storage of.

(2) Fertilizer, when manufactured from organic materials.

(3) Glue, size or gelatin.

(4) Gypsum, cement, plaster or plaster of paris.

(5) Rubber, caoutchouc or gutta percha.

(6) Sulfurous, sulfuric, nitric, picric or hydrochloric or other offensive or corrosive acids.

H. Wood pulp and fiber, reduction and processing.

§ 130-57. Area regulations.

The area regulations prescribed for C Commercial Districts, § 130-51, shall apply in the M-2 General Manufacturing District.

ARTICLE XIV

HPD Historic Preservation District

§ 130-58. Purpose and location.

The Historic Preservation District classification shall have as its essential purpose the preservation of the integrity of design of the eighteenth and nineteenth century buildings within the Historic Preservation

District, and the preservation of the unified design of the District as a whole.

§ 130-59. Area and use regulations.

The Historic Preservation District classification shall be in addition to the Zoning Classification heretofore made for the area designated as an Historic Preservation District, and the use and area limitations and regulations pertaining to said Zoning Classification shall apply.

§ 130-60. Requirement of a zoning use permit.

Activity within Historic Preservation District for which a zoning use permit from the Zoning Administrative Officer shall be required shall include any alteration of exterior of structures, such as but not limited to a change in the color of paint on exterior surfaces, change in exterior building material on structures, removal of part of the structure, or its exterior materials, addition to a structure, erection or removal of fences, benches, sidewalks, signposts and light standards, as well as the erection, alteration, renovation or removal of structures which customarily require a building permit in other provisions of the Construction Codes, Uniform, Chapter of the Municipal Code, which requirement of a building permit shall be in addition to the Historic Preservation District Zoning Use Permit required by this section.

§ 130-61. Application procedure.

A. All applications for a permit required by § 130-60 hereof for activity to be conducted within the Historic Zoning District, including sketches, samples, and supporting data, shall be submitted to the Advisory Board Chairman, and copies of the application shall also be submitted to the Zoning Officer and to the Secretary of the City of Salem Planning Board.

B. The Historic Preservation Advisory Board shall review the application for recommendation of action to the City Planning Board.

C. The Historic Preservation Advisory Board shall:

(1) Consider whether the activity for which application is made:

(a) Is detrimental to the integrity of the building, park, sidewalk or structure for which application has been made.

(b) In design, arrangements, location, use, use of materials or color, is incompatible with the neighboring structures or area.

(c) Adversely affects the historic value or harmony of the District as a whole.

(2) In making the above determination, any development plan, streetscape plans, park plans, architectural plans, sketches, and renderings for individual buildings, which the City of Salem owns or has access to, shall

be used as a guide, as well as any other material available from a historical society or other pertinent organization.

D. Upon receipt by the Advisory Board Chairman of a complete minor application as herein defined, the Advisory Board shall consider said minor application at its next regularly scheduled meeting, provided that the application is received at least seven days in advance of the meeting. "Minor application" for the purposes herein shall be defined as the following activities within the District:

- (1) Exterior painting of structures.
- (2) Installation of storm windows, storm doors or screens.
- (3) Installation or replacement of window sash, exterior doors or shutters.
- (4) Repair or reproduction of architectural detail.
- (5) Installation of gutters or downspouts not affecting architectural detail.
- (6) Installation or replacement of sidewalks, fences and gates.
- (7) Streetscaping.

E. The following action may be taken by the Advisory Board upon an application, which action shall be forwarded in writing to the City of Salem Planning Board prior to its next regularly scheduled meeting following the meeting of the Advisory Board:

- (1) Recommend approval of the application.

- (2) Recommend approval of the application with conditions.

- (3) Recommend disapproval of the application.

- (4) Determine the application to be incomplete or that insufficient information has been supplied and inform the applicant of the deficiencies in writing.

- (5) Determine the application to be major application.

F. In the case of recommendation of approval by the Advisory Board of a "minor application" the work described in the application may proceed after the Advisory Board's written advice and prior to Planning Board action. In the case of recommendation with conditions, the work cannot proceed until Planning Board action.

G. "Major applications" shall require approval by the Planning Board prior to commencement of the work described. "Major applications" are defined as all alterations not defined as "minor" herein, including but not limited to the following activities:

- (1) Replacement of roofs.
- (2) Alteration or removal of structure.
- (3) Alteration of architectural detail or elements.
- (4) Installation, replacement, or removal of exterior siding.
- (5) Removal, installation, or replacement of window or door frames.
- (6) Construction of new structure or addition.
- (7) Surface treatment of masonry buildings (stucco).

§ 130-62. Notice and hearings.

A. The Advisory Board shall have the authority to conduct activities related to informing residents of the Historic Preservation Zoning District of the contents of this Article and to encouraging cooperation in restoration activities. Said activities also include notifying a potential violator of this Article of a violation; however, enforcement powers of this Article shall remain with the Zoning Officer.

B. Where determined necessary by the Advisory Board, but in all cases involving a major application, a hearing shall be conducted for review of an application:

- (1) The applicant shall be encouraged to attend the hearing upon his or her application, and may present evidence, exhibits, and testimony, including expert testimony.
- (2) The Advisory Board may have its own expert testify at the said hearing, for the purpose of giving advice to the Advisory Board upon the application.
- (3) At the conclusion of the hearing, the Advisory Board shall make written findings of fact and written recommendations to the Planning Board, with reasons for said recommendations. The written report shall be submitted to the Planning Board.

§ 130-63. Decisions.

A. The Planning Board shall accept the findings of fact of the Advisory Board without further review, subject to the following:

- (1) If the applicant believes the findings of fact made by the Advisory Board are erroneous or incomplete, the applicant may testify to the Planning Board why said findings are erroneous;
- (2) Upon a majority vote of the entire membership of the Planning Board, an application may be remanded to the Advisory Board for the taking of additional testimony or evidence. If the consent of the applicant cannot be

obtained at the time of the making of the Advisory Board's revised report, the Planning Board shall hear the additional testimony and evidence and a final decision shall be rendered. No testimony or additional evidence shall be received from applicants who have not appeared before the Advisory Board and given such evidence or testimony to that body.

B. An applicant who feels that the recommendations of the Advisory Board are inappropriate to the findings of fact may state to the Planning Board why such recommendations are inappropriate.

C. All decisions by the Planning Board shall be made within forty-five (45) days of receipt by the Zoning Officer of a complete application.

§ 130-64. Standards for demolition.

A. The demolition of structures within the Historic Preservation District shall be discouraged and a permit for demolition within said area shall be approved by the Planning Board only in accordance with the following criteria:

(1) The structure is a hazard to public safety and repairs are impractical.

(2) The structure is not essential or even important to the integrity of the whole Historic Preservation District, and is not of great historic significance itself.

(3) The value and harmony of neighboring structures and the District as a whole would benefit more from its removal than its retention.

§ 130-65. Exceptions.

Ordinary maintenance which does not change the color, texture, or material of a structure shall not be subject to the requirements of this section.

§ 130-66. Historic Preservation Advisory Board.

The Mayor shall appoint eight persons to membership of the Historic Preservation District Advisory Board who are qualified to serve because their education or experience renders them knowledgeable in the area of historic preservation. Where not prohibited by law, the Mayor shall appoint one (1) member of the Planning Board to serve on the Historic Preservation Advisory Board. The members of the Historic Preservation District Advisory Board shall serve for a term of three (3) years.

ARTICLE XV General Regulations

§ 130-67. Nonconforming building or uses.

A. Continuation. Any lawful building or structure, and any lawful use of a building or land existing or authorized by a building permit which is valid at the effective date of this Part 3 may be continued although such use does not conform to the provisions of this Part 3.

B. Extension. A nonconforming use of a building or land may be extended only as a variance by the Board of Adjustment. It is the policy of the city that any such extension or enlargement shall be immediately adjacent to the existing nonconforming use and shall conform to the area and height regulations of the district in which it is situated.

C. Changes. A nonconforming use of a building or land may be changed to a nonconforming use of the same or more restricted classification. Whenever a nonconforming use of a building or land has been changed to a use of a more restricted classification or to a conforming use, such use shall not thereafter be changed to a use of a less restricted classification.

D. Restoration. A nonconforming building wholly or partially destroyed by fire, explosion, flood or other phenomenon, or legally condemned, may be reconstructed, repaired and used for the same nonconforming use, provided that the building was destroyed or condemned and shall be carried on without interruption.

E. Abandonment. If a nonconforming use of a building or land is voluntarily abandoned and ceases for a continuous period of one (1) year or more, subsequent use of such building or land shall be in conformity with the provisions of this Part 3.

§ 130-68. Building height regulations.

In Residence Districts, no building shall exceed thirty-five (35) feet in height, provided that such height limits may be exceeded by one (1) foot for each foot by which the width of each side yard is increased beyond minimum side yard requirements, up to a maximum of fifty (50) feet. In Commercial and in M-1 Manufacturing Districts, no building shall exceed one hundred eighty (180) feet in height.

§ 130-69. Reduction of lot.

No lot area shall be so reduced that the area of the lot or the dimensions of the open spaces shall be smaller than herein prescribed.

§ 130-70. Yard exception for private garage; accessory building.

A private garage or other accessory building which is not an integral structural part of a main building may be located in the required side and/or rear yard but not less than five (5) feet from any property line on lots which are more than fifty (50) feet in width, and not less than two (2) feet from property line on lots which are fifty (50) feet or less in width; provided that such building is situated not less than ten (10) feet farther back from

the street line than the rearmost portion of the main building. Nothing in this section shall be construed to prohibit the erection of a common or joint garage which is not an integral structural part of a main building on adjoining lots.

§ 130-71. Obstruction of vision of street intersections.

No hedge, tree, evergreen, shrub, bush, fence or other planting or structure shall be located on any corner lot in such manner as to cause danger to traffic on a public street, road or avenue by obstructing the vision of persons operating vehicles on said public ways; and all hedges, trees, evergreens, shrubs, bushes, fences or other plantings or structures which, on the effective date of this Part 3, are so located on corner lots as to cause said danger to traffic, or which otherwise fail to comply with the site triangle requirements of the City of Salem Part 5, Subdivision of Land, shall be cut, trimmed, removed or altered, within five (5) days after notice from the Zoning Administrative Officer, in such manner and to such extent that said danger to traffic shall be eliminated.

§ 130-72. Prohibited uses.

A. No building may be erected, altered, or used, and no lot or premises may be used for any use which is hazardous, noxious or injurious to the public health or safety by reason of odor, dust, vibration, illumination or noise, or which constitutes a public hazard whether by fire, explosion or otherwise. In order to determine whether a use for which application is made is hazardous, noxious or is injurious to the public health or safety, the Board of Adjustment shall be guided by applicable regulations of the State of New Jersey and may consult such official agencies or private experts as it deems necessary.

B. No lot may be used for a trailer camp.

§ 130-73. Parking space.

A. Provisions for parking spaces shall be as provided in Schedule G.

B. Off-street parking space shall be as provided in Schedule G, which space shall be not less than the amount indicated; shall have proper access from a street or alley and shall be located on or near the lot on which such use is situated, provided that the Zoning Board of Adjustment may modify these requirements as a special exception in any case in which the unreasonableness of these regulations is clearly demonstrated.

C. In addition to the minimum area per parking space required, adequate driveways, aisles and maneuvering spaces shall be provided. Parking areas shall be graded for convenient access, and shall be paved with a bituminous concrete surface as determined suitable by the City Engineer.

D. Off-street parking facilities existing at the effective date of this Part 3 shall not subsequently be reduced to an amount less than that required

under this Part 3 for a similar new building or new use. Off-street parking facilities provided to comply with the provisions of this Part 3 shall not subsequently be reduced below the requirements of this Part 3.

§ 130-74. Loading and unloading space.

Off-street loading and unloading space, with proper access from a street or alley, shall be provided on any lot on which a building for trade or business is hereafter erected or substantially altered.

§ 130-75. Front yard exception.

The front yard of a proposed building may be decreased in depth to the average alignment of existing buildings within one hundred (100) feet on each side of the proposed building and within the same block, if such alignment of existing buildings is less than the front yard requirement for the district.

§ 130-76. Standards for review of conditional use, variance or change.

In any instance where the Planning Board of the Board of Adjustment is required by this Part 3 to consider a request for a use on a conditional use or variance basis, or when a change in the Zoning Ordinance or Zoning Map is under consideration, the Planning Board, Board of Adjustment, or Common Council shall:

A. Give full consideration to the size, scope, extent and character of the use desired and assure itself that such request is consistent with the plan for future land use in the City of Salem and with the spirit, purpose and intent of the Zoning Ordinance.

B. Consider the suitability of the property for the use desired.

C. Take into consideration the character and type of development in the area surrounding the location for which the request is made and determine that the proposed use will be appropriate in the area and will not substantially injure or detract from the use of surrounding property or from the character of the neighborhood.

D. Determine that the proposed use will promote the harmonious and orderly development of the district in which it is located, and that it will serve the best interests of the city, the convenience of the community (where applicable) and the public health, safety, morals and general welfare.

E. Consider the suitability of the proposed location of a use with respect to traffic and highways in the area, and insure that adequate access and off-street parking arrangements are provided in order to protect major streets from undue congestion and hazard.

F. Make certain that the proposed change is reasonable in terms of the logical, efficient, and economical extension of public services and facilities such as public water, sewers, police and fire protection, and public schools.

G. Consider, where appropriate, the standards for site review included in Part 4.

H. Impose such conditions, in addition to those required as are necessary to insure that the general purpose and intent of the Master Plan and Zoning Ordinance are complied with and that the use of the property adjacent to the area of the proposed use is adequately safeguarded, which conditions may relate to, but are not limited to, harmonious design of buildings, appearances, plantings and its maintenance as a sight or sound screen, landscaping, hours of operations, lighting, numbers of persons involved, allied activities, ventilation, noise, sanitation, safety, smoke and fume control and minimizing of noxious, offensive or hazardous elements.

§ 130-77. Cluster development.

In order to encourage and allow flexibility in the design and development of land, to facilitate the provision of streets and utilities, to conserve and protect stream valleys and floodplains, and to make provision for the common open space, the lot area and use requirements of the R-1 and R-2 Residence Districts may be modified in the case of a plan which complies with the general requirements for subdivision/site plan review and following additional requirements.

A. An area of not less than four (4) acres shall be provided for the Cluster Development.

B. The following uses shall be permitted: single family detached, single family semidetached, or single family detached dwellings or townhouses. No more than eight (8) attached dwellings shall be constructed in any one group.

C. Minimum lot width at the building line, and front, side and rear yards shall be as follows:

Type of Unit	Lot Width	Front Yard	Side Yard	Rear Yard	Lot Area (feet)
Single-family, detached	50	25	2, 8 each	20	
Single-family, semidetached	30	25	1, 8 each	20	
Single-family, attached	20	25	10 at each end of group	20	

D. In no case shall the number of dwellings or dwelling lots permitted on a tract of land exceed the number which would have been permitted were the district regulations not modified.

E. A minimum of ten percent (10%) of the gross area of the tract shall be designated as open space, and shall be reserved for the common use by residents of the proposed development or by residents of the city. Such open space shall be appropriate and in suitable condition for such uses as active recreation and park sites, and for the preservation of scenic or historic features so as to contribute to neighborhood attractiveness and further the objectives of this section and the Salem City Plan.

§ 130-78. Elevation of construction.

No building shall hereafter be constructed, reconstructed or moved within the limits of the City of Salem in which the elevation of the first floor or lower floor, other than basement, is less than five (5) feet above mean sea level as referred to in the U.S. Coast and Geodetic Survey, except that in areas of special flood hazards as defined in this chapter, the specific standards of floor elevation set forth in § 130-99F shall apply.

ARTICLE XVI
Signs

§ 130-79. General provisions.

Any sign hereafter erected or maintained shall conform with the provisions of this Article and any other ordinance or regulations of the city.

§ 130-80. Use and location regulations.

The following types of signs, and no other, shall be permitted:

A. Official traffic signs.

B. Professional, accessory use or name signs indicating the name, profession or activity of the occupant of a dwelling and trespassing signs, or signs indicating the private nature of a driveway or premises, provided that the area on one side of any such sign shall not exceed two (2) square feet.

C. Identification signs for schools, churches, hospitals, clubs, lodges, estates or similar uses, provided that the area on one side of any such sign shall not exceed twelve (12) square feet.

D. Real estate signs including signs advertising the sale or rental of premises, provided the area on one side of any such sign shall not exceed twelve (12) square feet; and signs indicating the location and direction of premises in the process of development, provided the area on one side of any such sign shall not exceed twenty-four (24) square feet.

E. Temporary signs of contractors, architects, mechanics and artisans, provided that such signs shall be removed promptly upon completion of the work.

F. Business or industrial signs.

(1) In C-1 Retail Commercial Districts, C-2 General Commercial Districts, M-1 and M-2 Manufacturing Districts only, provided that:

(a) Such signs, except directional signs, are placed on the premises on which the sign relates is conducted; and

(b) The total area on one side of all such signs placed on, or facing any one street frontage of any one premises, shall not exceed one hundred (100) square feet or fifteen percent (15%) of the overall surface of the wall facing such frontage, whichever is the greater.

(2) The size limitations herein prescribed may be exceeded only when authorized by the Board of Adjustment.

G. Professional or business signs in RLC Residence Districts. Limited Commercial Districts relating to the use conducted on the premises, not exceeding twelve (12) square feet in area. Such size limitation may be exceeded only when authorized by the Board of Adjustment as a variance. In addition, individual name plates of not more than one hundred forty-four (144) square inches in area indicating the name and profession or business of each of the occupants may be erected flat against the wall of the building.

§ 130-81. General regulations.

The following regulations shall apply to all permitted sign uses:

A. No sign shall be placed in such a position that it will cause danger to traffic on a street by obscuring the view of traffic or traffic directional or control signs.

B. No sign other than official traffic signs shall be erected within or shall project over the lines of any street or over a public sidewalk unless specifically authorized by other city ordinances or regulations.

C. No sign shall be of a flashing type.

ARTICLE XVII Administration

§ 130-82. Enforcement.

The City Council shall appoint a Zoning Administrative Officer to enforce the provisions of this chapter. It shall be his duty to examine all applications for permits, issue permits only for construction and uses which are in accordance with the requirements of this chapter, record and file for public record all applications for permits with any accompanying plans and documents, and make such reports as the Mayor and City Council may require. Permits for construction and uses which are a conditional use or which are a variance to requirements of this Part 3 shall be issued only upon order of the Planning Board or the Board of Adjustment, whichever Board has jurisdiction. Nothing herein contained shall require any change in plans or construction of

a lawful use for which a building permit has been issued during the time period when such building permit remains valid.

§ 130-83. Permit required.

A permit shall be required prior to the erection or structural alteration of any building, structure or portion thereof and prior to the use or change in use of a building or land and prior to the change or extension of a nonconforming use. Applications for permits shall be made in writing to the Zoning Administrative Officer on such forms as may be furnished by the city. Such application shall contain all information necessary for the Zoning Administrative Officer to ascertain whether the proposed erection, alteration or change in use complies with the provisions of this Part 3. In the case of uses or buildings, which require approval of the New Jersey Department of Labor, copies of the application and plans furnished to such agency shall meet the terms of this section.

§ 130-84. Issuance of permits.

Permits shall be granted or refused within ten (10) days after the written application has been filed with the Zoning Administrative Officer. Upon completion of the erection or alteration of any building or portion thereof authorized by any permit, and prior to occupancy or use, the holder of such permit shall notify the Zoning Administrative Officer of such completion. No permit shall be considered complete or permanently effective until the Zoning Administrative Officer has certified that the work has been inspected and approved as being in conformity with the provisions of this chapter and other applicable ordinances.

§ 130-85. Fees.

Fees for permits shall be paid in accordance with a Fee Schedule to be adopted by the Mayor and Common Council and all such fees shall be paid into the city treasury. Each applicant for an appeal, special exception or variance shall at the time of making application, pay a fee, in accordance with the aforementioned Fee Schedule, for the cost of advertising and mailing notices as required by this chapter and the Rules of the Board of Adjustment.

§ 130-86. Wetlands and floodplain areas.

All uses of land defined or included as wetlands, flood plains or other flood affected areas under the National Flood Insurance Act of 1968, as amended, the New Jersey Coastal Wetlands Act, IBFN:Editor's Note: See N.J.S.A. 13:9A-1 et seq. IBFN: and the New Jersey Flood Control Act of 1972, IBFN:Editor's Note: See N.J.S.A. 58:16A-50 et seq. IBFN: or any other federal or state laws, rules or regulations relating to any such areas, shall be in compliance with the appropriate requirements of any such act, law, rule or regulation prior to the issuance of a building or zoning permit.

ARTICLE XVIII
Flood Damage Prevention

§ 130-87. Definitions.

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

APPEAL -- A request for a review of the decision made in enforcement of this Article, interpretation of any provision of this Article, or a request for a variance.

AREA OF SHALLOW FLOODING -- A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD -- The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

BASE FLOOD -- The flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT -- Any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL -- A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

DEVELOPMENT -- Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

ELEVATED BUILDING -- A non-basement building built in the case of a building in a Area of Special Flood Hazard to have the top of the elevated floor or in the case of a building in a Coastal High Hazard Area to have the bottom of the lowest horizontal structural member of the elevated floor elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In an Area of Special Flood Hazard, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In Areas of Coastal High Hazard "elevated building" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

FLOOD INSURANCE RATE MAP (FIRM) -- The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY -- The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Hazard Boundary -- Floodway Map and the water surface elevation of the base flood.

FLOOD or FLOODING -- A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOODWAY -- The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than two-tenths (0.20) of a foot.

LOWEST FLOOR -- The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.

MANUFACTURED HOME -- A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION -- A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

NEW CONSTRUCTION -- Structures for which the "start of construction" commenced on or after the effective date of this Article.

START OF CONSTRUCTION -- (For other than new construction or substantial improvements under the Coastal Barrier Resources Act, P.L. 97-348) includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home

on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE -- A walled and roofed building that is principally above ground, as well as a mobile home.

SUBSTANTIAL IMPROVEMENT -- Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

A. Before the improvement or repair is started; or

B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur which the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

(2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE -- A grant of relief to a person from the requirements of this Article which permits construction in a manner otherwise prohibited by this Article where specific enforcement would result in unnecessary hardship.

§ 130-88. Applicability.

This Article shall apply to all areas of special flood hazards within the jurisdiction of the City of Salem.

§ 130-89. Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled "The Flood Insurance Study for the City of Salem, dated February 2, 1982, with accompanying Flood Insurance Rate Maps and Flood Boundary Maps and any revision thereto are hereby adopted by reference and declared to be a part of this Article.

§ 130-90. Violations and penalties.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Article and other applicable regulations. Violation of the provisions of this Article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a disorderly offense. Any person who violates this Article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than two thousand dollars (\$2,500.) for knowingly or for violating this Article and one thousand dollars (\$1,500.) for otherwise violating its provisions pursuant to N.J.S.A. 58:16A-63. Nothing herein contained shall prevent the City of Salem from taking such other lawful action as is necessary to prevent or remedy any violation.

§ 130-91. Abrogation; greater restrictions to apply.

This Article is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§ 130-92. Construction of provisions.

In the interpretation and application of this Article, all provisions shall be:

- A. Considered as minimum requirements.
- B. Liberally construed in favor of the governing body.
- C. Deemed neither to limit or repeal any other powers granted under state statutes.

§ 130-93. Warning and disclaimer of liability.

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Article does not imply land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City of Salem or by any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

§ 130-94. Development permit requirements.

A. A Development Permit shall be obtained before construction of development begins within any area of special flood hazard established in 130-89. Application for a development permit shall be made to the Construction Official on forms furnished by him and may include, but not be limited to, the

following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill storage of materials; drainage facilities, and the location of the foregoing.

B. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
- (2) Elevation in relation to mean sea level to which any nonresidential structure has been floodproofed.
- (3) Plans showing how any nonresidential floodproofed structure will meet the floodproofing criteria of § 130-101B and after the structure is built, a certification by a registered professional engineer or architect that the structure as built meets the criteria of § 130-101B.
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

§ 130-95. Designation of local administrator.

The Construction Official is hereby appointed to administer and implement this Article by granting or denying development permit applications in accordance with its provisions.

§ 130-96. Duties of Construction Official.

Duties of the Construction Official shall include but not be limited to:

A. Permit review. The Construction Official shall:

- (1) Review all development permits to determine that the permit requirements of this Article have been satisfied.
- (2) Review all development permits to require that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

B. Use of other base flood data. When base flood elevations and floodway data has not been provided in accordance with § 130-89, Basis for establishing areas of special flood hazard, then the Construction Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer § 130-101A and B, Specific standards for residential and nonresidential construction.

C. Information to be obtained and maintained. The Construction Official shall:

(1) Verify and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved structures, and whether or not the structure contains a basement.

(2) For all new or substantially improved flood proofed structures:

(a) Verify and record the actual elevation, in relation to mean sea level; and

(b) Maintain the floodproofing certifications required in

130-94B(3).

(3) Maintain for public inspection all records pertaining to the provisions of this Article.

D. Alteration of watercourses. The Construction Official shall:

(1) Notify adjacent communities and the New Jersey Department of Environmental Protection prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

E. Interpretation of FIRM boundaries. The Construction Official shall make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.

§ 130-97. Appeals Board.

A. The Board of Adjustment as established by the City of Salem shall hear and decide appeals and requests for variances from the requirements of this Article.

B. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official in the enforcement or administration of this Article.

C. Any person aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decision to the Superior Court, as provided by law.

§ 130-98. Conditions for variances.

A. In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Article, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

B. Upon consideration of the factors listed above and the purposes of this Article, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article.

C. The Construction Official shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

§ 130-99. Issuance of variances.

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures

constructed below the base flood level, provided items § 130-98A have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

B. Variances may be used for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places of the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in § 130-98A, or conflict with existing local laws or ordinances.

F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

§ 130-100. General standards.

In all areas of special flood hazards the following provisions are required:

A. Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction of substantial improvements shall be constructed by methods and practices that minimize flood damage.

C. Utilities.

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (4) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. Subdivision proposals.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres.

§ 130-101. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in § 130-89, Basis for establishing areas of special flood hazard, or § 130-96B, Use of other base flood data, the following standards are required.

- A. Residential construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one (1) foot above the base flood elevation.
- B. Nonresidential construction.

(1) New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(2) A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in § 130-96C(2).

C. Mobile homes.

- (1) Mobile homes shall be anchored in accordance with § 130-100A(2).
- (2) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

§ 130-102. Floodways.

Located within areas of special flood hazard established in § 130-89 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If Subsection A is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §§130-100 through 130-103.

C. Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision.

D. In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

§ 130-103. Enclosure openings.

For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to

automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- A. A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
- B. The bottom of all openings shall be no higher than one (1) foot above grade.
- C. Openings may be equipped with screen, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

ARTICLE XIX
AMENDMENTS;
REMEDIES; PENALTIES

§ 130-104. Amendments.

The Mayor and Common Council reserve the right to amend, change, modify, or repeal any regulations, limitations and restrictions of this Part 3, including the Zoning Map, in the manner prescribed by law.

§ 130-105. Remedies.

In case any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building or structure is used in violation of this Part 3 or any regulations made pursuant thereto, the property city authorities, action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

Part 4
Site Plan Review
ARTICLE XX
General Provisions

§ 130-106. Intent.

The general intent of this Part 4 is to foster the planning objectives of this chapter listed in Part 1. Site plan review is specifically intended to enhance the general appearance of the city, to encourage the harmonious and efficient use of the land, to protect and preserve natural resources, environmental quality and the historic character of the city and to ensure the safe and efficient movement of traffic in the city.

§ 130-107. Applicability.

Site plan review shall be required for all new or expanded use except agriculture, city, and single family residential, principal and accessory uses or as otherwise provided in this Section. No building permit shall be issued for any applicable building or use or the enlargement of any building or use unless a site plan has been submitted to and approved by the City Planning Board.

A. Site plans shall not be required for any single family dwelling, for such accessory uses as a private garage, for a building, structure or use built or maintained by the City of Salem, or for an agricultural building, structure or use, which are exempt from site plan review by law.

B. Site plan review will not be required in connection with the alteration or repair of an existing building or use when the Zoning Officer determines that said alteration or repair will not result in additional lot coverage, will conform with the maximum and minimum building standards, and will not increase the number of off-street parking spaces.

C. The Planning Board may waive the requirements of this chapter if the proposed development has secured previous site plan approval or when the Planning Board is convinced that the development will not affect existing circulation, drainage, building arrangement, landscaping, buffering, lighting and other considerations of site plan review.

ARTICLE XXI

Plan Information Requirements

§ 130-108. Preliminary site plan and environmental impact statement.

In addition to the information required for a zoning permit, all site plans shall fulfill the information requirements of this Section prior to review by the approving authority.

A. Site plans shall be prepared under the supervision of and be signed and sealed by either a New Jersey Licensed Professional Engineer or a registered Architect. A plan shall be drawn in black on white at a scale not less than one (1) inch equals fifty (50) feet.

B. The site plan shall clearly show the conditions on and adjacent to the site at the time of application, the features of the site which are being incorporated into the proposed use or building, and the appearance and function of the proposed use or building. At a minimum, the preliminary site plan shall include the following information, unless waived by the Planning Board:

(1) A key map at an appropriate scale showing the location of the site and its relationship to surrounding areas and to existing street locations.

(2) Name and address of owner, developer, and person preparing plan.

- (3) The Tax Map sheet, block, and lot numbers.
- (4) Certificate from the tax collector that all taxes are paid to date.
- (5) The names of all adjoining property owners as disclosed by the most recent tax records.
- (6) The entire property in question, even though only a portion of said property is involved in the site plan, provided, however, where it is physically impossible to show the entire property on the required sheet, a separate map at an appropriate scale may be submitted.
- (7) The location, design, and dimensions of each new and existing use and building.
- (8) The building or use setback distances from all property lines.
- (9) The location, dimensions, and arrangement of streets, vehicular accessways and driveways, off-street parking areas, methods of separating land traffic and parking within off-street parking areas, and loading and unloading areas.
- (10) A survey prepared by a land surveyor licensed by the State of New Jersey shall accompany site plans and shall show the boundaries of the parcel and the limits of all proposed streets, recreation areas and other property to be dedicated to public use on to common open space. In the case of new commercial, industrial or public buildings, the site plan shall be accompanied by preliminary architectural floor plans and elevations with the name, address, professional number and seal of the architect involved.
- (11) Location of all existing trees or tree masses, indicating general sizes and species of trees.
- (12) The location, design, and dimensions of open areas, buffer areas, pedestrian walkways, and any recreation areas and facilities proposed by the developer.
- (13) Landscaping and buffering plan showing what will remain and what will be planted, indicating names of plants and trees and dimensions, approximate time of planting and method of planting.
- (14) Contours at two-foot intervals for slopes averaging five percent (5%) or greater and one-foot contours for slopes less than five percent (5%) unless determined by the City Engineer to be unnecessary in whole or in part.
- (15) Grading plan showing existing and proposed spot elevations based upon the U.S. Coastal Geodetic datum at all building corners, all floor levels, center lines of abutting roads, top and bottom curbs, property corners, gutters and other pertinent locations.

(16) The location, size, and direction of flow of all streams, brooks, ditches, lakes and ponds. The boundaries of the floodplains of all watercourses shall also be submitted.

(17) Cross sections and center line profiles of all existing or proposed streets or watercourses.

(18) Plans and design data for storm drainage facilities.

(19) Preliminary plans and profiles of proposed utility layouts and water and sewer facilities.

(20) If on-site sewage disposal is required, the results and location of all percolation tests and test borings shall be shown on the plan.

(21) At a minimum, the floor plan and front elevation of all proposed principal buildings and all contemplated accessory buildings and structures.

(22) The size, type, and location of all proposed signs.

(23) The location and design of proposed lighting for buildings, signs, and grounds.

(24) A written commitment from the City Sewerage Superintendent of sufficient capacity to provide sewerage service for the project when completed.

(25) A written commitment from the City Water Superintendent of sufficient capacity to provide water service for the project when completed.

C. The approving authority may require additional information in order to properly review and take action on a specific application. The approving authority may also rely on the information or design requirements of Part 5, Subdivision of Land, where applicable or may make reasonable requests for additional information.

D. If the site plan involves the disturbance of more than one (1) acre, the applicant shall also submit twelve (12) copies of an environmental impact statement signed and sealed by a New Jersey licensed professional planner or New Jersey licensed professional engineer, preferably with experience in environmental studies. As used in this subsection, an "environmental impact statement" means a written description and analysis of all possible direct and indirect effects the development will have upon the development's site as well as upon the surrounding region affected thereby, with particular reference to the effect of the development upon the public health, welfare and safety, the protection of public and private property, existing agricultural activities and preservation and enhancement of the natural environment. Every environmental impact statement shall contain the following:

(1) A key map showing the location of the development and how it relates to the surrounding region affected thereby.

(2) A description of the development specifying, in the form of maps, drawings or similar visual aids, and also by narrative, what is to be done and how it is to be done during and after construction of the development, including the information and technical data adequate to permit a careful assessment of the environmental impact of the development.

(3) An inventory of the existing environmental conditions at the development site and in the surrounding region affected thereby which shall describe the following:

(a) Physical characteristics.

[1] Air quality.

[2] Hydrology, including maps and descriptions of streams, water bodies and floodplains and a discussion of water quality.

[3] Geology.

[4] Soils and their properties, including capabilities and limitations.

[5] Topography and slope.

[6] Drainage.

[7] Vegetation.

[8] Air quality and water quality shall be described with reference to the standards promulgated by the Department of Environmental Protection of the State of New Jersey and soils shall be described with reference to criteria contained in the North East Jersey Soil Conservation District Standards and Specifications.

(b) Wildlife.

[1] Fish and aquatic organisms.

[2] Wild animals.

(c) Man-made conditions and structures.

[1] Sanitary and storm sewer systems, including planned construction.

[2] Noise characteristics and levels.

[3] Traffic volume.

[4] Land use, including maps and descriptions of zoning and master plan delineation of the development area.

[5] Aesthetics.

(d) Community character.

[1] History, including maps and descriptions of sites of historic and archaeological significance.

[2] Demography.

[3] Culture.

[4] Maps and descriptions of sites reserved or planned for recreational purposes or as wildlife refuges.

(4) A listing of all licenses, permits or other approvals required by municipal, county or state law, the status of each, and proof that the applicant has contacted officials of any federal, state, county or municipal agency affected by the proposed development.

(5) An assessment of the probable impact of the development upon all of the topics listed in Subsection D(3) above.

(6) A listing and evaluation of adverse environmental impacts which cannot be avoided, with particular emphasis upon air or water pollution, increase in noise during and after construction, damage to plant, tree and wildlife systems, damage to natural resources, displacement of people and businesses, increase in sedimentation and siltation, flooding, potential storm water run-off damage both on and off site, increase in municipal services, and health, safety and well-being of the public. Off-site and off-tract impact shall also be set forth and evaluated.

(7) A thorough description of the steps to be taken to minimize adverse environmental impact before, during and after construction of the development, both at the development site and in the surrounding region affected thereby, such description to be accompanied by necessary maps, schedules and other explanatory data as may be needed to clarify and explain the actions to be taken.

(8) Any irreversible and irretrievable commitment of resources which would be involved in the proposed action shall be identified and described.

(9) A statement of alternatives to the proposed development which might avoid some or all of the adverse environmental effects, including a no-action alternative, with an objective evaluation of each alternative including the no-action alternative.

(10) A reference list of available pertinent, published information relating to the development, the development site, and the surrounding region affected thereby.

(11) Notwithstanding the foregoing, the reviewing board may waive the requirement for an Environmental Impact statement if sufficient evidence is submitted by the applicant to support a conclusion that the proposed development will have a slight or negligible environmental impact. Portions of such requirement may likewise be waived upon a finding by the reviewing board

that a complete statement need not be prepared in order to evaluate adequately the environmental impact of the development.

§ 130-109. Final site plan.

A site plan submitted for final approval in accordance with the provisions of Part 2, Development Procedures, shall contain all data and show all details required by the Planning Board in its resolution granting preliminary approval.

ARTICLE XXII Standards

§ 130-110. Review criteria.

The following factors shall be considered in the review and development of all site plans:

A. Circulation. Pedestrian and vehicular traffic movement within and adjacent to the site with particular emphasis on the provision and layout of parking areas, off-street loading and unloading areas, and the movement of people, goods and vehicles from access roads, and within the site and adjacent to it. The Planning Board shall ensure that all parking spaces are usable and are safely and conveniently arranged. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe entrance and exit to and from the site.

B. Site design. The design and layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement. In the orientation and siting of buildings, the unique characteristics of the site shall be taken into account with consideration given to relating buildings to the natural terrain; creating desirable focal points; preserving natural views; and respecting the established character of the neighborhood. The site plan shall provide for a unified design with features that the principal and accessory structures together and relate site features successfully and harmoniously to similar elements in surrounding buildings.

C. Lighting. Adequate lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. Lighting standards shall be a type approved by the Planning Board. Directional lights shall be arranged so as to minimize glare and reflection on adjacent properties.

D. Buffering. Buffering shall be located around the perimeter of the site to minimize headlights of vehicles, noise, light from structures, the movement of people and vehicles, and to shield activities from adjacent properties when necessary. Buffering may consist of fencing, evergreens, shrubs, bushes, deciduous trees or combinations thereof to achieve the design objectives.

E. Landscaping. Every effort shall be made to preserve the landscape in its natural state or to improve existing site conditions in keeping with adjacent areas. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping shall include trees, bushes, shrubs, ground cover, perennials, annuals, and plants.

F. Signs. Signs shall be designed so as to be aesthetically pleasing, harmonious with other signs on the site, and located so as to achieve their purpose without constituting hazards to vehicles and pedestrians.

G. Utilities. Storm drainage, sanitary waste disposal, water supply and solid waste disposal shall be reviewed and considered. Particular emphasis shall be given to the adequacy of existing systems, and the need for improvements both on-site and off-site. Adequate fire protection shall be ensured in the review of all major developments. Solid waste disposal shall be adequate to ensure freedom from vermin and rodent infestation.

H. Environmental considerations. Environmental elements relating to soil erosion, preservation of trees, protection of watercourses, topography, soil, and wildlife shall be reviewed and the design of the plan shall minimize any adverse impact on these elements. Whenever possible, the natural features of a site are to be preserved, floodplains respected, and excessive cut or fill avoided. In reviewing a site plan, the reviewing authority shall take into consideration the effect of the development upon all aspects of the environment as outlined in the Environmental Impact Statement requirements, as well as the sufficiency of the applicant's proposal in his Environmental Impact Statement for dealing with any immediate or projected adverse environmental effects. The reviewing authority may require, as a condition of approval of the application, that steps be taken to minimize the adverse environmental impact during and after construction, and no final approval shall be issued until all such requirements shall have been complied with or compliance is guaranteed by a performance guarantee meeting the standards, requirements and procedures set forth in § 130-136 of this chapter.

ARTICLE XXIII

Improvements and Design Standards

§ 130-111. General standards.

The approving authority may require the installation of applicable improvements and may rely on the specific design standards listed in Part 5, Subdivision of Land. These improvements shall be installed in accordance with the standards specifications, and engineering inspection requirements of that Part 5. In addition to the above-cited required improvement and design standards, the following additional standards shall apply to site plans. For good and sufficient reasons, the Planning Board may vary these design details as they may apply to a specific site plan application.

§ 130-112. Off-street parking.

Adequate off-street parking space, open air or indoor, shall be provided with all new construction, the creation of new uses or the extension or alteration of existing uses.

A. Parking Area Design Standards. All parking areas shall be designed in accordance with the following standards:

(1) The minimum parking stall dimension shall be nine (9) feet in width and eighteen (18) feet in length.

(2) Access driveways to parking areas shall not be less than ten (10) feet in width for one-way traffic and not less than twenty (20) feet in width for two-way traffic. The location of entrances and exits shall be in accordance with the access provisions of § 130-114. Access driveways shall be separated from parking areas by a buffer strip for a distance of fifty (50) feet from its intersection with a public road or street. Parking spaces shall not be located along access roads except if the road is designed to be wide enough to prevent vehicles from backing into the travel lane.

(3) Off-street parking areas providing more than two (2) required spaces shall be designed so that no vehicle would have occasion to back into any public street.

(4) Aisles and driveways within parking areas shall have the following minimum widths:

(a) For parallel parking: twelve (12) feet.

(b) For thirty degrees (30°) or less angle parking: twelve (12) feet.

(c) For forty-five degrees (45°) or less, but greater than thirty degrees (30°) angle parking: thirteen (13) feet.

(d) For sixty degrees (60°) or less, but greater than forty-five degree (45°) angle parking: eighteen (18) feet.

(e) For ninety degrees (90°) or less, but greater than sixty degrees (60°) parking: twenty-five (25) feet.

(5) Parking spaces shall be provided in accordance with the minimum requirements specified in the off-street parking schedule (Schedule G). When the computation to determine the number of spaces results in a requirement of a fractional space, any fraction to and including one-half (1/2) shall be disregarded and fractions exceeding one-half (1/2) shall require one (1) of space. For any other uses or combination of uses which do not fit one (1) of the categories listed in the schedule, the approving authority should determine the required number of spaces. The specified standards are to be the basis of such a determination.

(6) In parking areas for major commercial development, a one-way internal circulation system is encouraged to facilitate traffic movement and to reduce the number of conflict points.

(7) Parking stalls, driveways, and aisles shall be clearly marked and delineated. The Planning Board shall require that certain areas be maintained for fire-fighting or other emergency purposes and these areas shall be properly designated.

(8) All off-street parking areas shall be paved according to city specifications listed in Part 5, Subdivision of Land, except if the intensity and frequency of use is limited in which case the Planning Board may permit a gravel or stone surface.

(9) Parking areas shall not be located in the required side or rear yards not closer than ten (10) feet to the street's proposed right-of-way line in the front yard. This requirement shall be maintained to permit adequate buffering of the parking area.

(10) All parking areas shall be suitably landscaped and buffered from adjacent land uses. At least five percent (5%) of the parking area shall be landscaped (along walkways, center islands, and at the end of bays) to break up the amount of impervious surfaces. This landscaping requirement shall be in addition to the buffering provisions of § 130-116. All double-loaded parking bays with more than twenty (20) total parking spaces shall provide a park strip at least ten (10) feet in width between aisles. The park strip shall be suitably landscaped and shall include a four (4) foot sidewalk except if exclusive walkways are provided elsewhere.

(11) Curbing and guttering shall be required for all paved parking areas to ensure adequate drainage, to define the extent of the parking area, and to separate parking bays from park strips or access roads.

B. Existing off-street parking areas shall not be reduced or encroached upon in any way which would make them deficient for the uses served.

C. The collective provisions of off-street parking by two (2) or more buildings or uses located on adjacent lots is permitted, provided that the total of such facilities shall not be less than the sum required for involved buildings or uses computed separately, unless it can be demonstrated to the satisfaction of the approving authority that the periods or need are entirely or partially mutually exclusive.

D. All off-street parking is to be provided on lot or contiguous to the lot and adjacent to the specified principal use. For nonresidential uses in commercial districts, required parking may be located within one hundred fifty (150) feet of such use, said distance to be measured from the nearest point of the parking facility to the nearest point of the building served.

§ 130-113. Off-street loading.

Off-street loading space shall be provided with all new construction or the creation of new uses in accordance with the following standards:

A. An off-street loading space, as defined in this chapter, shall be required:

(1) For each ten thousand (10,000) square feet of gross floor area in a hospital.

(2) For each two thousand five hundred (2,500) square feet of gross floor area in a funeral home (dimensions of loading space may be reduced to 33 X 12').

(3) For each twelve thousand (12,000) square feet of gross floor area in a commercial use or manufacturing establishment.

B. When the computation to determine the number of required loading spaces results in a requirement of a fractional space, any fraction to and including one-half (1/2) shall be disregarded and fractions exceeding one-half (1/2) shall require one (1) space.

C. Existing required loading areas together with their access ways shall not be encroached upon or reduced in any manner or devoted to any other use. The use's certificate of occupancy, shall be declared invalid in the event of such occurrence.

D. All off-street loading spaces shall be surfaced with asphaltic or portland cement concrete. The arrangement of off-street loading space shall be such that no vehicle shall have occasion to back into any public street or an internal access road of a parking area.

E. Off-street loading areas shall be located or screened so that they cannot be seen from adjacent land uses or from the public street and shall not encroach on any required yards.

§ 130-114. Access.

Access shall be designed in accordance with the driveway regulations in 130-112 as well as with the following additional standards for all site plans:

A. Access to a site shall be provided from an improved existing or proposed public street at defined locations. For developments on parcels of land with frontage of less than one hundred fifty (150) feet, no more than two (2) one-way driveways or one (1) two-way driveway shall be permitted. The number of driveways provided from a site directly to a road for a parcel of one hundred fifty (150) feet or more shall not exceed two (2) two-way driveways or one (1) two-way driveway and two (2) one-way driveways.

B. All entrance and exit driveways to a road shall be located to afford maximum safety to traffic on the road. Where a site occupies a corner of two (2) intersecting roads, no driveway entrance or exit may be located within fifty (50) feet of the point of tangent of the existing or proposed curb radius of that site.

C. Whenever a development is proposed at the intersection of an arterial or major collector and a road of lesser importance, access to the development shall be gained from the county or city road of lower functional classification.

D. The width of a driveway at the right-of-way line shall be a minimum of twenty (20) feet and a maximum of forty (40) feet for two-way operation and a minimum of twelve (12) feet and a maximum of twenty (20) feet for one-way operation.

E. No part of any driveway shall be located within a minimum of ten (10) feet of a side property line. However, the Planning Board may permit a driveway serving two or more adjacent sites to be located on or within ten (10) feet of a site property line between the adjacent site. The use of marginal access roads or joint driveways may be required by the Planning Board in an area of commercial development to collect the commercial traffic.

F. Where two (2) or more driveways connect a single site to any one (1) road, a minimum clear distance of seventy-five (75) feet shall separate the closest edge of any two (2) such driveways for a parcel with less than one hundred fifty (150) feet of frontage and a minimum of one hundred (100) feet shall separate any two (2) driveways for a parcel of more than one hundred fifty (150) feet.

G. Deceleration lane. Where a driveway serves as an entrance to a land development providing fifty (50) or more spaces, an acceleration lane shall be provided for traffic turning right into the driveway from any arterial, major or minor collector road. The deceleration lane shall be at least two hundred (200) feet long and at least thirteen (13) feet in width. A minimum forty (40) foot curb radius shall be used from the deceleration lane into the driveway. If a deceleration lane is provided, the driveway angle may be less than seventy-five degrees (75°).

H. Acceleration lane. Where a driveway serves right turning traffic from a parking area providing two hundred (200) or more parking spaces and the abutting road has a peak hour traffic volume exceeding one thousand (1000) vehicles per hour, an acceleration lane shall be provided at least two hundred (200) feet in length and at least thirteen (13) feet in width. In situations where these criteria are not met, the Planning Board may require acceleration lanes for commercial, residential, or industrial development upon the recommendation of the City Engineer to improve traffic merging or sight conditions.

§ 130-115. Exterior lighting.

All site plan applications shall include plans for proposed exterior lighting. These plans shall include the location, type of light, radius of light and intensity in footcandles. All lighting shall be designed in accordance with the following design standards:

A. The style of the light and the light standard shall be consistent with the architectural style of the principal building. The height of the lighting shall be in scale with the height of the principal building and shall not exceed fifteen (15) feet.

B. All lights shall be properly shielded to restrict the maximum apex of illumination to one hundred fifty degrees (150°) and to prevent glare or illumination on adjacent land uses.

C. Lighting shall be located among streets, parking areas, and at all intersections. In addition, all building entrances and exits shall be lighted and all sidewalks shall have low or mushroom type structures. Freestanding lights shall be located and designed so as not to be easily damaged by vehicles or to be a roadside safety hazard.

D. Spotlight fixtures attached to buildings shall not be permitted except for security purposes in the rear of buildings.

E. The appropriate intensity of lighting in footcandies and the type of lighting shall be determined by the Planning Board upon the recommendation of the City Engineer.

§ 130-116. Buffering; screening.

All site plans shall provide sufficient buffering and screening to minimize any adverse impacts or nuisances of the site or from adjacent areas and to improve the physical appearance of the site. The use of buffering, such as adequately space deciduous trees, low hedges, bushes, shrubbery, berms, and other landscaping elements is used to soften the visual impact of the proposed use and to provide a break between adjacent uses of the same type or from the road. Buffering also serves to mitigate certain disharmonies and incapacitates between adjacent nonagricultural and agricultural uses such as noise, odor, dust, fumes, drifting chemical spray materials, straying animals, trespassers, pilferage, vandalism and damage to crops. Screening is defined as a physical or natural barrier that is required to block an objectionable view or to prevent nuisance characteristics of the proposed use, such as noise or light, from extending beyond the limits of the property. Fences, walls, high hedges, mounds and berms, and dense tree plantings (normally evergreens or poplar trees) are examples of effective screening methods. The following general standards are to be utilized in the design of all site plans:

A. Buffering or screening shall be required along the perimeter of all developments unless waived by the Planning Board. Buffers shall be created along and adjacent to property lines of similar or proposed uses and along the road. Buffers and/or screening may also be required on the interior of a development to shield parking areas, play or recreational areas, utility installations such as solid waste receptacles, loading bays, where interior streets run parallel with roads exterior to the site or other areas requiring privacy, shielding or enhancement of visual appearance. Whenever a nonresidential use abuts existing or proposed residential land use, a dense natural barrier or screen shall be required.

B. Buffer zones shall be maintained in their natural state when wooded. When natural vegetation is sparse at certain locations, the Planning Board may require additional plantings.

C. Fences or walls are effective screening devices. However, any proposed fence or wall shall complement the structural type and design of the principal buildings. The use of fences with high transparency (i.e., chain link fence) shall not be considered as an adequate buffer unless complemented by landscaping. High fences or walls with little, if any transparency, shall only be considered in areas appropriate for screening.

D. The use of landscaping techniques, such as terracing and the creation of berms or mounds, shall be encouraged as part of the landscaping plan and to accomplish adequate buffering or screening.

§ 130-117. Landscaping.

A landscaping plan shall be submitted with each site plan application. The plan shall identify and locate existing and proposed trees, shrubs, bushes, plant material and ground cover. The plan shall also indicate any proposed alterations of the terrain for landscaping purposes. The following principles shall be followed in the development of a landscaping plan:

A. Landscaping shall be designed to accent and complement buildings and shall be located to assist with interior climate control.

B. The impact of any proposed landscaping plan shall be considered over time so that shrubs or trees do not grow and eventually block sight distances. This concern is particularly important at driveway entrances and in parking areas.

C. Factors, such as texture, color, shapes and foliage, shall be considered in the choice of species. In addition, the susceptibility of the species to disease and litter or maintenance problems must be considered.

D. The preservation of existing trees and vegetation is encouraged. Specimen trees over fifteen (15) inches in diameter shall be incorporated in all landscaping plans. Although the alteration of the existing terrain is permitted to accomplish appropriate landscaping objectives, the grade around existing trees may not be varied more than six (6) inches except if properly designed tree wells are to be constructed.

E. If a submitted plan requires the removal of any existing trees, the Municipal Shade Tree Commission shall first be consulted and their input obtained by the approving authority before rendering any decision. The applicant shall specifically be responsible for notifying the Shade Tree Commission prior to any preliminary review.

§ 130-118. Provisions of off-tract improvements.

The provisions of Off-tract improvements set forth in § 130-137, Off-tract improvements, of Part 5, Subdivision of Land, shall apply to site plan review and approval, as fully as it were a part of this Part 5 to ensure a pro rata share allocation of the cost of off-tract improvements necessitated by new development. All provisions of § 130-137 of this chapter, as amended, shall apply to site plan review and approval.

§ 130-119. Additional design and improvement requirements.

A. All site plans shall conform to the design and requirements as deemed applicable by the Planning Board and set forth in the following sections:

~ 130-124	General requirements
~ 130-126	Drainage
~ 130-128	Natural features
~ 130-129	Trees
~ 130-130	Topsoil protection
~ 130-131	Pedestrian circulation
~ 130-132	Streetlighting
~ 130-133	Public utilities

B. The Planning Board may waive entirely or partially specific requirements set forth in the hereinabove cited sections.

§ 130-119.1. Recycling areas.

A. There shall be included in any new multifamily housing development that requires subdivision or site plan approval an indoor or outdoor recycling area for the collection and storage of residentially-generated recyclable materials. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number, and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located. The dimensions of the recycling area and the bins or containers shall be determined in consultation with the municipal recycling coordinator, and shall be consistent with the district recycling plan adopted pursuant to § 3 of P.L. 1987, c. 102 (N.J.S.A. 13:1E-99.13) and any applicable requirements of the municipal master plan, adopted pursuant to § 26 of P.L. 1987, c. 102.

B. The recycling area shall be conveniently located for the residential disposition of source separated recyclable materials, preferably near, but clearly separated from, a refuse dumpster.

C. The recycling area shall be well lit, and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling area, and the bins or containers placed therein, against theft of recyclable materials, bins or containers.

D. The recycling area or the bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. Any bins or containers which are used for the collection of recyclable paper or cardboard, and which are located in an outdoor recycling area, shall be equipped with a lid, or otherwise covered, so as to keep the paper or cardboard dry.

E. Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.

F. Landscaping and/or fencing shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner.

Part 5

Subdivision of Land

ARTICLE XXIV

Plat Details and Information Requirements

§ 130-120. Minor subdivision and sketch plats.

All minor subdivisions and sketch plats shall fulfill the information requirements of this Section prior to review by the approving authority.

A. The plat for minor subdivision approval shall be prepared under the supervision of and be signed and sealed by a licensed New Jersey Land Surveyor. A sketch plat for purposes other than for minor subdivision approval shall be prepared under the supervision of and be signed and sealed by a licensed New Jersey Land Surveyor, Professional Planner, Professional Engineer, or Registered Architect.

B. The plat shall be based on tax map information or some other similarly accurate base at a scale of not more than one (1) inch equals two hundred (200) feet to enable the entire tract to be shown on one (1) sheet.

C. The following information shall be shown or included on the sketch plat, unless waived by the Planning Board:

(1) A key map at a scale in which one (1) inch equals not more than one thousand (1,000) feet showing the entire subdivision and its relation to all features within one-half (1/2) mile of the limits of the subdivision.

(2) Name and address of owner, subdivider, and person preparing plat.

(3) The names of all adjoining property owners as disclosed by the most recent tax records.

(4) The Tax Map sheet, block, and lot numbers.

(5) The location of that portion which is to be subdivided in relation to the entire tract.

(6) All existing and proposed streets within or adjoining the proposed subdivision with the right-of-way widths clearly indicated.

(7) The proposed location of any driveways or other entrances onto a public street.

(8) All existing structures, and wooded areas, within the portion to be subdivided and within two hundred (200) feet thereof.

(9) All proposed lot lines and lot lines to be eliminated by the proposed subdivision shall be clearly indicated.

- (10) The location, size and direction of flow of all streams, brooks, drainage structures and drainage ditches in the area to be subdivided or within two hundred (200) feet of the subdivision.
- (11) The location and width of all existing and proposed utility easements in the area to be subdivided.
- (12) The zoning classification of the property and all additional information necessary to show compliance with the applicable zoning requirements.
- (13) Acreage of the entire tract, the area being subdivided, and the area of each lot created.
- (14) Approximate lot dimensions, drawing scale, and north arrow.

- (15) For all applications involving the creation of more than two (2) lots, spot elevations on lot corners, and for any application where found necessary by the Planning Board, sufficient topographic information for a proper determination of requirements, but not exceeding the topographic information requirement applicable to preliminary major subdivision applications.
- (16) For any application where found necessary by the Planning Board to assure that there is no adverse affect upon the development or provision of access to the remainder of tract, a rough indication of an acceptable layout of the remainder of the tract.
- (17) A written commitment from the City Sewerage Superintendent of sufficient capacity to provide sewerage service to each lot when occupied by a dwelling house.
- (18) A written commitment from the City Water Superintendent of sufficient capacity to provide water service to each lot when occupied by a dwelling house.

- D. Minor subdivision filing. A plat containing all of the above information which is reviewed and approved as a minor subdivision may be filed as a plat if it is a certified survey that contains the signatures of the Chairman and Planning Board Secretary and meets the requirements of the Map Filing Law.

§ 130-121. Preliminary plat and environmental impact statement.

A development application which is classified as a major subdivision shall not be considered complete until the information requirements of this section have been fulfilled unless waived by the Planning Board.

A. The preliminary plat shall be clearly and legibly drawn or reproduced in black on white at a scale of not less than one (1) inch equals fifty (50) feet. It shall be prepared under the supervision of and be signed and sealed by a licensed New Jersey land surveyor and any engineering design work shall be done by a licensed New Jersey professional engineer.

B. The plat shall be prepared in compliance with the design standards of this Part 5 and shall show or be accompanied by the following information in addition to all that is required for a sketch plat:

- (1) Accurate bearings, headings, and other boundary details.
- (2) All required front, side, and rear setback lines.
- (3) Specimen trees having a diameter in excess of twenty-four (24) inches.

(4) Any structures of historic significance within two hundred (200) feet of the subdivision and a statement of the impact of the development on the historic structure.

(5) Topography contours at two foot intervals for slopes averaging five percent (5%) or greater and one (1) foot contours for slopes less than five percent (5%). Elevations or contours need not be shown, however, for those portions of any parcel to be retained by the subdivider in an undeveloped state that are more than two hundred (200) feet from the lots being created. Contours should show existing ground elevations and proposed elevations in any areas to be reggraded.

(6) Streets. Cross sections and center-line profiles of proposed streets within the subdivision and existing streets which about the subdivision.

(7) Watercourses. All existing and proposed watercourses shall be shown accompanied by the following information:

(a) When a stream is proposed for alteration, improvement or relocation or when a drainage structure or fill is proposed within the floodway of an existing stream, evidence of submission of the improvement to the Division of Water Resources shall accompany the subdivision.

(b) Cross sections of watercourses and/or drainage swales at an approximate scale showing the extent of the floodplain, top of bank, normal water level, and bottom elevation at the following locations:

[1] At any point where a watercourse crosses the boundary of a subdivision.

[2] At fifty (50) foot intervals for a distance three hundred (300) feet upstream and downstream of any proposed culvert or bridge within or adjacent to the subdivision.

[3] Immediately upstream and downstream of any point of junction of two (2) or more watercourses.

[4] At a maximum of three hundred (300) foot intervals along all watercourses which run through or adjacent to the subdivision.

(c) When ditches, streams, brooks or watercourses are to be altered, improved or relocated, the method of stabilizing slopes and the

measures to control erosion and siltation as well as typical cross sections and profiles shall be shown on the plat or accompany it.

(d) The boundaries of the floodplains within or adjacent to the subdivision.

(8) Drainage.

(a) Preliminary plans and profiles at a scale of one inch equals fifty feet (1"=50') horizontally and one inch equals five feet (1"=5') vertically of all proposed and existing storm sewers, drainage swales, and streams within the subdivision together with the locations, size, elevations, and capacities of any existing storm drain, ditch, or stream to which the proposed facility will be connected.

(b) The location and extent of any proposed groundwater recharge basins, retention basins, or other water conservation devices.

(c) All drainage calculations used for the design of the storm drainage system and the documents indicating conformance to the standards in this Chapter shall be submitted.

(9) Utilities. Preliminary plans and profiles of proposed utility layouts shall be at a scale of not more than one (1) inch equals fifty feet (1"=50') horizontally and one (1) inch equals five feet (1"=5') vertically showing connections to existing and proposed utility systems.

(10) A written commitment from the City Sewerage Superintendent of sufficient capacity to provide sewerage service to each lot when occupied by a dwelling house.

(11) A written commitment from the City Water Superintendent of sufficient capacity to provide water service to each lot when occupied by a dwelling house.

(12) A copy of any protective covenants or deed restrictions applying to the land being subdivided.

(13) The location of poles, distance from intersections and illumination factors for all streetlighting.

C. If the application involves the disturbance of more than one acre, the applicant shall also submit five (5) copies of an environmental impact statement signed and sealed by a New Jersey licensed professional planner or New Jersey licensed professional engineer, preferably with experience in environmental studies. As used in this Part 5, an "environmental impact statement" means a written description and analysis of all possible direct and indirect effects the development will have upon the development's site as well as upon the surrounding region affected thereby, with particular reference to the effect of the development upon the public health, welfare and safety, the protection of public and private property, existing agricultural activities and preservation and enhancement of the natural environment. Every environmental impact statement shall contain the following:

- (1) A key map showing the location of the development and how it relates to the surrounding region affected thereby.
- (2) A description of the development specifying, in the form of maps, drawings, graphs or similar visual aids, and also by narrative, what is to be done and how it is to be done during and after construction of the development, including information and technical data adequate to permit a careful assessment of the environmental impact of the development.
- (3) An inventory of the existing environmental conditions at the development site and in the surrounding region affected thereby which shall describe the following:

(a) Physical characteristics.

- [1] Air quality.
- [2] Hydrology, including maps and descriptions of streams, water bodies and floodplains and a discussion of water quality.
- [3] Geology.
- [4] Soils and their properties, including capabilities and limitations.
- [5] Topography and slope.
- [6] Drainage.
- [7] Vegetation.
- [8] Air quality and water quality shall be described with reference to the standards promulgated by the Department of Environmental Protection of the State of New Jersey and soils shall be described with reference to criteria contained in the Salem County New Jersey Soil Survey standards and specifications, issued by the United States Department of Agriculture Soil Conservation Service.

b. Wildlife.

- [1] Fish and aquatic organisms.
- [2] Wild animals.

c. Man-made conditions and structures.

- [1] Sanitary and storm sewer systems, including planned construction.
- [2] Noise characteristics and levels.
- [3] Traffic volume.

[4] Land use, including maps and descriptions of zoning and master plan delineation of the development area.

[5] Aesthetics.

d. Community character.

[1] History, including maps and descriptions of sites of historic and archaeological significance.

[2] Demography.

[3] Culture.

[4] Maps and descriptions of sites reserved or planned for recreational purposes or as wildlife refuges.

(4) A listing of all licenses, permits or other approvals required by municipal, county or state law, the status of each, and proof that the applicant has contacted officials of any federal, state, county or municipal agency affected by the proposed development.

(5) An assessment of the probable impact of the development upon all of the topics listed in Subsection C(3) above.

(6) A listing and evaluation of adverse environmental impacts which cannot be avoided, with particular emphasis upon air or water pollution, increase in noise during and after construction, damage to plant, tree and wildlife systems, damage to natural resources, displacement of people and businesses, increase in sedimentation and siltation, flooding, potential storm water run-off damage both on and off site, increase in municipal services, and health, safety and well-being of the public. Off-site and off-tract impact shall also be set forth and evaluated.

(7) A thorough description of the steps to be taken to minimize adverse environmental impact before, during and after construction of the development, both at the development site and in the surrounding region affected thereby, such description to be accompanied by necessary maps, schedules and other explanatory data as may be needed to clarify and explain the actions to be taken.

(8) Any irreversible and irretrievable commitment of resources which would be involved in the proposed action shall be identified and described.

(9) A statement of alternatives to the proposed development which might avoid some or all of the adverse environmental effects, including a no-action alternative, with an objective evaluation of each alternative including the no-action alternative.

(10) A reference list of available pertinent, published information relating to the development, the development site, and the surrounding region affected thereby.

(11) Notwithstanding the foregoing, the reviewing board may waive the requirement for an Environmental Impact Statement if sufficient evidence is submitted by the applicant to support a conclusion that the proposed development will have a slight or negligible environmental impact. Portions of such requirement may likewise be waived upon a finding by the reviewing board that a complete statement need not be prepared in order to evaluate adequately the environmental impact of the development.

§ 130-122. Final plat.

A. The final plat shall be drawn in ink on tracing cloth or its equivalent, at a scale of not less than one (1) inch equals fifty (50) feet and in compliance with all the provisions of the "Map Filing Law". The final plat shall be submitted in the following form: The original or equivalent duplicate, one translucent tracing cloth or its equivalent copy, two (2) cloth prints, and ten (10) black on white prints.

(1) All information listed in § 130-120C(1) through (7).

(2) Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way land to be reserved or dedicated to public use, all lot lines and other site lines, with accurate dimensions, bearings or detection angles, and radii arcs and central angles of all curves.

(3) The purpose of any easement, or land reserved or dedicated to public use, shall be designated, and the proposed use of sites other than residential shall be noted.

(4) New blocks and lots shall be numbered so as to conform with the City Tax Maps.

(5) Minimum building setback line on all lots and other sites.

(6) Cross sections, profiles, and established grades of all streets as approved by the City Engineer.

(7) Plans and profiles of all storm and sanitary sewers and water mains as approved by the City Engineer.

(8) A statement by the City Engineer that he is in receipt of a map showing all utilities and exact location and elevation identifying those portions already installed and those to be installed and that the subdivider has installed all improvements in accordance with the requirements of these regulations; or has filed a corporate surety bond, a certified check, returnable to the subdivider after full compliance, or any other type of surety approved by the governing body and approved as to form by the City Solicitor, which is in sufficient amount to assure the installation and maintenance of improvements. The provisions of N.J.S.A. 40:55D-53 shall govern said bonds and the completion, inspection, and approval of said improvements and the payment of inspection fees.

- (9) A written commitment from the City Sewerage Superintendent of sufficient capacity to provide sewerage service to each lot when occupied by a dwelling house.
- (10) A written commitment from the City Water Superintendent of sufficient capacity to provide water service to each lot when occupied by a dwelling house.

ARTICLE XXV

Improvements and Design Standards

§ 130-123. Compliance required.

A developer shall comply with the following requirements and principles of land subdivision to encourage proper development patterns and the provisions adequate facilities and services to the city.

§ 130-124. General requirements.

- A. No subdivision shall be approved unless all lots about an improved street as defined by this chapter. Any request for relief from this provision shall conform to the procedures of the N.J.S.A. 40:55D-36 or N.J.S.A. 40:55D-60.

- B. Any proposed subdivision determined by the Board to be creating, imposing, aggravating or leading to the possibility of an adverse effect upon the property in question or adjacent properties may be required to be revised to remove such adverse effect prior to further review. Where the remaining portion of the tract is of sufficient size to be subdivided further, the applicant may be required to submit a sketch of the entire remaining portion to indicate a feasible plan whereby the proposed subdivision and subsequent subdivisions will not create any such adverse effect.

- C. In reviewing a subdivision, the reviewing authority shall take into consideration the effect of the development upon all aspects of the environment as outlined in the Environmental Impact Statement requirements, as well as the sufficiency of applicant's proposal in his Environmental Impact Statement for dealing with any immediate or projected adverse environmental effects. The reviewing authority may require, as a condition of approval of the application that steps be taken to minimize the adverse environmental impact during and after construction, and no final approval shall be issued until all such requirements shall have been complied with or compliance is guaranteed by a performance guarantee meeting the requirements of § 130-136 of this chapter.

- D. The proposed name of any development shall not duplicate or too closely approximate the name of any other development in the city; nor shall a proposed name of a development use as part of its name the name of another municipality adjoining or within reasonable distance from the City of Salem. The Planning Board shall have final authority to designate the name of a proposed development. This section shall not apply to any established development which is within the city or proposes to move into the city.

§ 130-125. Streets and roads.

A. General design considerations.

(1) All proposed streets in a subdivision of land shall be classified as either a Cui-de-Sac Street, a Loop Street or a City Collector as defined on Plates 2, 3, and 4. All Loop Streets and Cui-de-Sac Streets shall be entirely contained within the City of Salem and may not extend across a municipal boundary line so as to be partly in another municipality. All proposed streets in a subdivision, including Cui-de-Sac Streets, Loop Streets and the portion of Collector Streets within the city, shall provide access only to lots which meet the area dimension and lot configuration standards for such lots with land entirely within the City of Salem.

(2) Loop Streets, Cui-de-Sac Streets, and other existing minor streets shall be so designed and integrated into the circulation pattern of the subdivision and the immediate area so as to discourage through traffic.

(3) City Collectors shall be designed to provide for the extension and connection of existing streets except when such a connection will result in a major diversion of traffic from major collectors or arterials through the subdivision.

(4) When a subdivision adjoins land susceptible of being subdivided, suitable provisions shall be made for optimum access of the remaining and/or adjoining tract to existing or proposed streets within the proposed subdivision.

(5) Access shall be designed in all major subdivisions according to the following standards:

(a) All major subdivisions bounded by arterials, major collectors, and minor collectors as defined by the Functional Classification System contained within the approved City Master Plan shall control access to said streets by having all driveways intersect marginal service streets, parallel streets, or streets intersecting said arterials, major collectors, and county-local roads.

(b) When a subdivision of five (5) or more lots borders on an existing city street, or county-local road reverse frontage or a marginal service road may be required.

(c) When a proposed street (City Collector) will serve more than fifty (50) lots in a fully developed subdivision, all driveways within that subdivision shall intersect Loop Streets, Cui-de-Sac Streets or marginal service roads.

(6) All subdivisions which control access to existing city or county roads by reverse frontage or marginal service roads shall construct an adequate buffer between the development and the existing street. The buffer for reverse frontage shall consist of densely planted nursery grown trees to a depth of twenty (20) feet as indicated on Plate 5. Plate 6 indicates the required landscaped area for marginal service roads.

(7) No subdivision showing reserve strips controlling access to streets or another area, either developed or undeveloped, shall be approved except where the control and disposal of land comprising such strips has been given to the governing body after recommendation by the Planning Board.

(8) A major subdivision that adjoins or includes existing city streets that do not conform to the right-of-way widths specified in the City Master Plan and/or in on the street cross section requirements of this Part 5, shall dedicate the additional land needed to conform to the right-of-way standards. If the subdivision is along one (1) side of the road, one-half (1/2) of the required extra width shall be dedicated.

(9) A Cul-de-Sac shall provide access to a minimum of six (6) lots and a maximum of fourteen (14) lots. No Cul-de-Sac shall exceed seven hundred fifty (750) feet in length measured from the intersecting street right-of-way to the end of the turnaround right-of-way. The maximum radius of a Cul-de-Sac shall be fifty (50) feet in zoning districts with a minimum lot width of one hundred fifty (150) feet or more and sixty (60) feet in zoning districts with a lot width requirement of less than one hundred fifty (150) feet. The right-of-way radius of the turnaround shall be sixty (60) feet and seventy (70) feet for these respective zoning districts. No Cul-de-Sac turn around shall exceed a radius of seventy (70) feet except if an adequate landscaped circle is provided in which two-way traffic is maintained.

(10) No street shall have a name which will duplicate or so nearly duplicate in spelling or phonetic sound the names of existing streets in the city or surrounding municipalities so as to be confusing therewith. The continuation of any existing street shall have the same name. The names of new streets must be approved by the Planning Board.

B. Specific design requirements. The following specific design requirements shall be met in the construction of new streets or the improvements of existing streets:

(1) When connecting street lines deflect from each other at any one (1) point by more than ten degrees (10°) they shall be connected by a curve with a radius conforming to standard engineering practice so that the minimum sight distance shall be not less than one hundred (100) feet for Cul-de-Sacs, one hundred fifty (150) feet for Loop Streets, and not less than three hundred (300) feet for Collectors and Arterials.

(2) A tangent of at least two hundred (200) feet long shall be introduced between reverse curves or arterial and collector streets.

(3) Longitudinal grades on City Collector roads or higher functional classification shall not exceed four percent (4%). The longitudinal grade of any other local street shall not exceed eight percent (8%). All changes in grade shall be connected by vertical curves of at least fifty (50) feet for each two percent (2%) (or portion thereof) difference in grade to insure proper sight distance which will conform to good engineering practice.

(4) The longitudinal grade of any street shall not be less than one-half (1/2) of one percent (1%). Grades between one-half (1/2) of one

percent (1%) and one percent (1%) may require monolithic curb and gutter construction to insure adequate drainage.

C. Intersections.

(1) Street intersections shall be at a minimum angle determined by the road classification. All intersections shall be at ninety degrees (90°) except that Cui-de-Sac or Loop Streets which intersect a City Collector or county-local road shall have a minimum angle of seventy-five degrees (75°) and a Cui-de-Sac which intersects a Loop Street shall have a minimum angle of sixty degrees (60°).

(2) No more than two (2) streets shall meet or intersect at any one (1) point and the center line of both intersecting streets shall pass through a common point. Any two (2) intersections shall be separated by the following distances:

Classification		Minimum Distance between Intersections (feet)
Arterials, County Collectors	350	
City Collectors, County-Locals	250	
Loop Streets, Cui-de-Sacs	200	

(3) Whenever two (2) roads of different functional classification intersect, the minimum separation standards of the more important road shall be followed.

(4) The maximum grades of all intersections shall be three percent (3%) except that intersections involving only City Collectors or other local streets shall have a maximum-grade of four percent (4%).

(5) The block corners at intersections shall be rounded at the curbline with the street having the highest radius requirement determining the minimum standard for all curb lines.

Classification		Radius (feet)
Arterials, County Collectors	40	
City Collectors, County-Locals	30	
Loops, Cui-de-Sacs	20	

(6) Sight triangle easements.

(a) For both major and minor subdivisions, clear sight triangle easements shall be required at all intersections in addition to the right-of-way requirement described above. Within such triangles, no vision-obstructing object shall be permitted which exceeds a height of thirty (30) inches above the elevation of the intersecting streets except for streetlighting standards. The sight triangle is defined as the area of vision

which enables a motorist entering a road to perceive oncoming vehicles and which enables oncoming vehicles to perceive the entering vehicle. This area is bounded by the intersecting street lines and the straight line connecting "sight points", one (1) each located on the two (2) intersecting street center lines. Sight points are defined as being the following distances from the intersection:

Classification	Distance (feet)
Arterials	400
County Major Collectors	300
County Minor Collectors	250
City Collectors, County-Local	200
Loop Streets	150
Cul-de-Sacs	110

(b) These points are to be connected to a point ninety (90) feet from the intersection of the street center line. Plates 7 through 10 illustrate the required clear sight triangle easements. The sight easement shall describe two (2) overlapping triangles whenever the intersecting roads are of City Collector or above functional classification. The easement for intersections involving Cul-de-Sac or Loop streets shall only include the sight triangle needed for the motorist entering the intersection street.

D. Street construction standards. All subdivisions shall be served by paved public streets with an all-weather base and pavement with an adequate crown. All new streets and improvements to existing streets shall adhere to the following standards:

(1) The minimum pavement width shall be in accordance with the following standards and as illustrated on plates 11 through 16:

Type of Street	Lanes	Number Width (feet)	Shoulder Width Type ¹ (feet)
County major collector	2	12	6
County minor collector	2	12	6
County local ²	11	6	2
City collector ²	2	11	6
Loop	2	11	5
Cul-de-sac	2	11	3

¹ Shoulder type: paved.

NOTES:

County major collector	2	12	6
County minor collector	2	12	6
County local ²	11	6	2
City collector ²	2	11	6
Loop	2	11	5
Cul-de-sac	2	11	3

86 66 50 50 50

² In areas proposed for less intense development [minimum lot sizes over (1) acre], the minimum shoulder shall be compacted gravel with oil.

(2) All new and existing streets shall be constructed or improved to fulfill the above minimum requirements. The subdivision shall be responsible for improving only one-half (1/2) of the street immediately adjacent to the subdivision, except in cases where off-site contributions are required. If off-tract contributions are required the subdivision may be responsible for

improving more than one-half (1/2) of the street and other nearby streets or intersections.

(3) Deceleration and acceleration lanes shall be constructed outside of the normal cartway as determined necessary by the City Engineer.

(4) The minimum total asphalt surface thickness for all pavements shall be three and one half (3 1/2) inches of RABC-2, Mix No. 5. Two (2) inches shall be laid and used as running surface until all settlement is completed, then brought to final grade with a one and one-half (1 1/2) inch overlay and such additional material as shall be needed to compensate for settlement. The minimum subbase shall be six (6) inches of dense graded aggregate base (DGB) or recycled concrete. No bituminous concrete pavement shall be laid until the existing subbase has been prepared and thoroughly compacted with an approved roller.

(5) The minimum requirements of any new street shall be in accordance with the specifications and procedures set forth in the latest Jersey State Highway Department Standard Specifications and all addendum or revisions thereto.

(6) Whenever curbing and guttering are required under this Part 5, it shall be constructed in a manner approved by the City Engineer. If concrete, the curbing and gutters shall meet the following specifications:

(a) The concrete to be used for curbs and gutters shall be Class B concrete as specified in the New Jersey State Highway Specifications for Curbs and Gutters.

(b) Expansion joints shall be provided at intervals of twenty (20) feet.

(c) Concrete curbs shall be eight (8) inches wide at their base and not less than six (6) inches wide above the roadway pavement. The rear top corner of this curb shall have a radius of one-fourth (1/4) inch and the front top corner shall have a radius of one and one-half (1 1/2) inches.

(d) Combination curbs and gutters shall be constructed on a base of sand, or other similar previous material six (6) inches in depth and extending twelve (12) inches beyond the rear face of the curb and twelve (12) inches beyond the face of the curb. The total width of the curb and gutter shall be thirty (30) inches. The dimensions of the particular parts of the combined curb and gutter shall be as follows: (See Plate 17 as attached.)

[1] The top of the curb shall be six (6) inches in width.
[2] The rear of the curb shall be twelve (12) inches in height.

[3] The width of the curb at the gutter elevation shall be seven (7) inches.

[4] The height of the curb face at the gutter shall be six (6) inches and the depth of the gutter at the street face shall also be six (6) inches.

[5] All exposed edges shall be rounded with a radius of three-fourths (3/4) inch to one (1) inch.

(e) Openings for driveway access shall be in such width as shall be determined by the City Engineer, but in no case more than fifteen feet at the edge of the pavement. The curb at such driveway openings shall be depressed to the extent that one and one-half (1 1/2) inches extend above the finished pavement. The rear top corner of this curb shall have a radius of one-fourth (1/4) inch and the front top corner shall have a radius of one and one-half (1 1/2) inches.

(7) All work shall be inspected through the course of construction by the City Engineer or his duly authorized representative who shall be notified forty-eight (48) hours in advance before any work is started or completed.

§ 130-126. Drainage.

A. General design considerations.

(1) The drainage system of a proposed subdivision should be adequate to carry off and/or store the stormwater and natural drainage water which originates not only within the subdivision boundaries, but also that which originates from the total natural watershed surrounding the property in question.

(2) The drainage system shall be designed to control the amount and rate of stormwater run-off. A general principle for major subdivision design shall be to not increase the parcel's amount or rate of stormwater run-off by the use of structural and non-structural measures.

(3) Whenever possible, all of a major development's drainage system shall be designed for the recharge of groundwater and the retention of stormwater on-site.

(4) Provisions shall be made to limit the amount of sedimentation and other pollutants that may enter a natural watercourse as a result of the development.

(5) Where possible, a subdivisions stormwater management design shall preserve stream channels, floodplains, and wetlands in their natural condition to act as buffers against flooding and pollution.

(6) No stormwater run-off or natural drainage water shall be so diverted as to overload existing drainage systems, create flooding, or require the construction of additional drainage facilities in other private or public lands without proper and approved provisions being made for remedying these off-site or off-tract conditions.

(7) All subdivisions or lands that fall within the municipal flood hazard area as established by the Municipal Flood Hazard Map shall not be developed without appropriate permits.

B. Specific design considerations

(1) For all subdivisions where the average elevation of the lot or the elevation of the building site is below the crown of the existing or proposed road, the lot shall be properly graded to ensure proper drainage away from buildings and to prevent the ponding of stormwaters in front, side, or rear yards. A grading plan must be submitted for each lot to ensure proper drainage prior to subdivision approval.

(2) All streets shall be provided with catch basins and pipes where necessary for proper surface drainage. Dry wells are specifically prohibited as alternatives to catch basins, or as a method of recharge.

(3) The materials used for drainage facilities and appurtenances shall be in conformance with the latest edition of the Standard Specifications for Road and Bridge Construction of the New Jersey Department of Transportation and all addenda. The technique for calculations and design parameters shall be by the rational method of drainage sheds less than four (4) acres and the Soil Conservation Service method for drainage sheds above four (4) acres. The following recurrence interval parameter shall be adhered to: minor inlets, two (2) years, low points, five (5) years; sump inlets, ten (10) years; minor stream structure, [fifty (50) acres or less] ten (10) years; major stream structures with no headwaters, twenty-five (25) years; and major stream structures with maximum headwater, one hundred (100) years. Single Type "B" inlets shall not be designed to catch more than five and one-half (5 1/2) cubic feet per second, regardless of head, but shall not be spaced greater than five hundred (500) feet center to center. Discharge and collection systems shall not be designed for inlet head under any circumstances.

(4) Drainage structures which are located on state or county highway rights-of-way shall be approved by the State or County Highway Engineer's office, and a letter from that office indicating such approval shall be directed to the City Planning Board and shall be received prior to the final plat approval. Drainage structures proposed on a brook or stream with a drainage area of one-half (1/2) square mile three hundred twenty (320) acres or greater shall be approved by the New Jersey Division of Water Policy and Supply, and a letter from the office shall be directed to the Planning Board Chairman.

(5) All proposed subdivisions or developments abutting a brook or stream whose drainage areas, up to and including the subdivision or development, is greater than fifty (50) acres shall be required to secure a stream encroachment permit from the New Jersey Division of Water Policy and Supply, Bureau of Floodplain Management prior to the authorization of final approval. Furthermore, a copy of the permit shall be forwarded to the Planning Board and shall be attached to the final engineering plans of same.

(6) Road drainage. The use of swales for road drainage purposes may be permitted at the discretion of the City Planning Board provided that the subdivision is under twenty (20) lots, the minimum lot size is greater than

one (1) acre, and that the grade does not exceed six percent (6%) nor is less than one-half (1/2) of one percent (1%). In subdivisions with more than twenty (20) lots, swales may only be permitted along roads in which reverse frontage has been provided. Where these conditions are not met or where drainage conditions warrant, curbing and guttering shall be required along all existing and proposed streets. In minor subdivisions, curbing and guttering may be required where drainage or traffic condition warrant or when the subdivision is in proximity to existing curbed and guttered areas.

(7) Land drainage. All surface drainage shall be piped except if the developer demonstrates that the use of swales is a more appropriate form of conveyance to the satisfaction of the City Planning Board. The use of swales shall not be permitted where the adjacent lot sizes on the same tract are thirty thousand (30,000) square feet or less.

(8) Swales, where permitted, shall be designed according to the following standards:

(a) Swales shall have a parabolic or trapezoidal shape.
 (b) Side slopes of a swale along a road shall not be steeper than 4:1 adjacent to the road and 2:1 on the slope away from the road. Side slopes of swales not along a road shall not exceed 3:1.

(c) Trees, brush and stumps, as well as other objectionable material are to be cleared and disposed of so as not to interfere with construction or proper functioning of the waterway.

(d) Separate areas filled are to be compared as needed to prevent unequal settlement that will cause damage in the completed waterway.

(e) Waterways and outlets shall be protected against erosion by vegetative means as soon after construction as practical before diversions or other channels are outletted into them. Seeding, fertilizing, mulching, and sodding shall be in accordance with the applicable standards as determined by the Soil Conservation Service of the State of New Jersey.

(9) Storm sewer pipe shall be installed in accordance with proper engineering practices and shall be designed according to the following standards:

(a) The pipe shall be concrete or aluminum as required by the City Engineer. Non-reinforced concrete pipe shall conform to standard specifications by the City Engineer for specified diameter and strength class. Reinforced concrete pipe shall conform to standard specifications by the City Engineer for specified diameter and strength class. Aluminum alloy pipe shall conform to standard specifications by the City Engineer for specified diameter and strength.

(b) All drainage pipes shall have a minimum diameter of fifteen (15) inches. The pipe shall be laid in straight alignment, between manholes. All transitions in slope, change of direction or pipe size shall be confined to manholes, catch basins, or other accessible structure.

(c) The size of the pipe, slope and invert elevations shall be submitted on a final drainage plan.

(d) In those areas where the groundwater elevation is such that roadway sub-base instability could occur from same, the City Engineer shall reserve the right to require extra strength porous concrete pipe in lieu of either reinforced concrete or corrugated aluminum storm water conduit for the purpose of adequately underdraining the surrounding soil and stabilizing the affected sub-base.

(e) Slotted drain pipe shall not be permitted except if approved by the City Engineer.

(10) Where a subdivision is traversed by a watercourse, surface or subsurface drainage, channel or stream, or a subdivision proposes the creation of such surface or subsurface drainageways, there shall be provided and dedicated a drainage right-of-way easement to the city. The width of the drainage easement required shall be determined by the City Engineer based upon the width needed to accommodate future stormwater runoff and to allow sufficient area for maintenance or construction activities. A minimum width of all drainage easements shall be forty (40) feet or twenty (20) feet from the edge of the watercourse.

(11) Detention basins shall be designed in accordance with the following criteria:

(a) Inflow Q shall be designed for a 25-year recurrence interval under full development conditions within the subdivisions.

(b) Outflow Q shall be designed based on the capacity of the nearest downstream drainage structure and it shall not be more than the 10-year recurrence interval under full development conditions within the subdivision.

(c) All detention basins shall have a minimum freeboard of one (1) foot above the design high water level and shall likewise have an emergency spillway capable of discharging flow from a design storm with a recurrence interval of one hundred (100) years. Where the depth of high water in any basin exceeds two (2) feet, then a fence of minimum height of eight (8) feet and made of approved material shall be required.

(d) Detention basins are not permitted where soils have a percolation rate of less than five (5) minutes per inch or more than sixty (60) minutes per inch.

(12) Retention basins shall be designed in accordance with the following criteria:

(a) Inflow Q shall be designed as required for detention basins.

(b) Outflow Q shall not be considered for any basin whose soil percolation rate is in excess of six (6) minutes per inch.

(c) The bottom elevation of all retention basins shall be a minimum of two (2) feet above the seasonal high water table. Overflow and freeboard design shall be as previously specified for detention basins. Fencing requirements shall likewise be as previously specified for detention basins.

(d) The preferred side slope of the banks for either detention or retention basins shall be a 5:1 ratio with a minimum acceptable ratio of 3:1 if conditions do not permit.

(e) Retention basins are not permitted where soils have a percolation rate of less than five (5) minutes per inch or more than sixty (60) minutes-per inch.

(13) Collection basins.

(a) The collection basin shall be designed in accordance with the rational method expressed as the equation:

$$Q = AIR$$

Where

Q = Volume of runoff in cubic feet per second.

A = The contributory drainage area, in acres, both within and outside the boundary of the subdivision.

I = Coefficient of runoff applicable to the drainage area. It shall consider the soil character, slope of area and degree of ultimate development as determined by current zoning. In general, the values of the runoff coefficient will fall within the following range:

Classification	Coefficient
Parklands, golf courses, etc.	0.15 to 0.30
Densities below 1 dwelling per acre	0.30 to 0.50
Densities of 2 dwelling per acre and above	0.50 to 0.70
Commercial and industrial	0.70 to 0.90

NOTE: For composite areas of various classifications, the coefficient for the predominate area shall be used for all calculations.

R = Rainfall intensity. A minimum intensity of two and seventy-five hundredths (2.75) shall be used.

(14) Flow design criteria.

(a) Velocity of flow shall be determined by Manning's Formula:

$$V = \frac{1.486R^{2/3}}{n} S^{1/2}$$

Where

R = Hydraulic radius of conduit, or area of stream divided by
S = Slope of hydraulic grade line, or for open channels or dit
n = The coefficient of friction.
Acceptable values of "n" are:

0.015 for circular cross section, nonporous concrete pipe.
0.015 for pipes 18 inches or smaller in diameter and concrete-
0.025 for clear unlined ditches.

0.03 to 0.15 for fair to poor natural streams and watercourses
Other cross sections of pipe materials shall have commensurate

Permissible Design Velocities Open Channel Ditches

Material	Velocity (feet per second)
Fine sand to loam	2.5 to 3.5
Clay to hardpan	3.75 to 6.0
Concrete lined	15
Pipe	*

* NOTE: Minimum design velocity at "flowing full" condition shall be three (3)
feet per second. Pipes shall be considered "flowing full" at maximum capacity.
§ 130-127. Lot configuration.

A. Lot dimensions and area shall not be less than the requirements of
Part 3, Zoning.

B. In as far as is practical, side lot lines shall be at right angles
to straight streets and radial to curved streets.

C. When additional right-of-way has been required to bring existing
right-of-ways up to standard, lots shall begin at the proposed right-of-way
line and all setback shall be measured from that line.

D. For proper development of the land within the city, lots shall have
an average length no greater than two hundred fifty percent (250%) of the
average width, except where the width exceeds three (3) times the zoning
requirement.

E. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as poor drainage conditions, the Planning Board may, after adequate investigation, withhold approval of such lots. If approval is withheld, the Planning Board shall specify the reasons for such denial in the minutes.

§ 130-128. Natural features.

The important natural features of a site shall be preserved in the design of all subdivisions. Natural features which shall be protected include the natural terrain, wetlands, wooded areas, vistas, natural drainageways, and lakes. A developer shall only be permitted to significantly alter or encroach on the existing natural features if the Planning Board is convinced that the alteration is the minimum necessary to allow the use of the land for the intended purpose and that there are no alternatives to the subdivision design which would eliminate or mitigate any adverse impact on natural features.

§ 130-129. Trees.

A. The clearing of woodland shall be strictly controlled. The stripping of trees from a lot and the filling, or the alteration of the water table in wooded areas shall be prohibited except if an extensive replacement tree planting program has been approved by the City Planning Board. All subdivisions and developments shall be designed to have minimal impact on existing woodland. The siting of structures shall be such as to preserve the maximum number of trees over fifteen (15) inches in diameter and all trees over twenty-four (24) inches in diameter.

B. Shade trees. In all major subdivisions, shade trees shall be provided along the road frontage. Two (2) trees properly planted, staked, and fertilized shall be provided for every one hundred (100) feet of road frontage except if an equivalent number of trees are preserved within fifty (50) feet of the right-of-way. All shade trees shall meet the following requirements:

- (1) Trees shall be a deciduous variety (oak, hard maple) native to the area and shall be approved by the Planning Board.
- (2) Trees shall be nursery grown and shall have a minimum caliper of one and one-half (1 1/2) inches measured three (3) feet above the ground.
- (3) Trees shall be planted where required by the Planning Board in a planting strip ten (10) feet from the edge of the shoulder when the road has been designed according to the approved cross sections.

§ 130-130. Topsoil protection.

No topsoil shall be removed from the site or used as spoil. Topsoil moved during the course of construction shall be redistributed within the subdivision so as to provide at least four (4) inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.

§ 130-131. Pedestrian circulation.

A. A pedestrian circulation system shall be provided for all major subdivisions over twenty (20) lots, and may be required whenever an interior street system is utilized. The system shall include sufficient sidewalks and interior walkways to provide safe pedestrian movement between residential units and to provide access to environmental amenities, recreation areas, and other forms of pedestrian attraction within, adjacent to, or in close proximity (1/2 mile) of the site. The circulation system shall connect with any existing or proposed adjacent developments and may or may not be related to the street system. The Planning City Board shall review and approve the proposed circulation system.

B. In all major subdivisions, sidewalks shall be required along both sides of roads classified as City Collectors or county-local roads.

C. Whenever a pedestrian circulation system is not required, the following design standards shall apply:

(1) Sidewalks may be required by the Planning Board along both sides of Cul-de-Sacs, Loop Streets, and Minor Collectors.

(2) When the subdivision is within one-half (1/2) mile of a pedestrian attractor which includes commercial establishments, municipal or governmental offices, schools, place of worship, post offices and recreation areas, sidewalks shall be required to allow pedestrian movement to such facilities.

(3) Sidewalks or interior walkways may be required to provide access to environmental amenities within or adjacent to the subdivision.

(4) The Planning Board may require sidewalks on both sides of a street near intersections or at such other locations due to pedestrian safety considerations.

D. In minor subdivisions, sidewalks shall be required when the subdivision is located immediately adjacent to an area where sidewalks are currently provided, where installation of sidewalks is imminent, or where a utility section of the Master Plan indicates the planned development of walkways.

E. Construction. Where required, sidewalks should be set back three (3) feet from the edge of the improved road and shall be four (4) feet wide and four (4) inches in thickness. Unless required to be brick for historic considerations, sidewalks shall be concrete or an equivalent approved by the Planning Board and shall be constructed in accordance with the specifications of the New Jersey State Highway Department. Walkways within the open space reserved under the cluster option shall be limited in scale and shall be composed of material compatible with the natural character of the area as approved by the Planning Board.

§ 130-132. Streetlighting.

Streetlighting shall be provided in accordance with the recommendations of the City Engineer and as required by the Planning Board. Adequate lighting shall be provided at all intersections and along all roads classified as City Collectors. The developer shall pay to the city the costs of operation of said street lights (as determined by the standard rates of the utility) until the street upon which said street lights are installed is accepted by the city as a public street.

§ 130-133. Public utilities.

A. All public services shall be connected to an approved public utilities system, where one exists. Prior to the granting of final approval, the subdivider shall submit three (3) copies of a final plat showing the installed location of these utilities as well as a written instrument from each serving utility which shall indicate compliance with this section.

B. For all major subdivisions, the subdivider shall arrange with the serving utility for the underground installation of the utilities distribution supply lines and service connection. Service connections shall be made underground for all major subdivisions whenever the supply lines that serve the lands are underground. Whenever the widening or extension of a street requires the replacement or relocation of utilities, such replacement or relocation shall be underground. Common trenches shall be utilized by utilities where practical.

C. In large scale development, easements along rear or side property lines may be required. Such easements shall be at least twenty (20) feet wide and to the extent possible, be centered on or adjacent to rear or side lot lines.

§ 130-134. Street signs.

Street signs shall be metal posts of the type, design, and standards utilized elsewhere in the city. The location of the street signs shall be determined by the Planning Board but there shall be at least two (2) street signs at each intersection. All street signs shall be located free of visual obstruction.

§ 130-135. Monuments.

Monuments shall be installed in compliance with the requirements of N.J.S.A. 46:23-9.11g(9). All lot corners shall be marked with a durable metal alloy pin.

§ 130-136. Recreation area.

A recreation area shall be dedicated and improved by the developer for each subdivision containing more than twenty (20) lots. Said recreation area shall consist of at least one (1) acre or one thousand five hundred (1,500) square feet per lot in the subdivision, whichever is greater. All land and recreation

area shall be cleared as required, graded for proper drainage, leveled, topsoiled, limed, fertilized and seeded with athletic field and general purpose mixture in accordance with specifications contained in Lot's, Inc. Guide Seed and Sod in U.S. and Canada, current edition, and must be suitable for playing playground games such as touch football and softball on an informal basis. The recreation area shall meet all lot configuration design standards as set forth in § 130-127 of this chapter. The recreation area shall not include any wetlands, wetlands transition area, buffer area of any kind, streets, drives or space occupied for off-street parking or loading purposes for other facilities. The recreation area shall be contained within the subdivision and entirely within the city and readily accessible to all lots intended for residential development. The developer shall provide for an organization for the ownership and maintenance of the recreation area for the benefits of owners or residents of the subdivision. Such association shall be in accordance with the standards set forth for the ownership and maintenance of common open space in § 130-48H of this chapter.

§ 130-137. Off-tract improvements.

A. Before final approval of preliminary plans, the Planning Board may require, in accordance with the standards of this Part 5, the installation, or the furnishing of a performance guarantee, in lieu thereof, any or all of the following off-site and off-tract improvements which are necessary or appropriate for the protection of the public interest by reason of the development's effect on lands other than the development's property: street improvements, surveyor's monuments, water system, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and other improvements of similar physical character or type.

B. Where such off-site and off-tract improvements are required, the Planning Board shall, prior to preliminary approval, refer the requirements to the Mayor and Common Council for confirmation. The Mayor and Common Council shall confirm or reject the requirements. If the Mayor and Common Council does not confirm the off-site and off-tract improvements within the mandatory time period or an extension thereof, the Planning Board shall proceed to act on the application without consideration of the off-site and off-tract improvements.

C. As part of its confirmation, the Mayor and Common Council shall determine as to each required improvement whether the off-site and off-tract improvement is to be constructed by the city as a general improvement, or as a local improvement, or by the developer with a formula for providing partial reimbursement if the improvement specifically benefits properties other than the subdivision.

D. If the Mayor and Common Council confirms any or all of the off-site and off-tract improvements required, the applicant shall provide an estimate of said improvements. The Planning Board with the aid of the City Engineer and such other persons having pertinent information or expertise, shall review the cost of the improvement and the amount by which all properties to be serviced thereby, including the development property, will be specially benefited therefrom.

E. Any performance guarantee required in connection with a development application shall include an amount sufficient to ensure payment to the municipality of one (1) of the following amounts:

- (1) If the improvement is to be constructed by the city as a general improvement, an amount equal to the difference between the estimated cost of the improvement and the estimated total amount by which all properties to be serviced thereby, including the development property, will be specifically benefited by the improvement.
- (2) If the improvement is to be constructed by the city as a local improvement, then, in addition to the amount referred to in Subsection E(1) above, the estimated amount by which the development property will be specifically benefited by the improvements.
- (3) If the improvement is to be constructed by the developer, an amount equal to the estimated cost of the improvement, plus up to twenty percent (20%) of the estimated cost to allow for inflation.

F. Upon full completion of any required off-site and off-tract improvement for which the developer has posted a performance guarantee, the estimated amounts used to calculate the amount of the guarantee shall be redetermined to the end that the developer shall be required to pay his appropriate share of the actual cost of the improvement.

G. All financial obligations and allocations concerning off-site and off-tract improvements shall be resolved prior to final plan approval.

§ 130-138. Additional improvement and design standards.

A. The following additional improvement and design standards shall be required of any major subdivision application:

~ 130-112	Off-street parking
~ 130-113	Off-street loading
~ 130-114	Access
~ 130-115	Exterior lighting
~ 130-116	Buffering; screening
~ 130-117	Landscaping
~ 130-118	Provisions of off-tract improvements

B. The Planning Board may waive entirely or partially specific standards or parts thereof as found appropriate and relevant to the application before it.

130-140. Performance guarantees.

No final plat or plan shall be approved by the Planning Board until completion of all such required improvements as set forth in the resolution granting preliminary approval shall have been so certified to the Planning Board by the City Engineer, unless the developer shall have filed with the city a sufficient performance guaranty assuring the installation of all

required on-tract improvements. The Planning Board may require a performance guarantee in favor of the municipality in an amount not to exceed one hundred twenty percent (120%) of the cost of installation of the improvements it may deem necessary or appropriate.

A. Form. The performance guaranty shall be in a form approved by the City Solicitor.

B. Procedure. All performance guarantees shall be submitted to the Secretary of the Planning Board who shall forward a copy to the City Engineer and City Solicitor. The City Engineer shall determine that the performance guaranty is in sufficient amount to assure the completion of all required improvements and the City Solicitor shall notify the Planning Board as to the acceptability of the performance guaranty in terms of form and execution. Upon the granting of final plat approval and after receipt of an approved final plat, the Secretary shall forward any performance guaranty posted with and accepted by the Planning Board to the City Recorder for filing. The Planning Board Secretary shall maintain a record of all surety bonds received by the city in connection with subdivisions and shall, within ninety (90) days of the expiration of any surety bond, notify the City Council of said pending bond expiration. Copies of said notice shall be sent to the City Recorder, City Solicitor, and City Engineer.

C. Such performance guarantees shall run for a period to be fixed by the Planning Board but in no case for a term of more than three (3) years. However, with the consent of the obligor and the surety, the City Council may, by resolution, extend the term of such performance guaranty for an additional period not to exceed three (3) years. The amount of the performance guaranty may be reduced by the City Council by resolution when portions of the required improvements have been installed. If the required improvements have not been installed in accordance with the performance guaranty, the obligor and surety shall be liable thereon to the municipality for the reasonable cost of improvements not installed.

D. Release of any performance guaranty posted in connection with a development shall be in accordance with the provisions of N.J.S.A. 40:55D-53.

§ 130-139. Maintenance guarantees.

All developers shall execute a maintenance guaranty and post said guaranty with the city in a surety for the maintenance and repair of all improvements required to be installed by the developer except when the cost of said improvements is less than ten thousand dollars (\$10,000.). The maintenance guaranty shall be for a period of two (2) years from the date of final acceptance of the improvements by resolution of the City Council, and its amount shall not exceed fifteen percent (15%) of the City Engineer's estimate of the cost of construction of the required improvements. The maintenance guaranty shall apply to such repairs as may be necessitated by substantial original construction or by damage by the developer in the course of development of the subdivision.

A. The maintenance guaranty shall be in a form as provided in 130-139A.

B. All maintenance guarantees shall be submitted to the City Recorder who shall forward a copy to the City Engineer and City Solicitor. The City Engineer shall determine that the maintenance guaranty is in sufficient amount to assure the completion of all required improvements and the City Solicitor shall notify the City Council as to the acceptability of the maintenance guarantees in terms of their form and execution.

C. Upon acceptance of the maintenance guaranty, the City Recorder shall notify the Secretary of the Planning Board, who shall maintain a record of all surety bonds received by the city in connection with developments in accordance with the provisions of § 130-139B.

D. The release of a maintenance guaranty shall be by resolution of the City Council, after recommendation of release by the City Engineer.

§ 130-140. Inspections.

All of the required improvements of a development shall be inspected during the time of their installation by the City Engineer to insure satisfactory construction.

A. Notice. The City Engineer shall be notified at least seven (7) days prior to the start of construction and at least two (2) days before each stage of construction. No underground installation of any type shall be covered until inspected and approved by the City Engineer. In no case, shall any paving work be done without permission from the City Engineer's office so that he or a qualified representative may be present at the time work is to be done. The City Engineer's office shall be notified after each phase of work has been completed (i.e., road sub-grade, curb forms, curbing etc.) so that he or a qualified representative may inspect the work.

B. A final inspection of all improvements and utilities will be started within ten (10) days notification by the developer to determine whether the work is in agreement with the approved final plat plans, and city specifications. Upon a final inspection report, action will be taken to release or declare in default any performance guaranty concerning such improvements. Inspection by the city of the installation of improvements shall not operate to subject the city to liability, suits, and claims of any kind that may at any time arise because of defects or negligence during construction.

Part 6
Penalties

ARTICLE XXVI
Violations and Penalties

§ 130-141. Violations and penalties.

A. If before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, as owner or

agent, any land which forms a part of a subdivision for which municipal approval is required by this chapter pursuant to the Municipal Land Use Law, such person shall be subject to a penalty not to exceed one thousand dollars (\$1,000.) and each lot disposition so made may be deemed a separate violation.

B. In addition to the foregoing, the municipality may institute and maintain a civil action:

(1) For injunctive relief; and

(2) To set aside and invalidate any conveyance made pursuant to such contract of sale if a certificate of compliance has not been issued in accordance with N.J.S.A. 40:55D-56. In any such action the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land, from which the subdivision was made that remains in the possession of the developer or his assigns or successors, to secure the return of any deposits made or purchase prices paid, and also a reasonable search fee, survey expense, and title closing expense, if any. Any such action must be brought within two (2) years after the date of the recording of the instrument of transfer, sale, or conveyance of said land or within six (6) years, if unrecorded.

C. Unless otherwise provided in this chapter, any person that shall violate this chapter or do any act or thing prohibited, or refuse or fail to do any act or thing required to be done, or refuse or fail to comply with an order of the Zoning Administrative Officer or an order of the Board of Adjustment, shall, upon conviction thereof, be subject to one (1) or more of the following: a fine not exceeding one thousand dollars (\$1,000.); imprisonment for a term not exceeding ninety (90) days; or a period of community service not exceeding ninety (90) days. Whenever such person shall have been officially notified by the Zoning Administrative Officer or by the service of a summons in a prosecution, or in any other official manner, that he is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense punishable by a like fine or penalty.

CITY OF SALEM
LAND USE

CHECKLIST

Schedule A - General Requirements

The following requirements are applicable for all submissions to either the Planning Board or Zoning Board of Adjustment.

Applicant
Please Check
Verification
Official
Use Only

1. () () Twelve (12) copies of the appropriate application form(s), completely filled in and signed by the Applicant. If any item is not applicable to the Applicant, it should so be indicated on the application form(s).
2. () () Certificate indicating that taxes are paid.
3. () () Receipt indicating that fees are paid.
4. () () Twelve (12) copies of any required plot plan, site plan, or subdivision plan.
5. () () Affidavit of ownership. If Applicant is not the owner, Applicant's interest in land, e.g., tenant, contract/purchaser, lienholder, etc., and a copy of the document creating that interest (prices may be deleted).
6. () () If a corporation or partnership, list the names and addresses of all stockholders or individual partners owning at least 10% of its stock of any class as required by N.U.S.A. 40:55D-48.1 et seq.
7. () () Names and addresses of witnesses and their expertise, if any.
8. () () Statement as to any application requirements for which waiver is sought, together with a statement of reasons why waivers should be granted.
9. () () A list of all other requirements or standards of Chapter 130, Land Use, that are not met by the application and for which a waiver or variance is sought.

CITY OF SALEM
LAND USE

CHECKLIST

Schedule B - Site Plan Requirements

In addition to the information required for a zoning permit, all site plans shall, at a minimum, fulfill the information requirements set forth in the checklist below prior to review by the approving authority. The approving authority may also rely on the information or design requirements of Chapter 130, Land Use, where applicable, and/or may require additional information in order to properly review and take action on a specific application.

Applicant
Please Check
Verification
Official
Use Only

- () A. Site plans shall be prepared under the supervision of and be signed and sealed by either a New Jersey Licensed Professional Engineer or a registered Architect. A plan shall be drawn in black on white at a scale not less than one (1) inch equals fifty (50) feet.

- () B. The site plan shall clearly show the conditions on and adjacent to the site at the time of application, the features of the site which are being incorporated into the proposed use or building, and the appearance and function of the proposed use or building. At a minimum, the preliminary site plan shall include the following information, unless waived by the Planning Board.

- () (1) A key map at an appropriate scale showing the location of the site and its relationship to surrounding areas and to existing street locations.

- () (2) Name and address of owner, developer, and person preparing plan.

- () (3) The Tax Map sheet, block and lot numbers.

- () (4) Certificate from the tax collector that all taxes are paid to date.

- () (5) The names of all adjoining property owners as disclosed by the most recent tax records.

- () (6) The entire property in question, even

though only a portion of said property is involved in the site plan, provided, however, where it is physically impossible to show the entire property on the required sheet, a separate map at an appropriate scale may be submitted.

() (7) The location, design, and dimensions of each new and existing use and building.

() (8) The building or use setback distances from all property lines.

() (9) The location, dimensions, and arrangement of streets, vehicular accessways and driveways, off-street parking areas, methods of separating land traffic and parking traffic within off-street parking areas, and loading and unloading areas.

() (10) A survey prepared by a land surveyor licensed by the State of New Jersey shall accompany site plans and shall show the boundaries of the parcel and the limits of all proposed streets, recreation areas and other property to be dedicated to public use on to common open space. In the case of new commercial, industrial or public buildings, the site plan shall be accompanied by preliminary architectural floor plans and elevations with the name, address, professional number and seal of the architect involved.

() (11) Location of all existing trees or tree masses, indicating general sizes and species of trees.

() (12) The location, design, and dimensions of open areas, buffer areas, pedestrian walkways, and any recreation areas and facilities proposed by the developer.

() (13) Landscaping and buffering plan showing what will remain and what will be planted, indicating names of plants and trees and dimensions, approximate time of planting and method of planting.

() (14) Contours at two-foot intervals for slopes averaging five percent (5%) or greater and one-foot contours for slopes less than five percent, (5%) unless determined by the City Engineer to be unnecessary in whole or in

- part.
- () (15) Grading plan showing existing and proposed spot elevations based upon the U.S. Coastal Geodetic datum at all building corners, all floor levels, center lines of abutting roads, top and bottom curbs, property corners, gutters and other pertinent locations.
- () (16) The location, size, and direction of flow of all streams, brooks, ditches, lakes and ponds. The boundaries of the floodplains of all watercourses shall also be submitted.
- () (17) Cross sections and center line profiles of all existing or proposed street or watercourses.
- () (18) Plans and design data for storm drainage facilities.
- () (19) Preliminary plans and profiles of proposed utility layouts and water and sewer facilities.
- () (20) If on-site sewage disposal is required, the results and location of all percolation tests and test borings shall be shown on the plan.
- () (21) At a minimum, the floor plan and front elevation of all proposed principal buildings and all contemplated accessory buildings and structures.
- () (22) The size, type, and location of all proposed signs.
- () (23) The location and design of proposed lighting for buildings, signs, and grounds.
- () (24) A written commitment from the City Sewerage Superintendent of sufficient capacity to provide sewerage service for the project when completed.
- () (25) A written commitment from the City Water Superintendent of sufficient capacity to provide water service for the project when completed.
- () C. If the site plan involves the disturbance of more ()

than one (1) acre, the applicant shall also submit
twelve (12) copies of an environmental impact statement
as per Checklist F.

CITY OF SALEM
LAND USE

CHECKLIST

Schedule C - Minor Subdivision Requirements

All minor subdivisions and sketch plats shall fulfill the information requirements set forth in the checklist below prior to review by the approving authority.

Applicant
Please Check
Verification
Official
Use Only

- () A. The plat for minor subdivision approval shall be prepared under the supervision of and be signed and sealed by a licensed New Jersey Land Surveyor. A sketch plat for purposes other than for minor subdivision approval shall be prepared under the supervision of and be signed and sealed by a licensed Professional Engineer, or Registered Architect.

- () B. The plat shall be based on tax map information or some other similarly accurate base at a scale of not more than one (1) inch equals two hundred (200) feet to enable the entire tract to be shown on one (1) sheet.

- () C. The following information shall be shown or included on the sketch plat, unless waived by the Planning Board.

- () (1) A key map at a scale in which one (1) inch equals not more than one thousand (1,000) feet showing the entire subdivision and its relation to all features within one-half (1/2) mile of the limits of the subdivision.

- () (2) Name and address of owner, subdivider, and person preparing plat.

- () (3) The names of all adjoining property owners as disclosed by the most recent tax records.

- () (4) The Tax Map sheet, block, and lot numbers.

- () (5) The location of that portion which is to be subdivided in relation to the entire tract.

- () (6) All existing and proposed streets within or adjoining the proposed subdivision with the

- right-of-way widths clearly indicated.
- () (7) The proposed location of any driveways or other entrances onto a public street.
- () (8) All existing structures, and wooded areas, within the portion to be subdivided and within two hundred (200) feet thereof.
- () (9) All proposed lot lines and lot lines to be eliminated by the proposed subdivision shall be clearly indicated.
- () (10) The location, size and direction of flow of all streams, brooks, drainage structures and drainage ditches in the area to be subdivided or within two hundred (200) feet of the subdivision.
- () (11) The location and width of all existing and proposed utility easements in the area to be subdivided.
- () (12) The zoning classification of the property and all additional information necessary to show compliance with the applicable zoning requirements.
- () (13) Acreage of the entire tract, the area being subdivided, and the area of each lot created.
- () (14) Approximate lot dimensions, drawing scale, and north arrow.
- () (15) For all applications involving the creation of more than two (2) lots, spot elevations on lot corners, and for any application where found necessary by the Planning Board, sufficient topographic information for a proper determination of requirements, but not exceeding the topographic information requirement applicable to preliminary major subdivision applications.
- () (16) For any application where found necessary by the Planning Board to assure that there is no adverse affect upon the development or provision of access to the remainder of tract, a rough indication of an acceptable layout of the remainder of the tract.
- () (17) A written commitment from the City Sewerage Superintendent of sufficient capacity to provide sewerage to each lot when occupied by a dwelling house.

- () (18) A written commitment from the City Water Superintendent of sufficient capacity to provide water service to each lot when occupied by a dwelling house.

CITY OF SALEM
LAND USE

CHECKLIST

Schedule D - Preliminary Plat Requirements

A development application which is classified as a major subdivision shall not be considered complete until the information requirements set forth in the checklist below have been fulfilled, unless waived by the approving authority.

Applicant
Please Check
Verification
Official
Use Only

() A. () The preliminary plat shall be clearly and

legibly drawn or reproduced in black on white
at a scale of not less than one (1) inch equals
fifty (50) feet. It shall be prepared under the
supervision of and be signed and sealed by a
licensed New Jersey land surveyor and any
engineering design work shall be done by a
licensed New Jersey professional engineer.

() B. () The plat shall be prepared in compliance with

the design standards of this Part 5 and shall
show or be accompanied by the following information
in addition to all that is required for a sketch
plat (see Checklist C):

() (1) Accurate bearings, headings, and other

boundary details.

() (2) All required front, side, and rear setback

lines.

() (3) Specimen trees having a diameter in excess of

twenty-four (24) inches.

() (4) Any structures of historic significance within (

two hundred (200) feet of the subdivision and a
statement of the impact of the development on the
historic structure.

() (5) Topography contours at two foot intervals for (

slopes averaging five percent (5%) or greater and
one (1) foot contours for slopes less than five
percent (5%). Elevations or contours need not be
shown, however, for those portions of any parcel
to be retained by the subdivider in an undeveloped
state that are more than two hundred (200) feet
from the lots being created. Contours should show
existing ground elevations and proposed elevations

in any areas to be regraded.

- () (6) Streets. Cross sections and center-line profiles of proposed streets within the subdivision and existing streets which about the subdivision.
- () (7) Watercourses. All existing and proposed watercourses shall be shown accompanied by the following information:

- () (a) When a stream is proposed for alteration, improvement or relocation or when a drainage structure or fill is proposed within the floodway of an existing stream, evidence of submission of the improvement to the Division of Water Resources shall accompany the subdivision.
- () (b) Cross sections of watercourses and/or drainage swales at an approximate scale showing the extent of the floodplain, top of bank, normal water level, and bottom elevation at the following locations:

- () [1] At any point where a watercourse crosses the boundary of a subdivision.

- () [2] At fifty (50) foot intervals for a distance three hundred (300) feet upstream and downstream of any proposed culvert or bridge within or adjacent to the subdivision.

- () [3] Immediately upstream and downstream of any point of junction of two (2) or more watercourses.

- () [4] At a maximum of three hundred (300) foot intervals along all watercourses which run through or adjacent to the subdivision.

- () (c) When ditches, streams, brooks or watercourses are to be altered, improved or relocated, the method of stabilizing slopes and the measures to control erosion and siltation as well as typical cross sections and profiles shall be shown on the plat or accompany it.

- () (d) The boundaries of the floodplains within or adjacent to the subdivision.

() () (8) Drainage. ()

() () (a) Preliminary plans and profiles at a scale of one inch equals fifty feet (1"=50') horizontally and one inch equals five feet (1"=5') vertically of all proposed and existing storm sewers, drainage swales, and streams within the subdivision together with the locations, size, elevations, and capacities of any existing storm drain, ditch, or stream to which the proposed facility will be connected.

() () (b) The location and extent of any proposed groundwater recharge basins, retention basins, or other water conservation devices.

() () (c) All drainage calculations used for the design of the storm drainage system and the documents indicating conformance to the standards in this Chapter shall be submitted.

() () (9) Utilities. Preliminary plans and profiles of proposed utility layouts shall be at a scale of not more than one (1) inch equals fifty feet (1"=50') horizontally and one (1) inch equals five feet (1"=5") vertically showing connections to existing and proposed utility systems.

() () (10) A written commitment from the City Sewerage Superintendent of sufficient capacity to provide sewerage service to each lot when occupied by a dwelling house.

() () (11) A written commitment from the City Water Superintendent of sufficient capacity to provide water service to each lot when occupied by a dwelling house.

() () (12) A copy of any protective covenants or deed restrictions applying to the land being subdivided.

() () (13) The location of poles, distance from intersections and illumination factors for all streetlighting.

() () C. If the application involves the disturbance of more than one acre, the applicant shall also submit five copies of an environmental impact statement, as per Checklist F.

CITY OF SALEM
LAND USE

CHECKLIST

Schedule E - Final Plat Requirements

An application for final major subdivision approval shall not be considered complete until the information requirements set forth in the checklist below have been fulfilled, unless waived by the approving authority.

Applicant
Please Check
Official
Use Only
Verification

- () A. The final plat shall be drawn in ink on tracing cloth or its equivalent, at a scale of not less than one (1) inch equals fifty (50) feet and in compliance with all the provisions of the "Map Filing Law". The final plat shall be submitted in the following form: The original or equivalent duplicate, one translucent tracing cloth or its equivalent copy, two (2) cloth prints, and ten (10) black on white prints.

- () (1) All information listed in § 130-120C(1) through (7).

- () (2) Tract boundary lines, right-of-way lines of streets, street names, easements and other right-of-way land to be reserved or dedicated to public use, all lot lines and other site lines, with accurate dimensions, bearings or detection angles, and radii arcs and central angles of all curves.

- () (3) The purpose of any easement, or land reserved, or dedicated to public use, shall be designated, and the proposed use of sites other than residential shall be noted.

- () (4) New blocks and lots shall be numbered so as to conform with the City Tax Maps.

- () (5) Minimum building setback line on all lots and other sites.

- () (6) Cross sections, profiles, and established grades all streets as approved by the City Engineer.

- () (7) Plans and profiles of all storm and sanitary sewers and water mains as approved by the City Engineer.

- () (8) A statement by the City Engineer that he is in receipt of a map showing all utilities and exact location and elevation identifying those portions already installed and those to be installed and that the subdivider has installed all improvements in accordance with the requirements of these regulations; or has filed a corporate surety bond, a certified check, returnable to the subdivider after full compliance, or any other type of surety approved by the City Council and approved as to form by the City Solicitor, which is in sufficient amount to assure the installation and maintenance of improvements. The provisions of N.J.S.A. 40:55D-53 shall govern said bonds and the completion, inspection, and approval of said improvements and the payment of inspection fees.
- () (9) A written commitment from the City Sewerage Superintendent of sufficient capacity to provide sewerage service to each lot when occupied by a dwelling house.
- () (10) A written commitment from the City Water Superintendent of sufficient capacity to provide water service to each lot when occupied by a dwelling house.

CITY OF SALEM
LAND USE

CHECKLIST

Schedule F - Environmental Impact Statement

If the application involves the disturbance of more than one acre, the applicant shall submit five (5) copies of an environmental impact statement signed and sealed by a New Jersey licensed professional planner or New Jersey licensed professional engineer, preferably with experience in environmental studies. As used in this Part 5, an "environmental impact statement" means a written description and analysis of all possible direct and indirect effects the development will have upon the development's site as well as upon the surrounding region affected thereby, with particular reference to the effect of the development upon the public health, welfare and safety, the protection of public and private property, existing agricultural activities and preservation and enhancement of the natural environment. Every environmental impact statement shall contain the following:

- () () (1) A key map showing the location of the development and how it relates to the surrounding region affected thereby.
- () () (2) A description of the development specifying,
 - () in the form of maps, drawings, graphs or similar visual aids, and also by narrative, what is to be done and how it is to be done during and after construction of the development, including information and technical data adequate to permit a careful assessment of the environmental impact of the development.
- () () (3) An inventory of the existing environmental conditions at the development site and in the surrounding region affected thereby which shall describe the following:

- () () (a) Physical characteristics.
- () () [1] Air quality.
- () () [2] Hydrology, including maps and descriptions of streams, water bodies and floodplains and a discussion of water quality.
- () () [3] Geology.
- () () [4] Soils and their properties, including capabilities and limitation.
- () () [5] Topography and slope.

- () () [6] Drainage. ()
- () () [7] Vegetation. ()
- () () [8] Air quality and water quality shall be described with reference to the standards promulgated by the Department of Environmental Protection of the State of New Jersey and soils shall be described with reference to criteria contained in the Salem County New Jersey Soil Survey standards and specifications, issued by the United States Department of Agriculture Soil Conservation Service.

() (b) Wildlife.

- () () [1] Fish and aquatic organisms. ()
- () () [2] Wild animals. ()
- () () (c) Man-made conditions and structures. ()
- () () [1] Sanitary and storm sewer systems, including planned construction. ()
- () () [2] Noise characteristics and levels. ()
- () () [3] Traffic volume. ()
- () () [4] Land use, including maps and descriptions of zoning and master plan delineation of the development area. ()

() () [5] Aesthetics. ()

- () () (d) Community character. ()
- () () [1] History, including maps and descriptions of sites of historic and archaeological significance. ()
- () () [2] Demography. ()
- () () [3] Culture. ()
- () () [4] Maps and descriptions of sites reserved or planned for recreational purposes or as wildlife refuges. ()

() () (4) A listing of all licenses, permits or other approvals required by municipal, county or state law, the status of each, and proof that the applicant has

- () () (5) An assessment of the probable impact of the development upon all of the topics listed in subsection C(3) above.
- () () (6) A listing and evaluation of adverse environmental impacts which cannot be avoided, with particular emphasis upon air or water pollution, increase in noise during and after construction, damage to plant, tree and wildlife systems, damage to natural resources, displacement of people and businesses, increase in sedimentation and siltation, flooding, potential storm water run-off damage both on and off site, increase in municipal services, and health, safety and well-being of the public. Off-site and off-tract impact shall also be set forth and evaluated.
- () () (7) A thorough description of the steps to be taken to minimize adverse environmental impact before, during and after construction of the development, both at the development site and in the surrounding region affected thereby, such description to be accompanied by necessary maps, schedules and other explanatory data as may be needed to clarify and explain the actions to be taken.
- () () (8) Any irreversible and irretrievable commitment of resources which would be involved in the proposed action shall be identified and described.
- () () (9) A statement of alternatives to the proposed development which might avoid some or all of the adverse environmental effects, including a no-action alternative, with an objective evaluation of each alternative including the no-action alternative.
- () () (10) A reference list of available pertinent published information relating to the development, the development site, and the surrounding region affected thereby.
- () () (11) Notwithstanding the foregoing, the reviewing board may waive the requirement for an Environmental Impact Statement if sufficient evidence is submitted by the applicant to support a conclusion that the proposed development will have a slight or negligible environmental impact. Portions of such requirement may likewise be waived upon a finding by the reviewing board that a complete statement need not be prepared in order to evaluate adequately the environmental impact of the development.

SCHEDULE G

Off-Street Parking Requirements

Type of Use	Minimum Parking Spaces
Residential Units:	
Single-Family detached or mobile homes	2 per unit provided on lot
Two-family units (duplex)	2 per unit provided on lot
Single family attached or townhouses	2 per unit provided on lot plus 1
	1 per 6 units of visitor parking, provided in off-street days.
Garden Apartments	1.5 per unit except if 2 or more bedrooms exceeds 40% of unit total then 1.75 per unit, provided in off-street days.
Commercial Establishments	
Retail Store, Service Business	1 per 150 square feet of gross leasable area
Service Stations	2.5 for each service bay
Theaters	1 for each 4 seats
Shopping Centers	5.5 per 1,000 square feet of gross leasable area
Banks	6 per teller window
Motels, Hotels, Transient Guest Homes	1 per room
Restaurant	1 per 2 seats devoted to service
Offices: General and Professional	1 per 150 square feet of gross floor area
Research Laboratories	1 per employee plus ten percent
Wholesale Store, Motor Vehicle Establishment, Furniture Store	Exclusive of Storage space, 1 per 400 square feet
Community Facilities:	
Church, House of Worship	1 for each 3 seats
Assembly Hall, Auditorium, Community Center	1 for each 100 square feet of gross floor area or 1 for each 4 seats, whichever is greater
Hospital	1.5 per bed
Nursing Home, Institution for Aged	1 for each 3 beds

Schools:

Elementary School, Junior High

School

High Schools

College

Library or Museum

Funeral Home

1 for each employee plus 10 percent
10 per classroom
1 for every 2 students plus 1
per 4 dorm beds
1 per 500 square feet of
gross floor area
10 plus 1 for each 50 square
feet devoted to chapel or
lumber rooms

Industrial Establishments:

Industrial, Manufacturing Use

1 per employee plus 10
percent or 1 per 750 feet of
gross floor area, whichever
is greater
1 per employee plus 10
percent or 1 per 750 square
feet of gross floor area,
whichever is greater

Storage Warehouse

Recreation Facilities:

Clubs, Golf Clubhouses,

Commercial or Noncommercial uses

Bowling Alleys

Skating Rink

1 for each 6 persons of rated
capacity
4 spaces per alley
1 space for each 120 square
feet of skating area

TYPICAL LARGE PARKING LOT

SCALE: 1"=60'

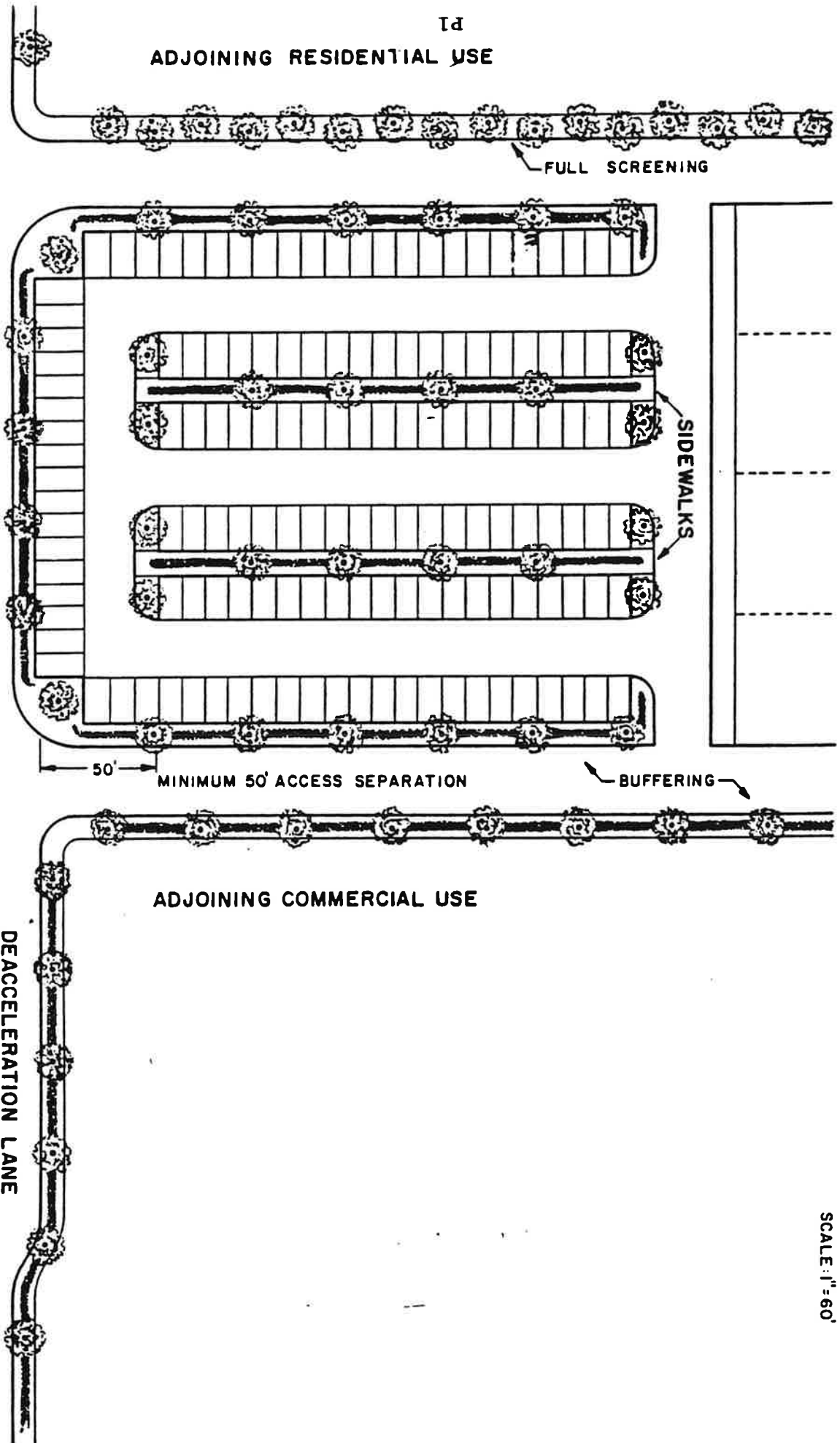


PLATE 2

TYPICAL CUL-DE-SACS

MAXIMUM : 14 LOTS

SCALE : 1" = 150'

P2

750' MAXIMUM LENGTH

MINIMUM : 6 LOTS

BUFFERING

RIGHT-OF-WAY

TOWNSHIP COLLECTOR

TOWNSHIP COLLECTOR

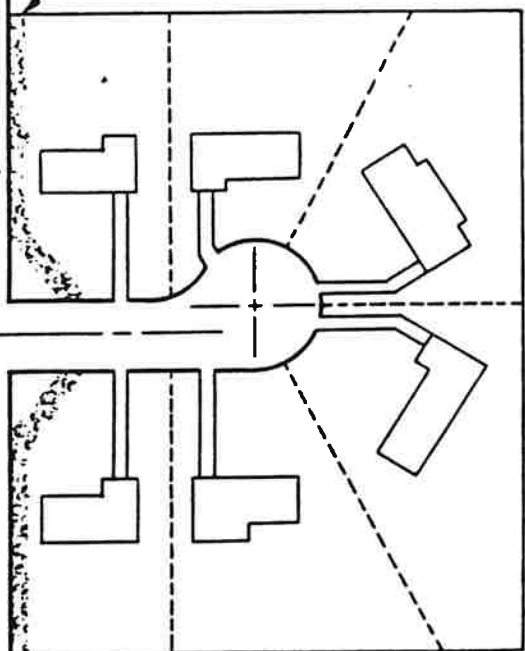
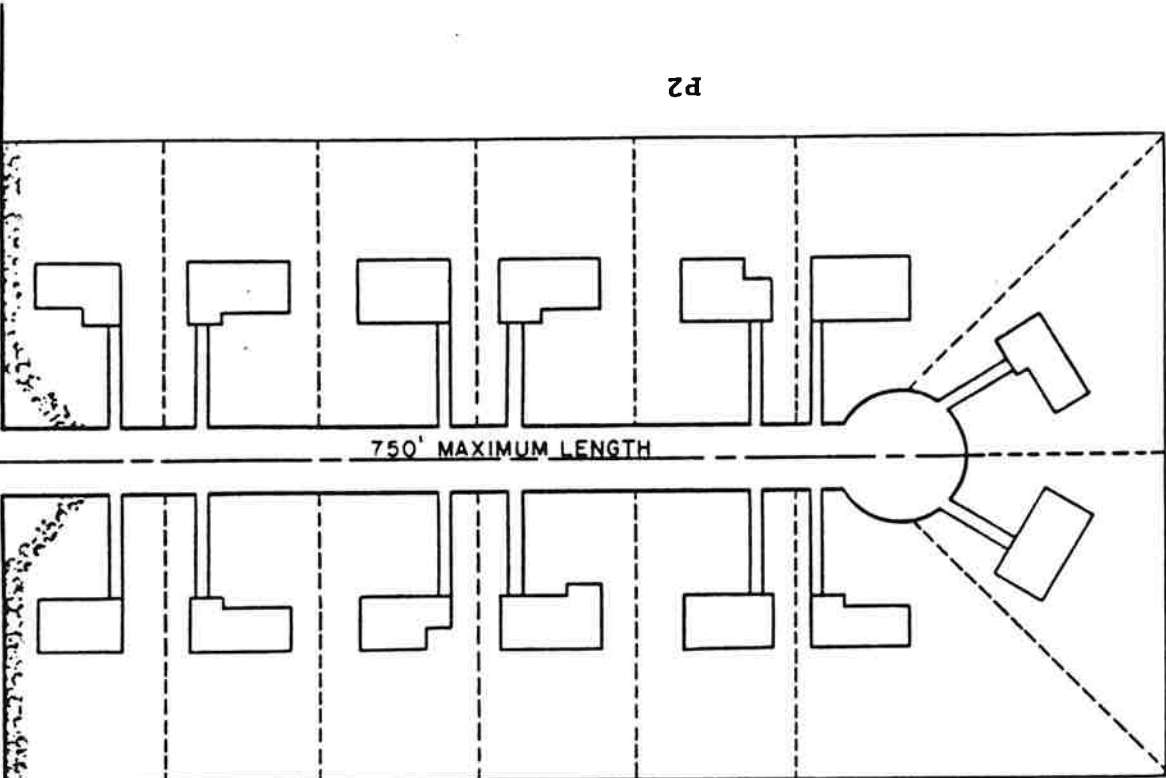
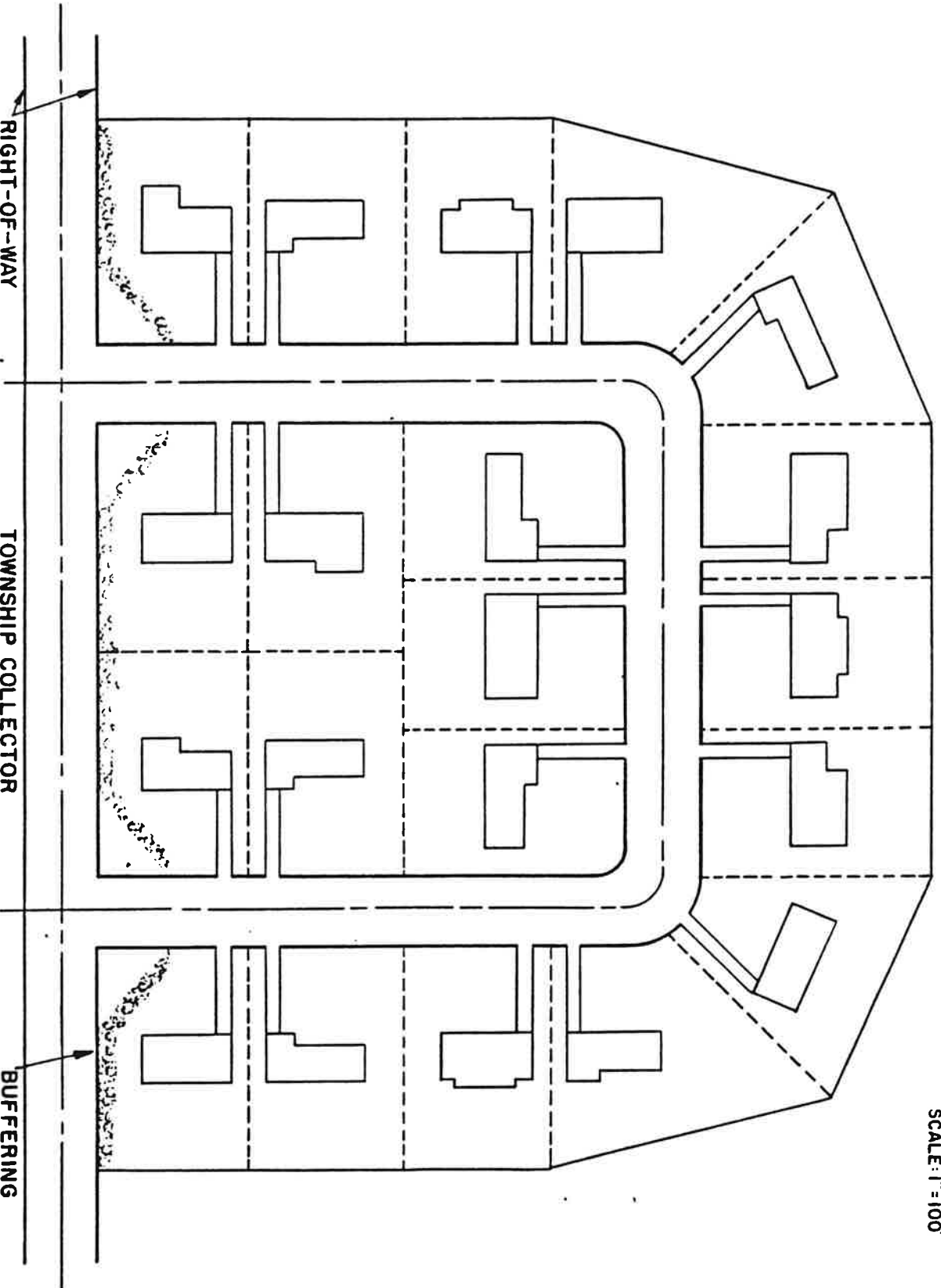


PLATE 3

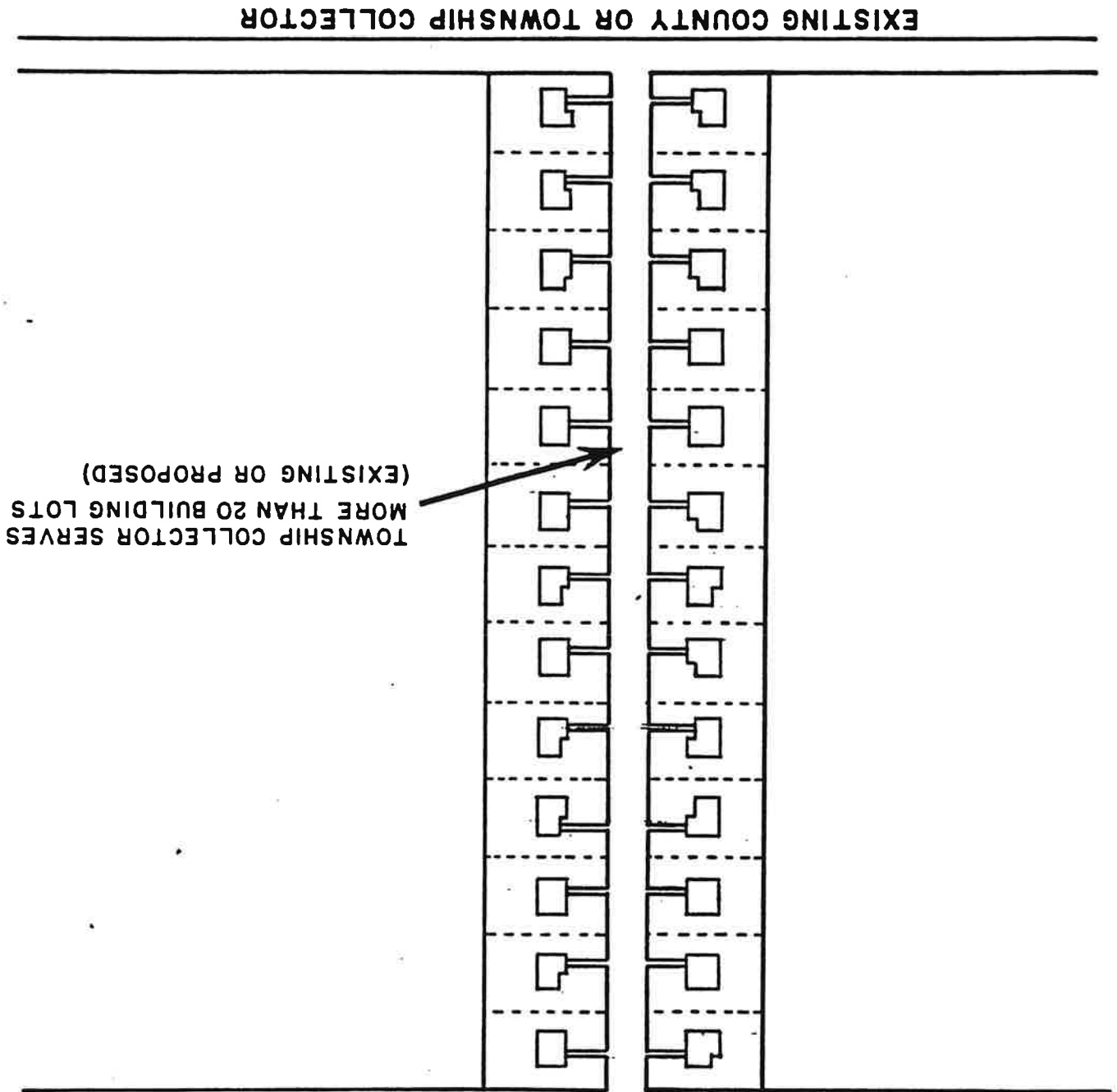
LOOP STREET

SCALE: 1" = 100'



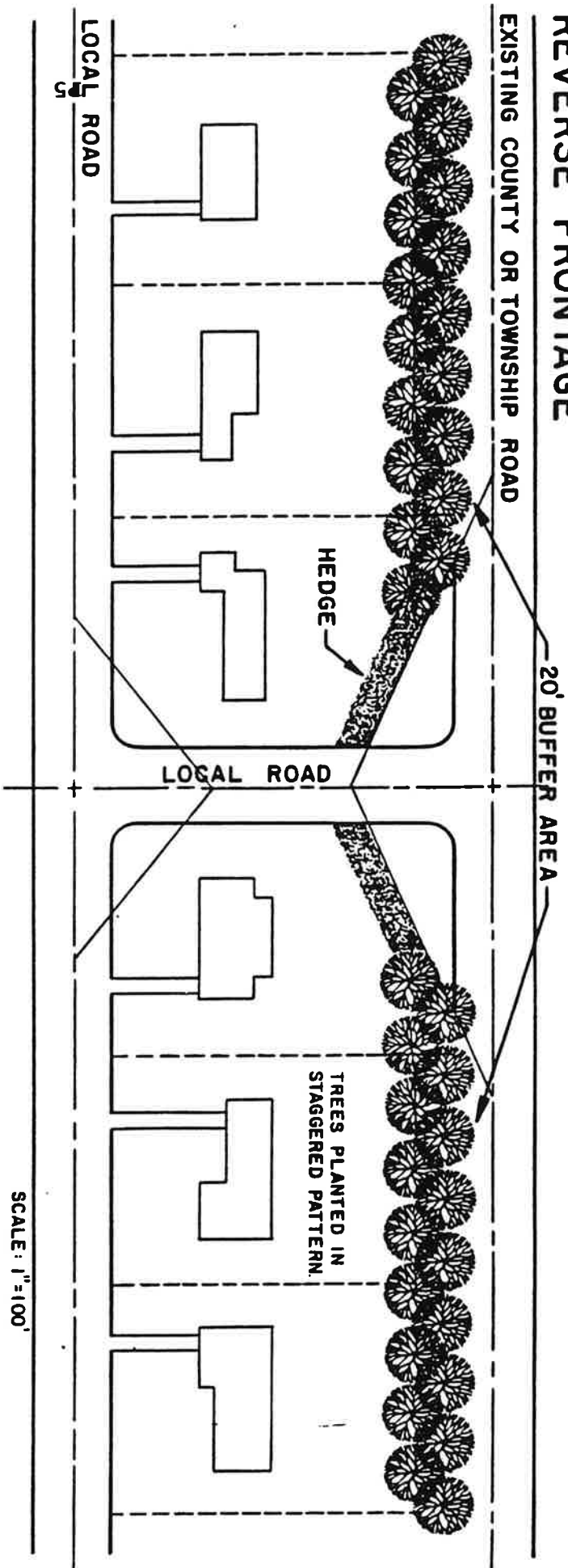
TOWNSHIP COLLECTOR

EXISTING COUNTY OR TOWNSHIP COLLECTOR

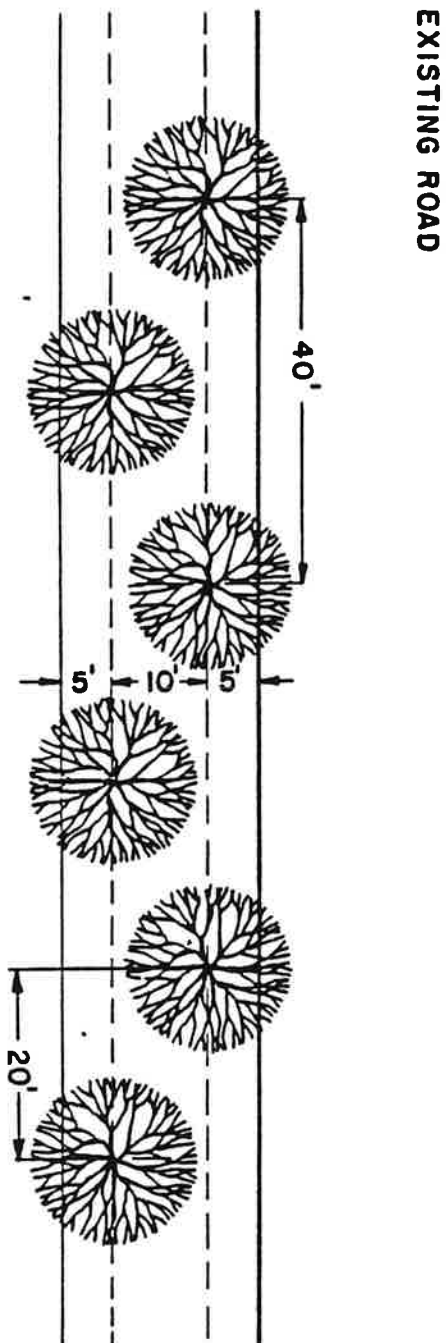


SCALE: 1" = 200 FT.

REVERSE FRONTAGE

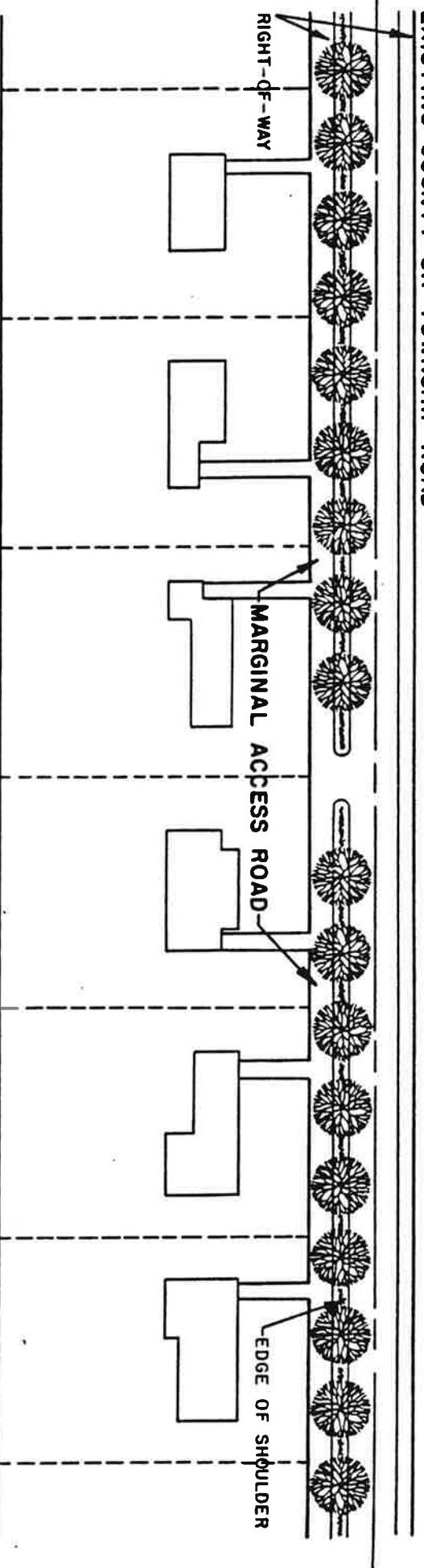


DETAIL OF BUFFER STRIP



MARGINAL ACCESS

EXISTING COUNTY OR TOWNSHIP ROAD



SCALE : 1" = 100'

DETAIL OF MEDIAN & MARGINAL ACCESS ROAD

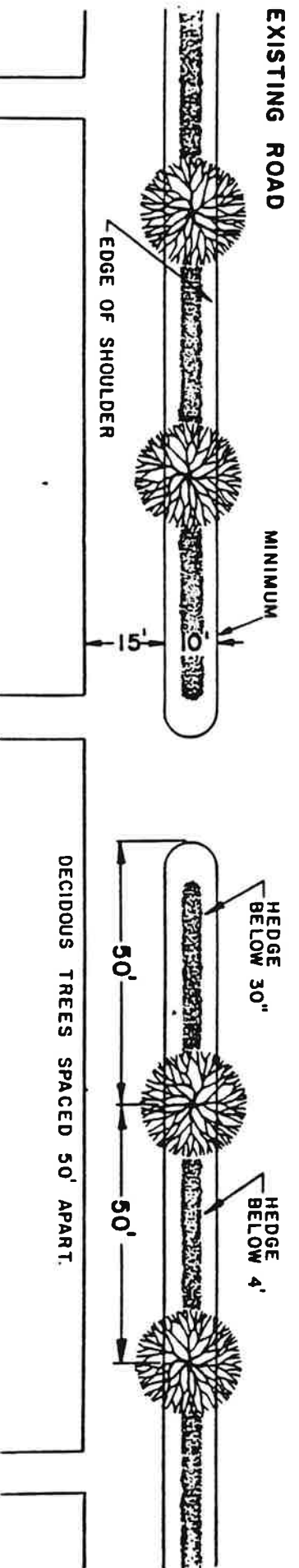
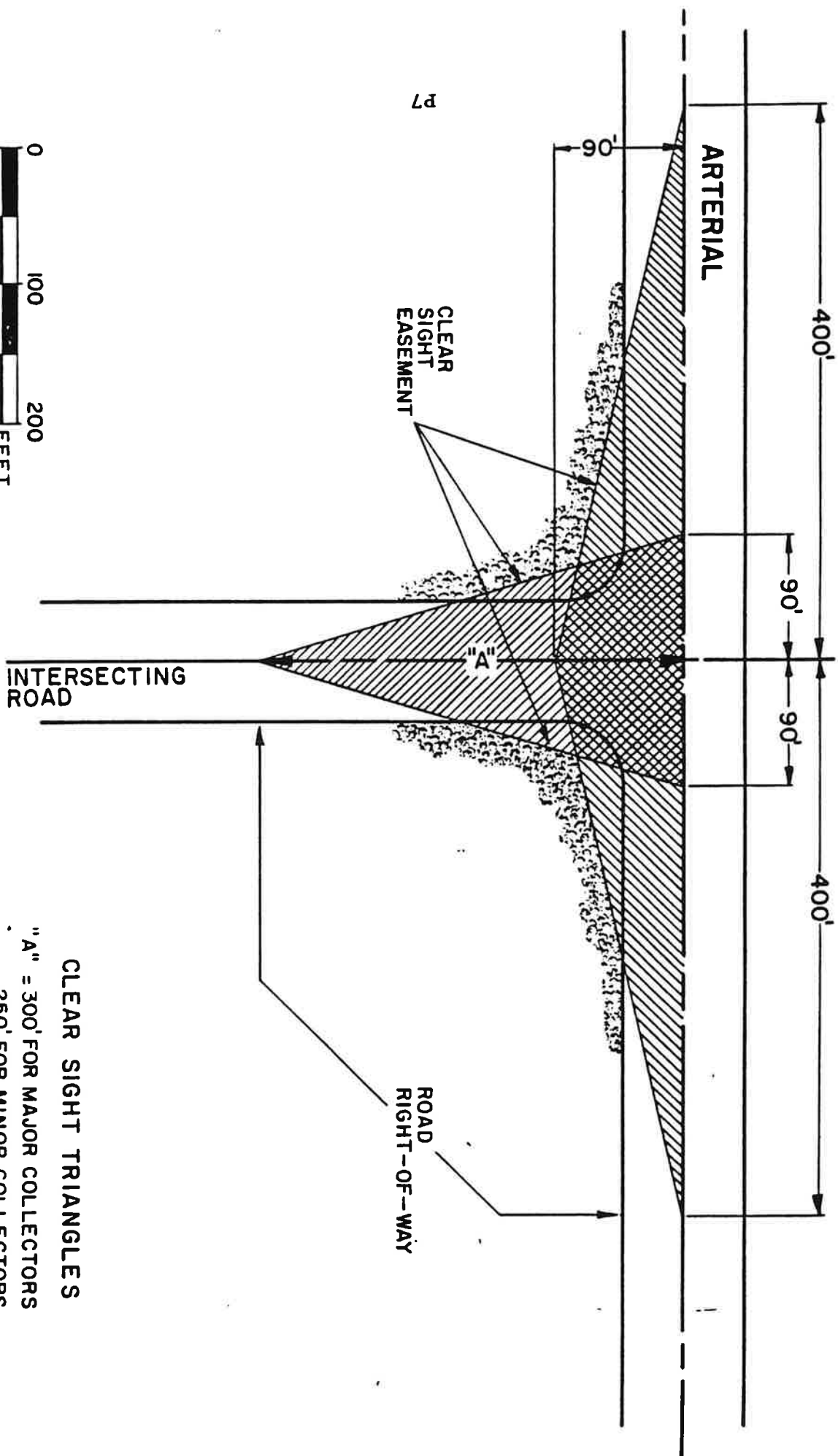


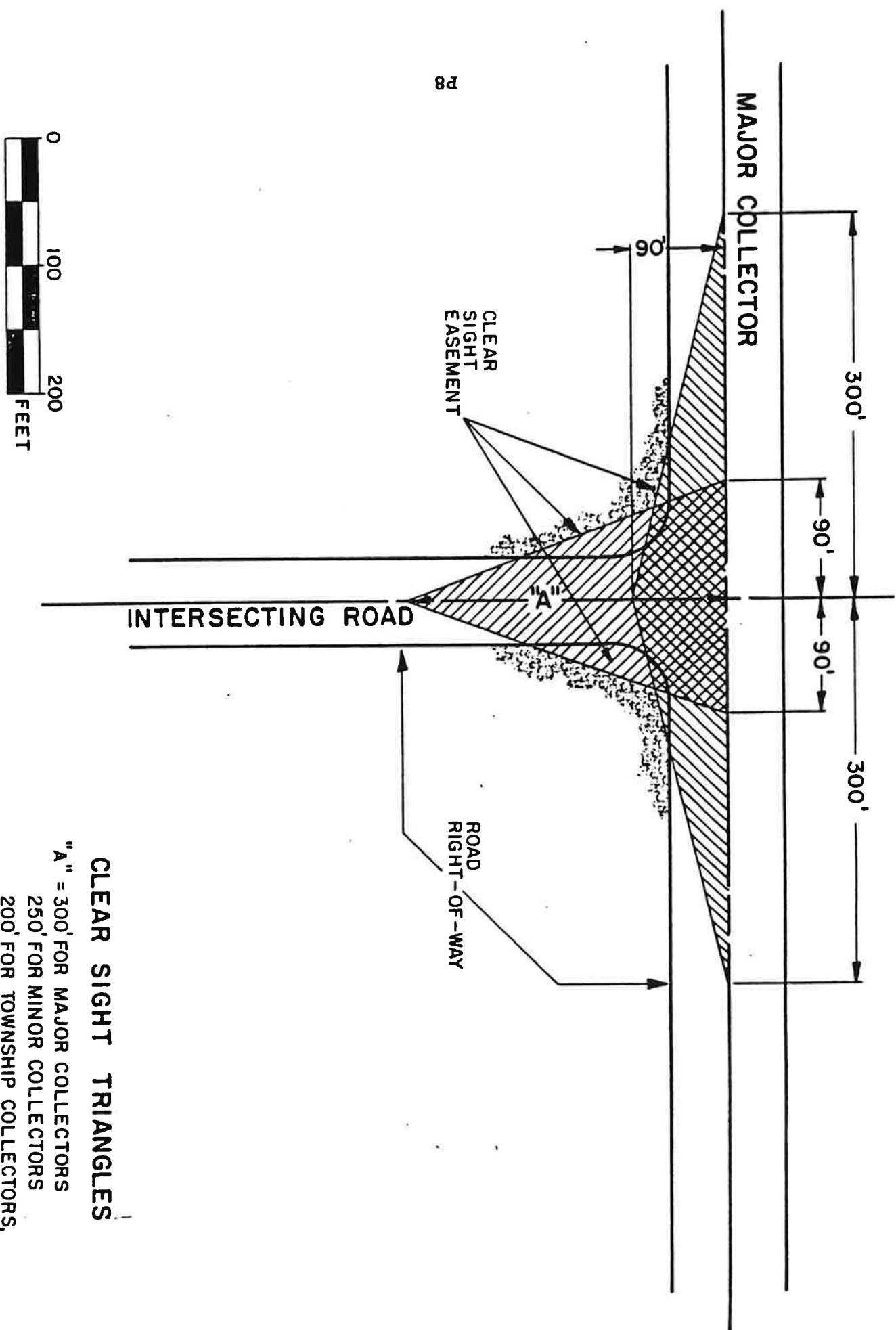
PLATE 7



CLEAR SIGHT TRIANGLES

- "A" = 300' FOR MAJOR COLLECTORS
- 250' FOR MINOR COLLECTORS
- 200' FOR TOWNSHIP COLLECTORS,
- COUNTY-LOCAL ROADS
- 150' FOR LOOP STREETS
- 110' CUL-DE-SACS

NOTE: THE SIZE OF EACH ROAD'S RIGHT-OF-WAY IS DEPENDENT UPON ITS FUNCTIONAL CLASSIFICATION.



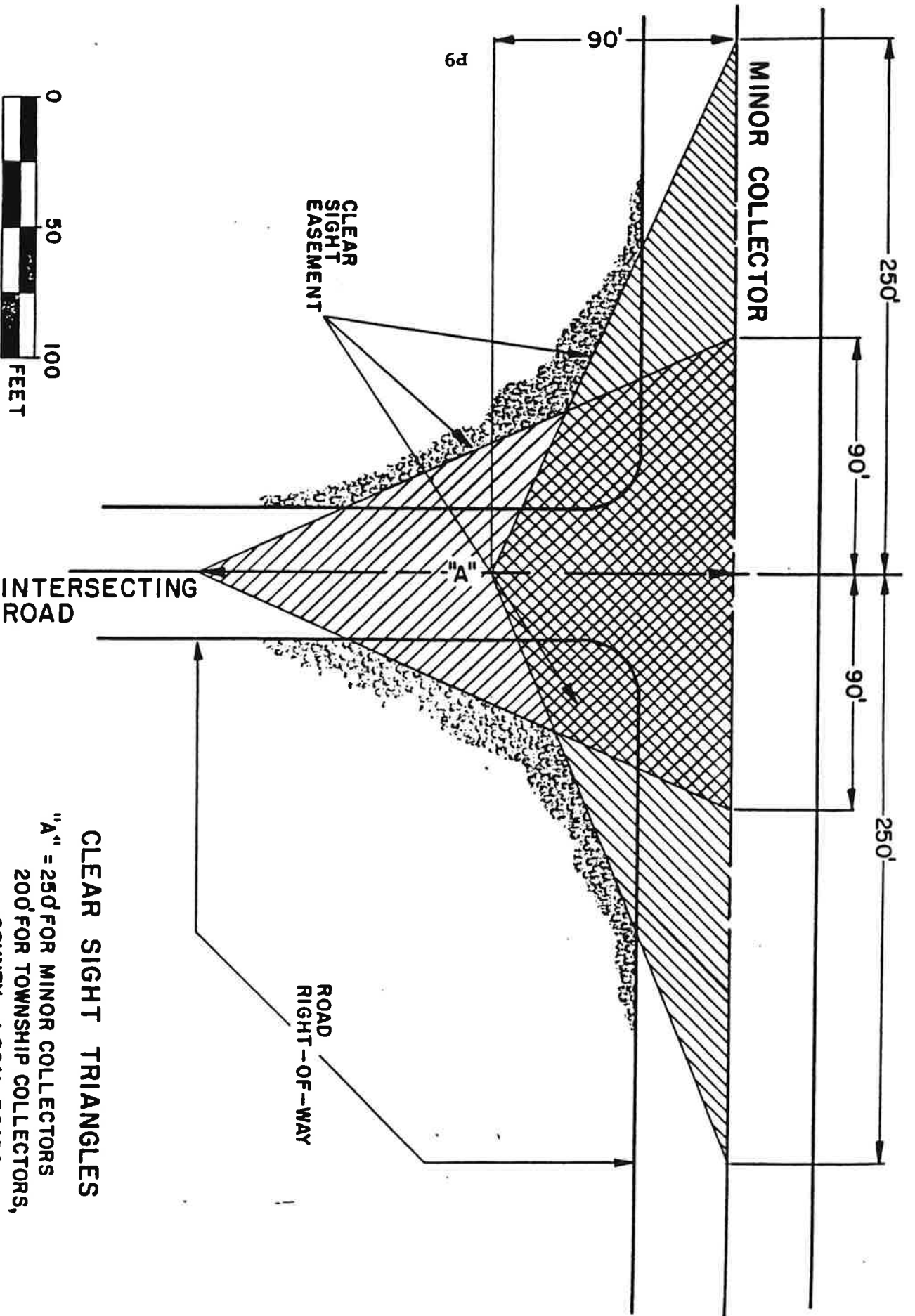
P 8

CLEAR SIGHT TRIANGLES

- "A'" = 300' FOR MAJOR COLLECTORS
- 250' FOR MINOR COLLECTORS
- 200' FOR TOWNSHIP COLLECTORS,
- COUNTY-LOCAL ROADS
- 150' FOR LOOP STREETS
- 110' FOR CUL-DE-SAC STREETS

NOTE: THE SIZE OF EACH ROAD'S RIGHT-OF-WAY IS DEPENDENT UPON ITS FUNCTIONAL CLASSIFICATION.

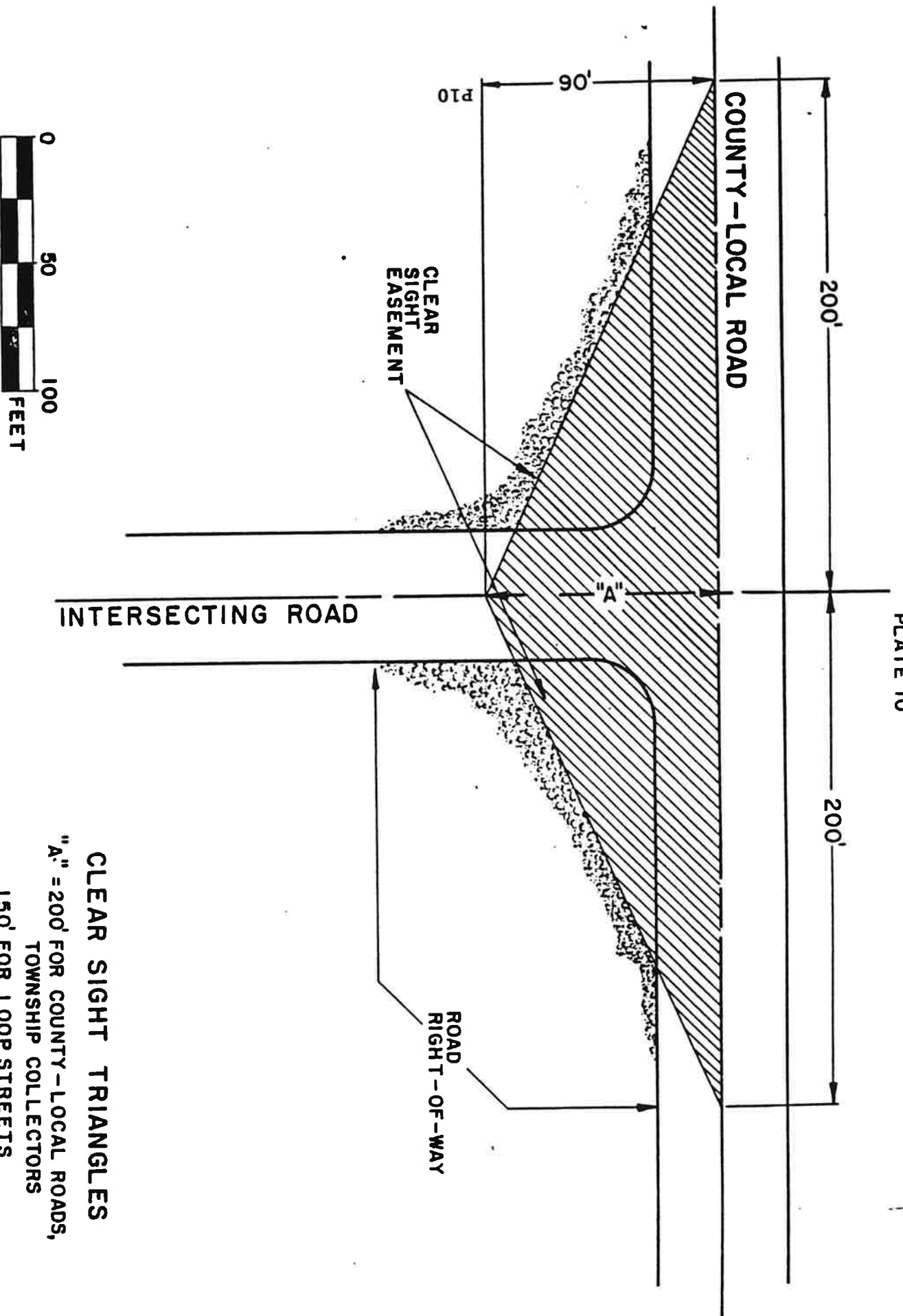
PLATE 9



CLEAR SIGHT TRIANGLES

- "A" = 250' FOR MINOR COLLECTORS
- 200' FOR TOWNSHIP COLLECTORS,
- COUNTY — LOCAL ROADS
- 150' FOR LOOP STREETS
- 110' FOR CUL-DE-STREETS

NOTE: THE SIZE OF EACH ROAD'S RIGHT-OF-WAY IS DEPENDENT UPON ITS FUNCTIONAL CLASSIFICATION.



CLEAR SIGHT TRIANGLES

"A" = 200' FOR COUNTY-LOCAL ROADS,
TOWNSHIP COLLECTORS

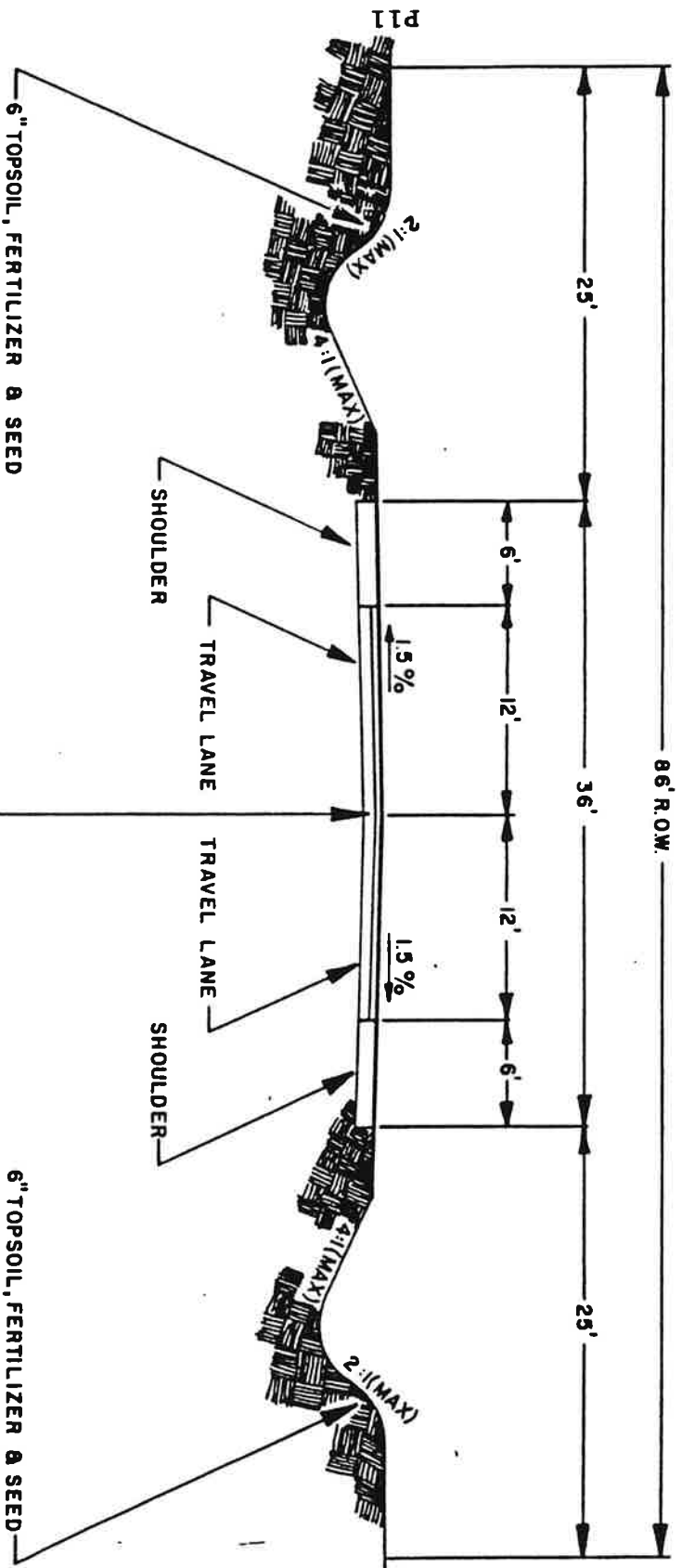
150' FOR LOOP STREETS

110' FOR CUL-DE-SAC STREETS



NOTE: THE SIZE OF EACH ROAD'S RIGHT-OF-WAY IS
DETERMINED BY THE FUNCTIONAL CLASSIFICATION

MAJOR COLLECTOR (RURAL)



DESIGN SPEED 60 MPH.

PLATE 12 MINOR COLLECTOR (RURAL)

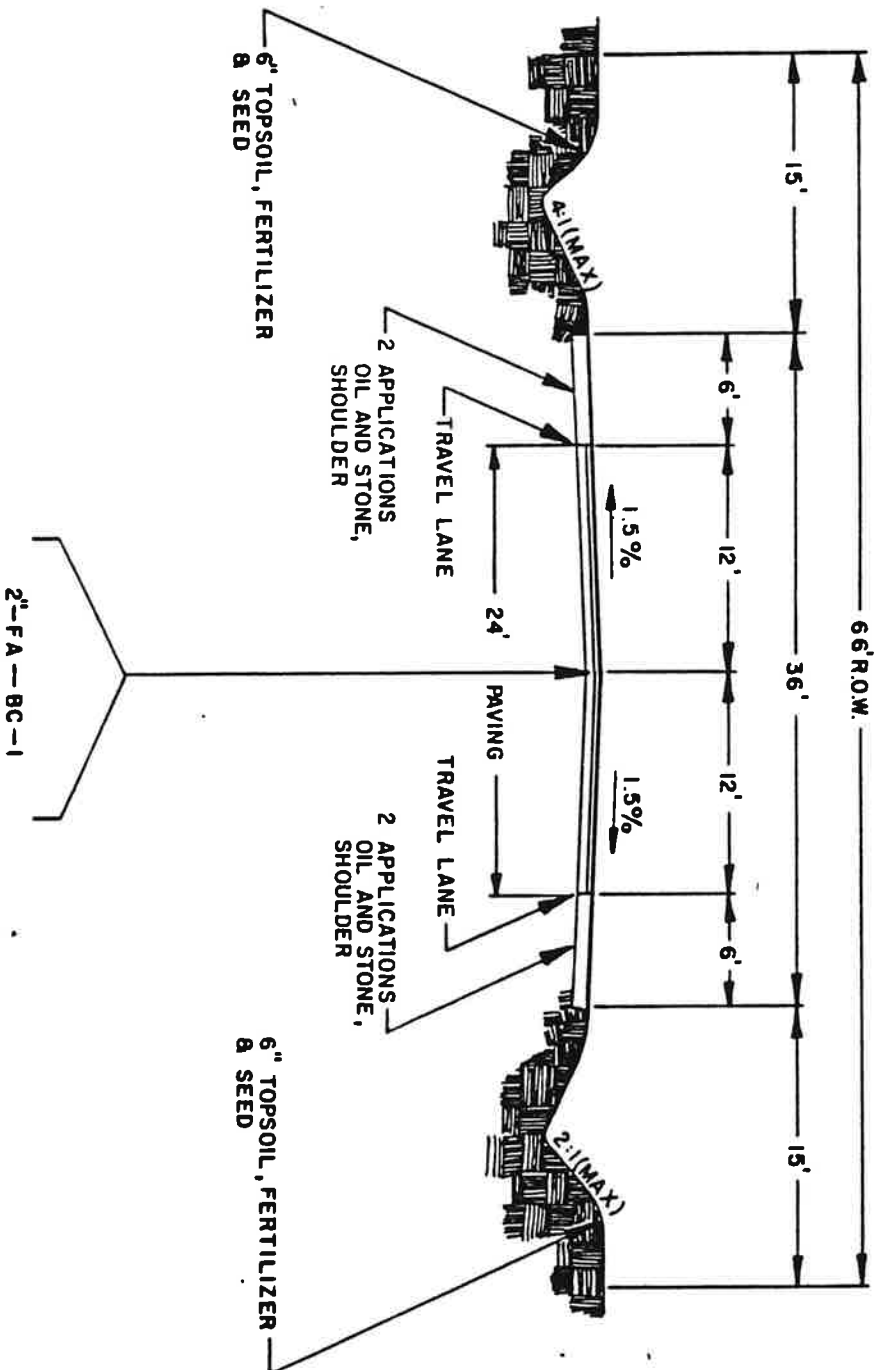
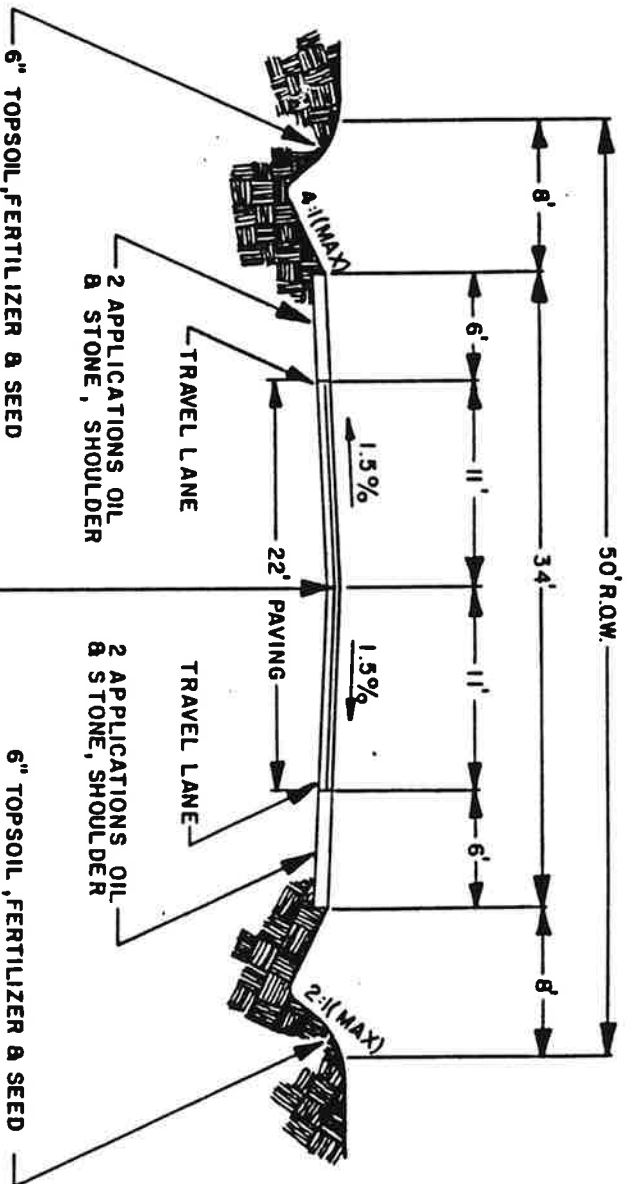


PLATE 13

COUNTY LOCAL (RURAL)



P13

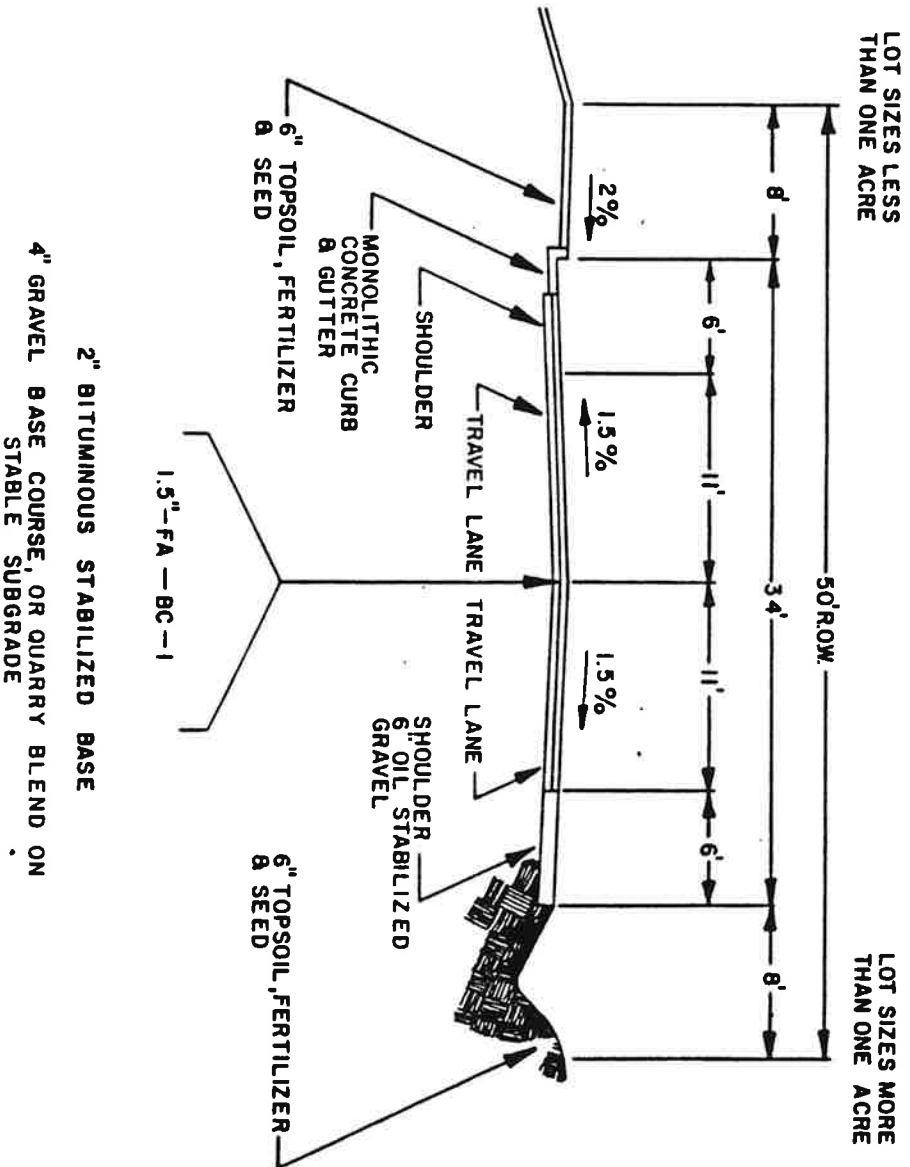
2" BITUMINOUS STABILIZED BASE
4" GRAVEL BASE COURSE, OR QUARRY BLEND ON
STABLE SUBGRADE

DESIGN SPEED : 50 M.P.H.

GOAL : ADEQUATE TWO LANE FACILITY

TOWNSHIP COLLECTOR

PLATE 14

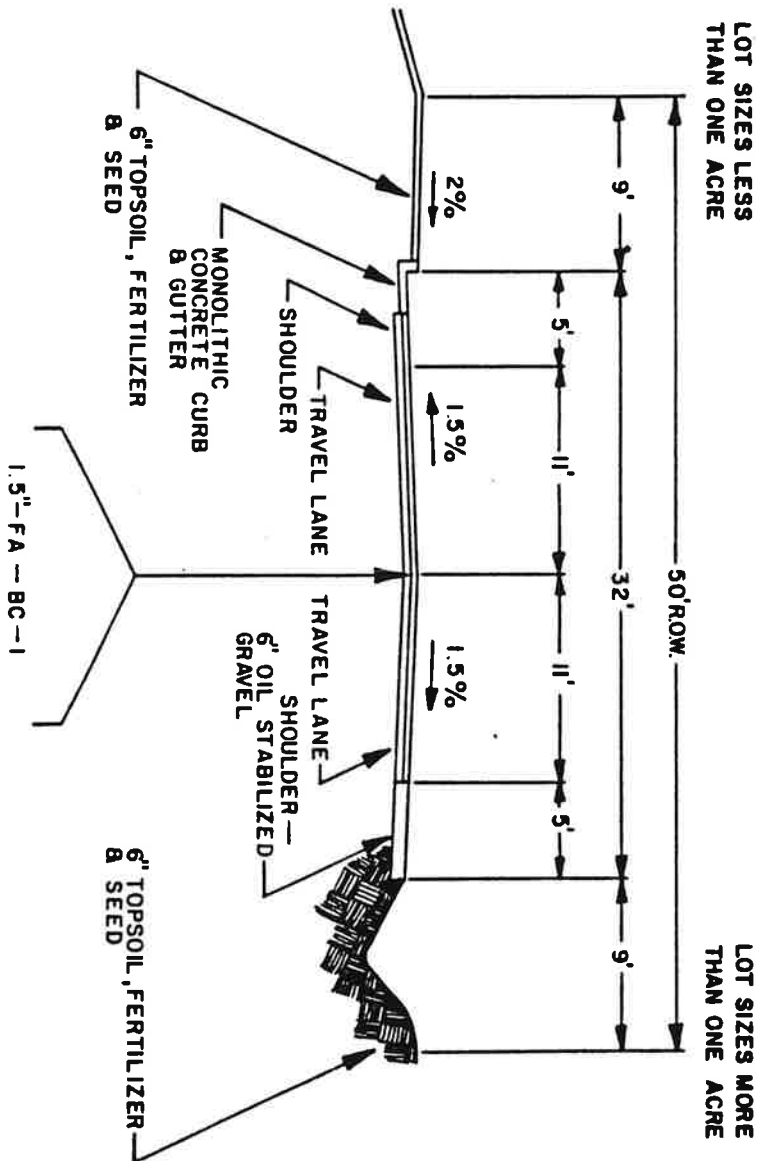


P14

DESIGN SPEED, 50 M.P.H.

GOAL, SERVES MORE THAN 20 UNITS. WHEN 50 UNITS OR MORE ARE SERVED, REVERSE FRONT-AGE MAY BE REQUIRED.

PLATE 15 LOOP STREETS



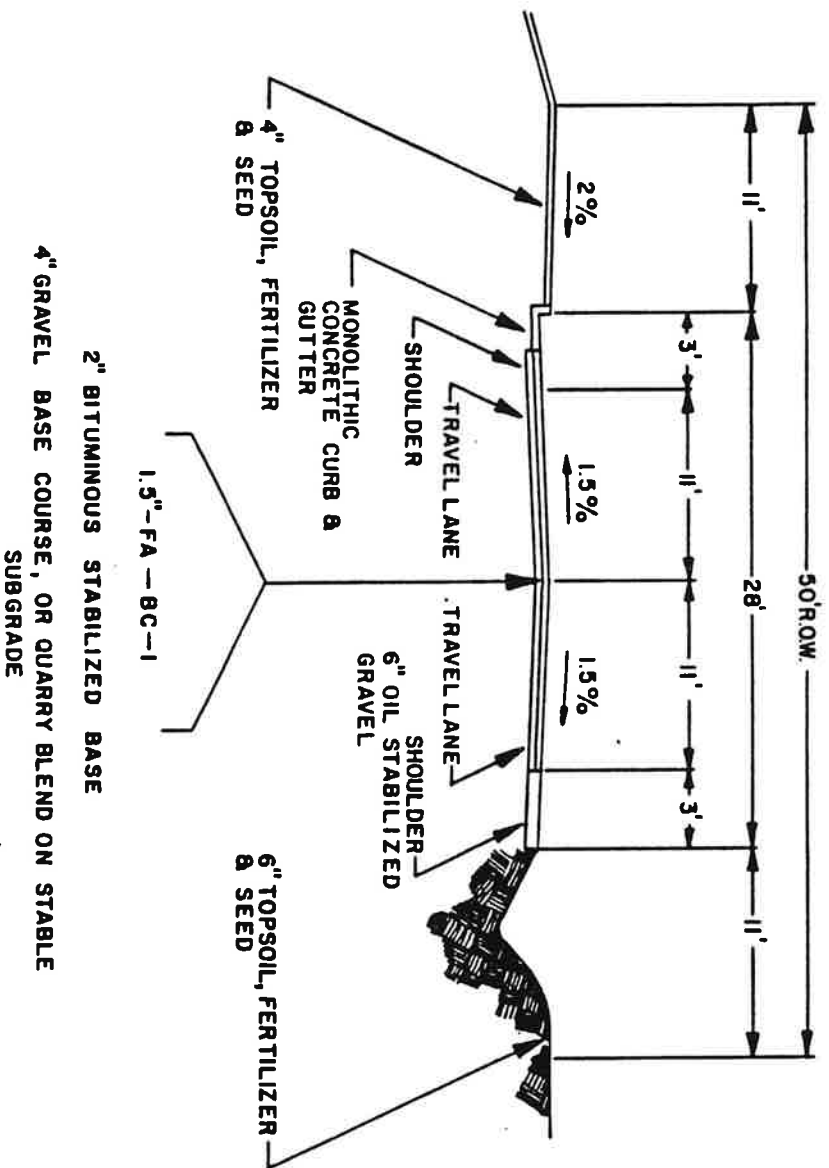
2" BITUMINOUS STABILIZED BASE
 4" GRAVEL BASE COURSE, OR QUARRY BLEND ON STABLE SUBGRADE

DESIGN SPEED: 35 M.P.H.

GOAL: SERVES NO MORE THAN 20 UNITS.

PLATE 16

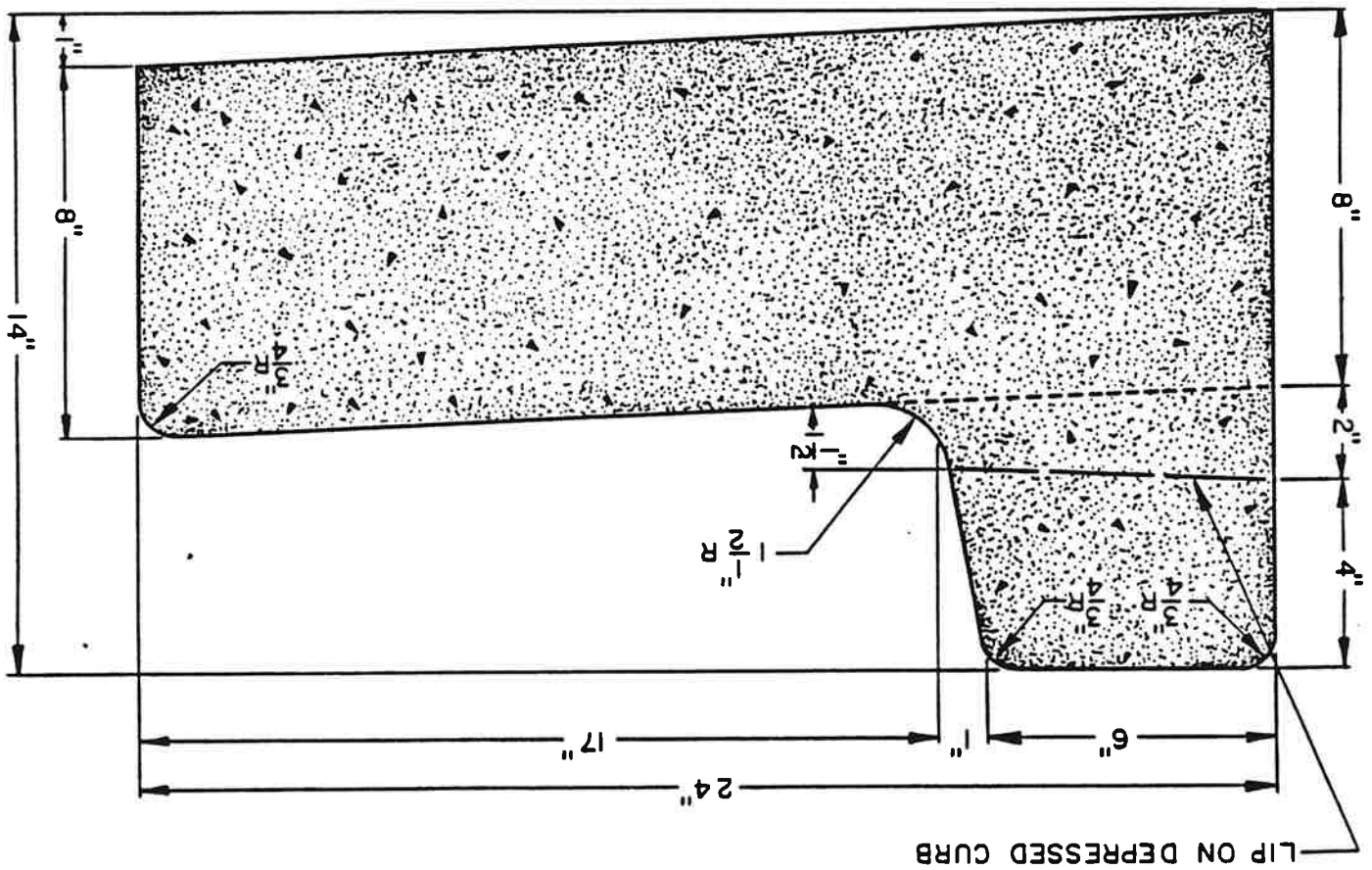
CUL-DE-SAC STREETS



P16

DESIGN SPEED: 30 M.P.H.

GOAL: SERVES NO MORE THAN 14 UNITS



REVISED ZONING MAP THE CITY OF SALEM

APRIL 22, 1976

REVISED JULY 1977

REVISED JULY 1977

REVISED JULY 1977

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ZONING DISTRICTS

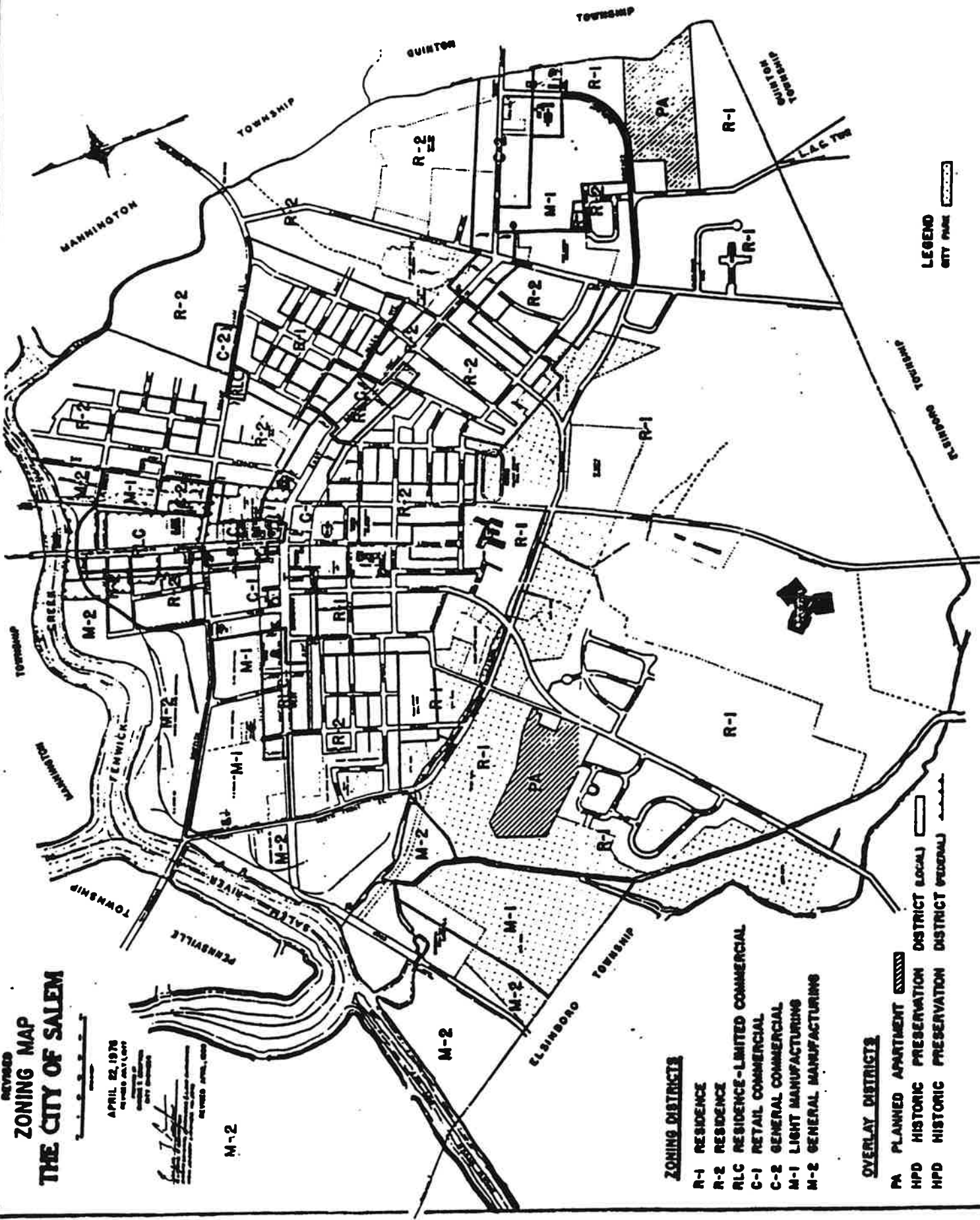
- R-1 RESIDENCE
- R-2 RESIDENCE
- RLC RESIDENCE-LIMITED COMMERCIAL
- C-1 RETAIL COMMERCIAL
- C-2 GENERAL COMMERCIAL
- M-1 LIGHT MANUFACTURING
- M-2 GENERAL MANUFACTURING

OVERLAY DISTRICTS

- PA PLANNED APARTMENT
- HPD HISTORIC PRESERVATION DISTRICT LOCAL
- HPD HISTORIC PRESERVATION DISTRICT FEDERAL

LEGEND

- CITY PARK



PUBLIC NOTICE

Pursuant to N.J.S.A. 40:49-2.1, notice is hereby given that at a meeting of the Mayor and Common Council of the City of Salem on February 7, 1994, an Ordinance was introduced on first reading (by title only), which Ordinance represents a comprehensive revision and codification of the Land Use Ordinances of the City of Salem pursuant to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.). The title of the Ordinance is as follows:

An Ordinance adopting a Comprehensive Revision and Codification of the Land Use Ordinances of the City of Salem.

A brief summary of the main objectives or provisions of the Ordinance under consideration are as follows:

a. The Ordinance is being adopted in conjunction with the formal codification and publication of all city Ordinances to form a unified municipal code for the City of Salem to be published by General Code Publishing Company. The codification process will combine all previous Land Use Ordinances of the City into one chapter of the new City Municipal Code.

b. The administrative provisions of the Ordinance (i.e., establishment, composition, organization, staff, powers, duties of the Planning and Zoning Boards) and the provisions dealing with Subdivision and Site Plan approvals are largely based on the "Model Subdivision and Site Plan Ordinance" prepared by the Center for Urban Policy Research at Rutgers, the State University.

c. Definitions of terms contained in the newly proposed Ordinance have been modified to conform with definitions found in the New Jersey Municipal Land Use Law.

d. The composition of the Planning Board and Zoning Boards remains the same as in previous Ordinances. The Planning Board shall consist of seven members and the Zoning Board shall consist of seven members. The Class II member of the Planning Board has been changed to reflect that the member shall be a member of the City Environmental Commission, pursuant to applicable law. Provisions have been added to the new Ordinance which permit the appointment of up to two alternate members for the Planning and Zoning Boards.

e. The number, name and character of the pre-existing zone districts and the zoning map are not changed by the newly proposed Ordinance. However, changes have been made to the permitted uses, accessory uses and other characteristics of the various zone districts. Such changes generally would not affect any pre-existing lawfully established uses in a particular zone, even if the newly proposed Ordinance prohibits such uses in that

Three copies of the newly proposed Ordinance are on file for public examination and inspection in the Office of the City Clerk

k. The foregoing represents only a brief, incomplete and cursory summary of the main objectives and provisions of the newly proposed Ordinance. Interested parties are advised to review the Ordinance in its entirety.

j. The newly proposed Ordinance incorporates requirements relating to recycling facilities for multifamily housing developments pursuant to a model ordinance which the state has mandated each municipality adopt.

i. The newly proposed Ordinance incorporates the use of application "checklists" which itemize the information in detail that must be provided in order for an application to be deemed complete in accordance with N.J.S.A. 40:55D-10.3. The checklist requirement incorporates provisions requiring developers to submit environmental impact statements in certain major development applications so consideration can be given to physical characteristics of the surrounding area, community character, sensitive environmental areas, etc.

h. Significant changes and additions are made in the proposed Ordinance regarding design and construction standards.

g. No significant changes are made to the City's Historic Preservation Advisory Board system.

f. Addition of "port and maritime" activities as a permitted use.

e. Elimination of hotel, motel, tourist house, rooming house or boarding house as permitted uses in the zone.

d. Elimination of conversion of dwellings to multiple dwellings. The elimination of the accessory use of renting of not more than two rooms to not more than two roomers. Note that the renting of not more than one room to one roomer remains as a permitted accessory use in the R1 Zone and thus would be permitted in the R2 Zone.

c. Elimination of conversion of single family detached dwellings to two family or multiple dwellings. Elimination of various conditional uses listed for the zone which did not contain specific standards and specifications. These changes effect various subordinate zones which permitted uses allowed in R1.

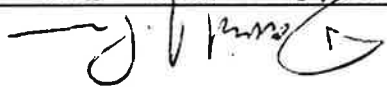
b. Significant changes in the character of permitted and accessory uses include, but are limited to the following:

a. Pre-existing, lawfully established uses are generally "grandfathered" under applicable law.

at the Municipal Building located at One New Market Street. These copies will be maintained in the office of the Municipal Clerk until final action is taken on the newly proposed Ordinance. Interested parties may also purchase a copy of the newly proposed Ordinance from the Municipal Clerk. If the Ordinance is adopted copies of the same will be available for purchase from the Municipal Clerk in pamphlet form.

The newly proposed Ordinance will be considered for final passage at a meeting of the Common Council of the City of Salem to be held on May 2, 1994, at 7:30 p.m. at Salem County Court House, at which time all persons interested may appear for or against the passage of said Ordinance.

City of Salem

By: 

David J. Puma, Esq.
Waters, Sherman & Puma P.A.
107 West Broadway
Salem, New Jersey 08079
(609) 935-2244

RESOLUTION PURSUANT TO N.J.S.A. 40:55D-26

CITY OF SALEM PLANNING BOARD

WHEREAS, the City of Salem is in the process of formally codifying all of its Ordinances and this process includes a codification of all of the Land Use Ordinances of the City of Salem into one chapter of the proposed new code; and

WHEREAS, the City Council adopted the chapter dealing with the codification and comprehensive revision of the City's Land Use Ordinances on first reading at a public meeting held on February 7, 1994; and

WHEREAS, the City Council referred the Ordinance containing the Land Use Chapter to the Planning Board pursuant to N.J.S.A. 40:55D-26; and

WHEREAS, the Planning Board considered the Ordinance at its meeting on February 23, 1994 and March 23, 1994 after duly advertising and serving appropriate notifications of such meetings as required by N.J.S.A. 40:55D-15; and

WHEREAS, the Planning Board intends for this Resolution to fulfill its obligations under N.J.S.A. 40:55D-26 and serve as the "report" of the Planning Board required thereunder;

NOW THEREFORE, be it hereby resolved by the Planning Board of the City of Salem, in the County of Salem and State of New Jersey as follows:

(1) The newly proposed Ordinance eliminates the conversion of single family detached dwellings to two family or multiple dwellings in the R-1 Zone. The new Ordinance also proposes the elimination of various conditional uses listed for the R-1 Zone (i.e., private school/academy, hospital/nursing or convalescent home, private recreation area or club, etc.) which did not contain specific standards and specifications as required by N.J.S.A. 40:55D-67. These changes affect the various subordinate zones which permitted uses allowed in R-1. The Planning Board finds that in the foregoing respects the newly proposed Ordinance is consistent with the Master Plan.

(2) The new Ordinance retains the accessory use of the renting of not more than one room to one roomer in the R-1 Zone and eliminates the accessory use of renting of not more than two rooms to two roomers in the R-2 Zone. The Planning Board finds that the elimination of the accessory use from the R-2 zone is consistent with the Master Plan.

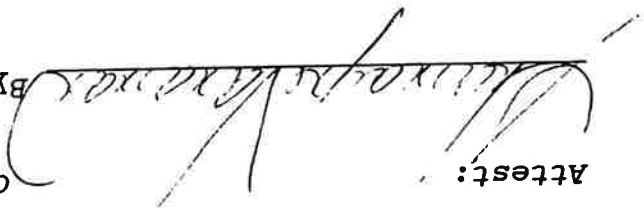
(3) The newly proposed Ordinance eliminates the conversion of dwellings to multiple dwellings previously permitted in the R-

- 2 Zone. The Planning Board finds that this change is consistent with the City Master Plan.
- (4) The newly proposed Ordinance eliminates "hotel, motel, tourist house, rooming house or boarding house" as permitted uses in the C-1 Zone. The Planning Board finds that this change in the Ordinance is consistent with the Master Plan.
- (5) The newly proposed Ordinance makes no changes to the City's Historic Preservation Advisory Board System. The Planning Board finds that the perpetuation of this system is inconsistent with the City Master Plan. Recent changes to the historic element of the Master Plan that resulted in a recommendation that the Historic Preservation Advisory Board be changed to a Historic Preservation Commission in accordance with N.J.S.A. 40:55D-107 et seq.
- (6) The newly proposed Ordinance does not specifically list "port/maritime related uses" as a permitted use in the M-1 and M-2 Zones. The Planning Board finds that the absence of the aforesaid port/maritime uses as permitted uses in the M-1 and M-2 Zone in the revised Ordinance is inconsistent with the City's Master Plan. The Planning Board recommends the Ordinance be changed to reflect "port/maritime uses" as permitted in the M-1 and M-2 zones.
- (7) The newly proposed Ordinance does not expand the Historic Preservation District of the City. The Planning Board finds that the failure to extend the Historic Preservation District on the Zoning Map is inconsistent with the City's Master Plan.
- (8) All other changes to the Ordinance are hereby found by the Planning Board to be consistent with the City's Master Plan.
- In addition to the foregoing findings on consistency with the Master Plan, the Planning Board makes the following recommendations and/or raises the following issues for consideration, as part of its report to the City Council:
- (1) The City may wish to consider reinserting the use of "filling of soil" as a permitted use in the R-1 Zone.
- (2) The Ordinance should establish realistic conditional use standards for community residences of over six persons (see N.J.S.A. 40:55D-66.1), possibly by referencing the same to the Planned Apartment (PA) District Regulations.
- (3) The reference in Section 130-46B(2) to wetlands being excluded in density calculations should be deleted.
- (4) The introductory paragraph to the M-2 Zone should be improved grammatically for clarity.

(5) The newly proposed Ordinance retains the zoning for Market Street as RLC. Consideration should be given to changing the zoning on Market Street, or the portion of Market Street closest to Mannington Township, to R-1 to enhance and maintain the residential character of this area. RLC zoning allows the opening of businesses as a permitted use, whereas R-1 zoning allows the opening of new businesses only as an accessory use to an owner occupied residence.

IT IS FURTHER RESOLVED, that subject to consideration being given to the foregoing the Planning Board of the City of Salem hereby recommends that the Common Council of the City of Salem adopt the proposed Ordinance which constitutes a comprehensive revision and codification of the City's existing Land Use Ordinances.

Attest: City of Salem Planning Board

By:  Mayor G. F. M. Chm.

Dated: 8.23.94

CITY OF SALEM
RESOLUTION 9403

A RESOLUTION ACCOMPANYING THE ADOPTION OF
ORDINANCE 9403 PURSUANT TO N.J.S.A. 40:55D-62

BE IT HEREBY RESOLVED by affirmative vote of a majority of the full membership of the Common Council of the City of Salem in the County of Salem and State of New Jersey pursuant to N.J.S.A. 40:55D-62 that Ordinance 9403 is adopted notwithstanding the finding by the Planning Board that portions thereof are inconsistent with various elements of the City's Master Plan for the following reasons: (1) the proposal that the M-1 and M-2 zones should reference as permitted uses "Port and Maritime Related Activities" shall be incorporated into the Ordinance; and (2) the changes proposed to the City's Historic Preservation Advisory Board system and the Historic District are premature and shall be the subject of further review and study to ensure that the same do not unduly restrict or hinder development which is vital to the City's efforts to overcome the social and economic problems presently facing the community.

BE IT FURTHER RESOLVED that the City Clerk shall (1) publish a notice containing the title of Ordinance 9403 together with notice of the date of its passage in accordance with N.J.S.A. 40:49-2 and 40:49-2.1; (2) forthwith transmit a copy of Ordinance 9403 as amended and the summary notice published thereof to City Tax Assessor pursuant to N.J.S.A. 40:49-2.1; and (3) file a copy of Ordinance 9403 as amended and a copy of this Resolution with

the Salem County Planning Board pursuant to N.J.S.A. 40:55D-16.

ROBERT JOHNSON, Council President

I hereby certify the above to be a true copy of Resolution No. _____ adopted by the Mayor and Common Council of the City of Salem, at a meeting held on Monday, _____, 1994.

BARBARA A. WRIGHT, City Recorder

