

ARTICLE 9 SITE PLAN REVIEW*

9-1 SHORT TITLE.

This Article 9 of the Development Regulations Chapter of the Borough of Bernardsville may be cited and referred to as the "Site Plan Regulations." (Ord. No. 581 § 9-1)

9-2 PURPOSE.

This Article is adopted pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) in order to establish rules, regulations, standards and procedures for approval of all development in the Borough, other than development specifically exempted in Section 9-4, in order to:

- 9-2.1** Preserve existing natural resources and give proper consideration to the physical constraints of the land.
- 9-2.2** Provide for safe and efficient vehicular and pedestrian circulation.
- 9-2.3** Provide for screening, landscaping, signing and lighting.
- 9-2.4** Ensure efficient, safe and aesthetic land development.
- 9-2.5** Provide for compliance with appropriate design standards to ensure adequate light and air, proper building arrangements, and minimum adverse effect on surrounding property.
- 9-2.6** Develop proper safeguards to minimize the impact on the environment including but not limited to soil erosion and sedimentation and air and water pollution.
- 9-2.7** Ensure the provision of adequate water supply, drainage and storm-water management, sanitary facilities, and other utilities and services.
- 9-2.8** Provide for recreation, open space and public use areas.

(Ord. No. 581 § 9-2)

9-3 APPROVING AUTHORITY.

9-3.1 Planning Board.

The provisions of this chapter shall be administered by the Planning Board of the Borough except as set forth in subsection 9-3.2. (Ord. No. 581 § 9-3.1)

9-3.2 Zoning Board of Adjustment.

The provisions of this chapter shall be administered by the Zoning Board of Adjustment in applications before the Zoning Board of Adjustment involving variances provided for in N.J.S.A. 40:55D-70d on which site plan review would be required. For such applications any reference in this chapter to the Planning Board shall be considered to refer to the Zoning Board of Adjustment where applicable. (Ord. No. 581 § 9-3.2)

9-4 GENERAL.

Prior to the subdivision or re-subdivision of land and prior to the issuance of a building permit, zoning permit or certificate of occupancy for any development, an application shall be submitted to and approved by the Planning Board in accordance with the requirements of this Article; except that subdivision or individual lot applications for detached one (1) or two (2)-family dwelling unit buildings shall be exempt from site plan review and approval. (Ord. No. 581 § 9-4)

9-4.1 Other Exemptions.

Site Plan Approval shall not be required for any of the following:

- a. Any structure or use for which a Site Plan Review application was made to the Planning Board prior to the effective date of this chapter under municipal ordinances and regulations then in effect and superseded by this chapter, and that is developed in accordance with an approval of such application heretofore given by the Planning Board pursuant to said prior ordinances and regulations.
- b. A proposed development rehabilitative in nature and involving no change in use, or involving a change in use permitted in the zone district, wherein the Zoning Official determines that the reconstruction, conversion, or structural alteration of any building or other structure, or a change in landscaping, buffering, lighting, or parking area treatments shall not result in an enlargement of lot coverage or external changes to a structure, or in a nonconforming structure, or in any appreciable increase in parking requirements, or in significant change in land-site or improvements.

(Ord. No. 581 § 9-4.1)

9-4.2 Waiver of Site Plan Review Requirements.

- a. The rules, regulations and standards set forth in this chapter shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Borough. However, if the applicant can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of this chapter is impracticable or will exact undue hardship, the Planning Board may make exemption(s) and waiver(s) as may be reasonable, within the general purpose and intent of the rules, regulations and standards established by this chapter.
- b. The Planning Board may also waive the requirements of this chapter if the proposed development:
 - 1. Secured previous site plan approval under the terms of this chapter; or,
 - 2. Involves normal maintenance or replacement such as new roof, painting, new siding or similar activity.

(Ord. No. 581 § 9-4.2)

9-4.3 In order for an application for site plan approval to be considered at the regular meeting of the Planning Board, ten (10) copies shall be filed with the Administrative Officer of the Board at least two (2) weeks prior to such meeting. (Ord. No. 581 § 9-4.3)

9-4.4 The application shall be made on forms available from the Administrative Officer of the Board, shall be accompanied by the required filing fee and ten (10) blue or black on white prints of the site plan and ten (10) copies of any other required documents and improvement plans. (Ord. No. 581 § 9-4.4)

9-4.5 The application shall be accompanied by a filing fee as established by Article 15 to cover the technical, investigative and administrative expenses involved in processing the application. (Ord. No. 581 § 9-4.5)

9-4.6 An application shall be certified as complete immediately upon complying with the definition in subsection 1-3.2 of this chapter, and shall be deemed complete as of the day it is so submitted by the Administrative Officer for purposes of the commencement of the time period of action by any Municipal Agency of the Borough. If the application for development is found to be incomplete, the developer shall be notified in writing of the deficiencies therein by the Board or the Board's designee for the determination of completeness within forty-five (45) days of the submission of such application or it shall be deemed to be properly submitted. (Ord. No. 581 § 9-4.6)

9-4.7 Outline of Detail of Article 9.

In this Article, site plan applications are considered as follows: general review procedures in Section 9-5, general requirements in Sections 9-6, 9-7, and 9-8 for Concept Plans for Site Plans, Minor Site Plans, and Major Site Plans respectively, as defined in Section 1-3. Detailed requirements are contained in Section 9-9. Applications for outdoor dining conditional use described in paragraph k. of subsection 12-25.2 shall be classified as Minor Site Plans. (Ord. No. 581 § 9-4.7; Ord. No. 94-990 § 4)

9-5 REVIEW PROCEDURES.

Upon receipt of an application, the Administrative Officer of the Board shall forward same to either the Planning Board or Board of Adjustment depending upon which has jurisdiction. If the Planning Board has jurisdiction, the Administrative Officer of the Board shall forward same to the Secretary of the Planning Board, who in turn shall forward same to the Planning Board who in turn shall forward same to the Subdivision and Site Plan Review Committee, and in addition, shall send a copy to each of the following for report and recommendation:

- Zoning Officer
 - Borough Engineer
 - County Planning Board
 - Board of Health
 - Shade Tree Commission
 - Environmental Commission
 - N.J. Department of Transportation, if the property is on a State highway.
 - Fire Prevention Bureau
- Such other municipal, county, State and Federal officials and agencies as directed by the Subdivision and Site Plan Review Committee or Planning Board.
- Such other experts deemed appropriate by the Board. (Ord. No. 581 § 9-5; Ord. No. 2005-1395 § 3)

9-5.1 Review of Applications by the Subdivision and Site Plan Review Committee.

The Subdivision and Site Plan Review Committee shall review applications along with reports required from any officials or agencies, and shall submit its findings and recommendations to the Planning Board.

The Committee shall certify submitted Minor Site Plans to be appropriately submitted or return them for submission as Major Site Plans.

It may act on a Minor Site Plan that it judges to be correctly submitted, but only by unanimous vote. If the vote is not unanimous, the Minor Site Plan shall be referred to the full Planning Board. (Ord. No. 581 § 9-5.1)

9-5.2 Time Permitted to Grant or Deny Applications.

The Planning Board shall grant or deny the application within periods following certification of completeness, as prescribed below, or within such further time period as may be consented to by the applicant.

Type of Application	Period of Time for Action by Planning Board
Concept Plan	45 days
Minor Site Plan	45 days
Preliminary Site Plan - 10 acres of land or less and 10 dwelling units or less	45 days
Preliminary Site Plan - more than 10 acres of land or more than 10 dwelling units	95 days
Final Site Plan	45 days

The applicant shall be notified of the Planning Board's action within one (1) week of its action.

Failure of the Planning Board to act within the period prescribed shall constitute approval. In such a case, a certificate of the Administrative Officer as to the failure of the Planning Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required. (Ord. No. 581 § 9-5.2)

9-5.3 Procedure When County Planning Board Approval Required.

Whenever review or approval of an application by the County Planning Board is required pursuant to the Site Plan Review and Approval Resolution of the County of Somerset, New Jersey, the Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period. (Ord. No. 581 § 9-5.3)

9-5.4 Insufficient Time for Planning Board Review.

If the scheduled time of a Planning Board meeting allows insufficient time for the Board to reach a determination regarding action on an application within the time prescribed in this section, the applicant shall be requested to consent to an extension of time. (Ord. No. 581 § 9-5.4)

9-5.5 Copies of Approved Site Plan Required.

Prior to returning an approved site plan to the applicant, the applicant shall submit sufficient copies to the Secretary of the Planning Board in order to furnish a copy to each of the following:

- Borough Clerk
- Borough Engineer
- Building Inspector
- Tax Assessor

9-6 CONCEPT PLANS FOR SITE PLANS.

9-6.1 Procedures for Submission and Approval.

At the request of the developer, the Planning Board shall grant an informal review of a Concept Plan for a development for which the developer intends to prepare and submit a site plan. This step is optional and is recommended by the Planning Board. The Concept Plan of a Site Plan is designed to enable the Planning Board and the applicant to discuss and evaluate principles and potential problems involved before the applicant has gone to the expense of completing detailed engineering drawings as required for further processing of the development application.

a. The Planning Board shall be authorized to establish criteria for the subsequent submission of an application for development and notwithstanding any other provisions of this chapter, waive, for good cause, to the extent felt appropriate on the basis of the Concept Plan of a Site Plan any site plan details required under subsection 9-9.2 of this chapter for the processing of the applications for approval of the subsequent site plan application for development. The Planning Board shall act on a Concept Plan of a Site Plan within forty-five (45) days of its submission, classify it, and if satisfactory, grant non-binding approval, with or without appropriate conditions for subsequent submission of the site plan application for development. The developer shall not be bound by any concept plan for which review is requested for a site plan, and the Planning Board shall not be bound by such review. Approval is intended to enable the applicant to proceed with the submission of the subsequent site plan application for development on a reasonable, expeditious and sound basis and shall not be construed as authorization for any construction. (Ord. No. 581 § 9-6.1)

9-7 MINOR SITE PLANS.

9-7.1 Procedures for Submission and Approval.

The detailed requirements for a Minor Site Plan are covered in subsection 9-9.2.

If classified and approved as a minor site plan by unanimous action of the Subdivision and Site Plan Review Committee, a notation to that effect will be made on the minor site plan. The Chairman of the Subdivision and Site Plan Review Committee shall then forward one (1) copy of the signed minor site plan to the Planning Board for their files. The approval shall be noted in the minutes of the next regularly scheduled meeting of the Planning Board following receipt of the Subdivision and Site Plan Review Committee report. The Chairman and Secretary of the Planning Board shall sign the minor site plan if approved by the Subdivision and Site Plan Review Committee and the approval shall be deemed to be final approval of the site plan provided that the Subdivision and Site Plan Review Committee or the Planning Board may condition such approval on terms ensuring the provision of improvements pursuant to N.J.S.A. 40:55D-1 et seq. The minor site plan, after approval, shall be returned to the applicant within one (1) week following the signing of the site plan by the Chairman and Secretary.

The zoning requirements and general terms and conditions upon which minor site plan approval was granted shall not be changed for a period of two (2) years after the date of minor site plan approval.

If the application for a minor site plan is classified as a major site plan by the Subdivision and Site Plan Review Committee, the applicant shall be so notified. No further Planning Board action on the application shall be required and the applicant shall follow the procedures contained herein for processing of a preliminary and final application of a major site plan. (Ord. No. 581 § 9-7.1)

9-8 MAJOR SITE PLANS.

Procedures for submission and approval.

9-8.1 Preliminary Applications.

Any application for approval of a preliminary site plan shall be filed in accordance with Section 9-4 of this Article and shall contain all information as required in subsection 9-9.2. The application will be forwarded to the Planning Board or Board of Adjustment for processing as herein required.

a. If the application is found to be in substantial compliance with the provisions of this chapter, the Planning Board shall schedule a hearing on the application pursuant to Article 4 of this chapter. If the application is found to be not in compliance, the Board shall so inform the applicant and shall require the filing of an amended application which shall be processed as in the case of the original application.

b. If the Planning Board requires any substantial amendment in the layout of improvements proposed by the developer that have been the subject of the hearing, an amended application shall be submitted and shall be processed as an original application. If the Planning Board is satisfied that the application, together with any conditions as imposed by the Board, meets all of the conditions of this chapter, it shall grant preliminary approval.

c. Preliminary approval shall, except as provided in subsection 9-4 of this section, confer upon the applicant the following rights for a three (3)-year period from the date of the preliminary approval:

1. That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements; and any requirements peculiar to site plan approval pursuant to Article 11 of this chapter, except that nothing herein shall be construed to prevent the municipality from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety.

2. That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary site plan;

3. That the applicant may apply for and the Planning Board may grant extensions on such preliminary approval for additional periods of at least one (1) year but not to exceed a total extension of two (2) years, provided that if the improvement or design standards have been revised by ordinance, such revised standards may govern; and

4. In the case of a site plan for an area of fifty (50) acres or more, the Planning Board may grant the rights referred to in paragraphs c, 1., 2. and 3. above for such period of time, longer than three (3) years, as shall be determined by the Planning Board to be reasonable taking into consideration the number of dwelling units and nonresidential floor area permissible under preliminary approval, economic conditions, and the comprehensiveness of the development. Thereafter the applicant may apply for and the Planning Board may grant an extension to preliminary approval for such additional period of time as shall be determined by the Planning Board to be reasonable taking into consideration the same factors provided that if the improvement or design standards have been revised such revised standards may govern.

(Ord. No. 581 § 9-8.1; Ord. No. 98-1149 § 1 Art. 9)

9-8.2 Final Applications of Major Site Plans.

Application for approval of a final site plan shall be filed in accordance with Section 9-4 and shall contain all the information prescribed in subsection 9-9.3. The application shall be filed within the period prescribed in subsection 9-4.3 and may be for the whole or a section or sections of the preliminary site plan. The application will be forwarded to the Planning Board or Board of Adjustment for processing as herein required.

a. If the application is found to be in substantial compliance with the provisions of this chapter, the Board shall schedule a hearing on the applicant pursuant to Article 4 of this chapter. If the application is found to be deficient in any respect, said Board shall so inform the applicant and shall require the filing of an amended application which shall be processed as an original application.

b. After the Planning Board or Board of Adjustment, as the case may be, is satisfied that the proposed application, together with any additional conditions as imposed by said Board, meets all the conditions of preliminary approval, it shall grant final approval.

c. Whenever review or approval of the application by the Somerset County Planning Board is required pursuant to N.J.S.A. 40:27-6.6, the Borough Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board by its failure to report thereon within the required time period.

d. If final approval is granted, copies of the site plan shall be signed by the Chairman and Secretary of the Board granting said approval and the Secretary shall file the approved plans with the following:

Borough Clerk
Borough Engineer
Building Inspector
Tax Assessor
Planning Board
Tax Collector

e. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer pursuant to subsection 9-8.1c., whether conditionally or otherwise, shall not be changed for a period of two (2) years after the date of final approval. Notwithstanding any other provisions of this chapter, the granting of final approval terminates the time period of preliminary approval pursuant to subsection 9-8.1c for the section granted final approval.

f. Nothing contained in this chapter shall be construed to permit the issuance of a building permit on any lot requiring site plan approval until the final approval is granted by the Planning Board or Board of Adjustment as the case may be and properly filed by the County Recording Officer.
(Ord. No. 581 § 9-8.2)

9-9 SITE PLAN DETAILS.

9-9.1 Concept Plan of a Site Plan.

The concept plan of a site plan shall be based on tax map information or some other similarly accurate information. The concept plan of a site plan shall be drawn by a New Jersey licensed professional engineer, land surveyor, architect or professional planner. Application for the concept plan of a site plan shall consist of:

a. Site illustration, indicating with sufficient accuracy all boundaries of the site with natural features of the land and showing all developed, undeveloped and to-be-developed portions. The illustration shall convey the development scheme including all buildings, circulation, parking and landscaping whether existing or proposed.

b. Preliminary Building Plans, including conceptual floor plans of all floor and conceptual building elevations of all proposed structures.

c. Evaluation Statement, consisting of a general description of the intended project and an assessment of its anticipated broad impact of the neighborhood, the community and the environment including but not necessarily limited to considerations of land use, visual qualities, traffic, drainage, and natural resources.

d. Certification from the Tax Collector that no taxes or assessments for local improvements are due or delinquent on the subject property.

e. *Environmental Evaluation Map.* The applicant must submit to the Administrative Officer of the Planning Board four (4) copies of an Environmental Evaluation Map for informal discussion with the Planning Board.

The plat details for the Environmental Evaluation Map are covered under paragraph f., General Data and paragraph g., Property Data below.

f. *Environmental Evaluation Map - General Data.*

1. The name, address and New Jersey license number of the professional(s) having prepared such map, if the map was not prepared by the applicant.
2. The name and address of the owner or owners of record.
3. The name and address of the applicant.
4. The tract name, current tax map sheet, block and lot number, reference meridian and graphic scale.
5. All streets and private roads within five hundred (500) feet of the site.
6. The map shall be drawn accurately to scale. The scale shall be not more than one hundred (100) feet to the inch.
7. The key map indicated thereon, shall be drawn to a scale of not more than five hundred (500) feet to the inch and shall show the area in question, and the relation of this area to the surrounding areas. The orientation of the key map shall be the same as to that of the main map.

g. *Environmental Evaluation Map - Property Data.*

1. The location of existing property lines and acreage to the nearest tenth of an acre.
2. Streets, roads, water and sewer lines, trails, and bridle paths.
3. Structures, including buildings, bridges, railroads, culverts and drain pipes on the site and within three hundred (300) feet of the subject property.
4. Existing topography with a maximum contour of two (2) feet where slopes are less than thirty (30%) percent and a maximum contour interval of five (5) feet where slopes are thirty (30%) percent or greater.
5. Soil classification and slopes.
 - (a) Soil classifications based upon the latest soil information tables published by the Soil Conservation Service, U.S. Dept. of Agriculture.
 - (b) Slope categories of 15% to 24.99%, 25% to 29.99% and 30% and greater, based on ten (10) foot contour intervals, shall be shown on the plans and each category shall be clearly shown by shading or similar identification technique. The ten (10) foot contour intervals utilized to establish these categories should be those which result in the greatest slope, rather than simply using those contours which are multiples of ten (10).
 - (c) Areas of moderate and severe erosion potential.
 - (d) Seasonal high water table.
 - (e) Depths to bedrock.
 - (f) Suitability for septic effluent disposal.
6. Reserved.
7. Reserved.
8. Natural resources and features such as woodlands and wetlands; major rock outcroppings; lakes, ponds, streams, drainage ditches, impoundment areas, and watercourses, including specifically those designated in Article 14 and Municipal Ordinance 558.
9. A copy of any existing easement, deed restriction, or covenant and the proposed use of sites other than residential.
10. Minimum building setback lines on all lots and other sites.
11. Location and description of all monuments.

9-9.2 Minor Site Plan and Preliminary Application of a Major Site Plan.

The minor site plan and the preliminary application of a major site plan shall be drawn at a scale of not smaller than fifty (50) feet to the inch and not more than ten (10) feet to the inch. It shall include such details as may be necessary to properly evaluate the minor site plan or the preliminary application of a major site plan and determine compliance with this chapter. In the case a scale other than one (1) inch equals fifty (50) feet is submitted, one (1) copy of a photomechanical reduction to a scale of one (1) inch equals fifty (50) feet shall also be submitted. Any minor site plan or preliminary application of a major site plan involving any new building, or addition thereto, or any site improvements shall be drawn by a licensed New Jersey professional engineer, land surveyor, architect or professional planner. Where applicable to the proposed use or construction, the following information shall be clearly shown. Existing topography with a maximum contour of two (2) feet where slopes are less than thirty (30%) percent and a maximum contour interval of five (5) feet where slopes are thirty (30%) percent or greater shall be shown on the plans, and slope categories of 15% to 24.99%, 25% to 29.99% and 30% or greater; based on ten (10) foot contour intervals, shall be clearly shown by shading or similar identification technique. The ten (10) foot contour intervals utilized to establish these categories should be those which result in the greatest slope, rather than simply using those contours which are multiples of ten (10).

- a. North arrow, scale, graphic, date and notes and dated revisions.
- b. The Zoning District in which the property is located and the Zone District or districts of the immediate adjoining properties.
- c. The following legends shall be on the Site Plan Map:

- 1. Site Plan of Lot ____ Block ____ Zone ____ Date _____ Scale _____ Applicant _____
- 2. I consent to the filing of this Site Plan with the Planning Board of Bernardsville.

(Owner) (Address) (Phone No.) (Date)

- 3. I hereby certify that I have prepared this Site Plan and that all dimensions and information are correct.

(Name) (Address) (Title & License No.)

- 4. I have reviewed this Site Plan and certify that it meets all codes and ordinances under my jurisdiction.

(Date) (Borough Engineer)

- 5. To be signed before issuance of a building permit:

I hereby certify that all the required improvements have been installed or a bond posted in compliance with all applicable codes and ordinances.

(If improvements installed)

(Date) (Borough Engineer)

(If bond posted)

- (Borough Clerk) (Date)

Building Permit Issued

(Date)

- 6. Approved by the (Approving Agency)

Preliminary _____ Final _____

(Chairman) (Date) (Secty.) (Date)

- d. All existing and proposed signs and their size, nature of construction and location, and all existing and proposed exterior lighting, including size, nature of construction, location, height, the area and direction of illumination and the lumen power.

- e. Rights-of-way, easements and all lands to be dedicated to the Borough.

- f. 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 key map is permitted.

- g. All abutting streets and property lines within 500 feet of the affected property.

- h. Indication of sanitary disposal system.

- i. Area of the lot and all lot line dimensions.

- j. Survey map, and metes and bounds description signed, sealed and certified by a Licensed Land Surveyor of New Jersey, showing boundaries of the properties, lines and all existing streets and roads, easements, rights-of-way. These shall be dimensioned and where applicable, referenced as to direction and purpose. All distances shall be in feet and hundredths of a foot. All angles shall be given to the nearest ten (10) seconds or closer. The error of closure shall not exceed one (1) in ten thousand (10,000).

- k. Location of off-street parking areas showing proposed parking, sidewalks and loading spaces, with dimensions, width or proposed access drives and aisles and traffic circulation.

- l. Existing and proposed contours of the property and for one hundred (100) feet outside the property at two (2)-foot intervals when new buildings or parking areas are proposed. If only a portion of the property is being developed, contours need only be shown for the portion and one hundred (100) feet beyond.

- m. Elevations at the corners of all proposed buildings and paved areas and at property corners if new buildings or paved areas are proposed.

- n. Tentative building floor plans and front, rear and side building elevation drawings showing building materials. The plans shall be at a scale of not less than one-eighth inch equals one foot (1/8" = 1'). The plans shall be drawn by a licensed architect.

- o. Specifications for and location of proposed surface paving and curbing.

- p. Location of all structures on any abutting property within three hundred (300) feet of the property in question.

- q. Existing streams, brooks, or other natural or manmade drainage facilities when pertinent to any proposed construction on the lot.

- r. Proposed stormwater management facilities, water mains, sanitary sewer lines, water wells, waste disposal systems and other such proposed construction on the lot, as well as existing facilities of this nature when pertinent to any proposed use or construction.

- s. Certification from the Tax Collector that no taxes or assessments for local improvements are due or delinquent on the subject property.

- t. All fences, walls, sidewalks or similar features to be provided.

- u. The present status, location, and contemplated use of all existing buildings on the property.

- v. A Soil Erosion and Sediment Control Plan if required in accordance with P.L. 1975, Chapter 251. The plan shall be submitted to the Soil Conservation District in accordance with said statute and approval of the application shall be conditioned upon certification of the Soil Erosion and Sediment Control Plan by the

District.

- w. Map showing the entire drainage area and the drainage area contributing to each pertinent drainage structure along with drainage tabulation sheets showing calculations for each drainage area. Each drainage area shall be marked for identification purposes.
 - x. Official seals of licensed professional engineer, land surveyor, architect or planner preparing the plans.
 - y. Reserved.
 - z. Reserved.
 - aa. For any use located in a flood plain area, the following information:
 - 1. The existing and proposed contours on the property in question at a contour interval of one (1) foot.
 - 2. The proposed elevations of the levels of the lands involved at the corners of the foundation of any structure or structures.
 - 3. The lowest elevation of the lowest proposed floor level including basement, if any, within any proposed structure after its completion.
 - 4. The layout of existing and proposed public streets and the nature, extent and location of existing and proposed public utilities servicing and to service the premises in question.
 - bb. Photographs of the property where necessary to show any unusual topographic, environmental or physical aspect of the site. This would include but not be limited to rock outcroppings, vegetation, natural drainageways, wetlands and existing structures and improvements.
 - cc. The names of the owners of all contiguous land and of property directly across the street and within two hundred (200) feet of the property, as shown by the most recent tax records of the Borough.
 - dd. Key map at a scale of one inch equals one hundred (1" = 100') feet , or larger scale.
 - ee. Reference to any existing or proposed deed restrictions or exceptions concerning all or any portion of the parcel. A copy of such covenants, deed restrictions or exceptions shall be submitted with the application.
 - ff. All areas dedicated or proposed for public use within two hundred (200) feet of the property based on the Borough's Official Map.
 - gg. Boundaries of any floodways, flood hazard areas or other areas subject to flooding or storm overflows. The boundaries shall be drawn pursuant to the Floodplain and Watercourse Ordinance, Section 14-4.
 - hh. Location of existing rock outcroppings, high points, depressions, vegetation, wooded areas and other significant existing features.
 - ii. Trees of five (5) inches or over in caliper shall be specifically located and identified. Any proposed change of such natural features shall be specifically noted.
 - jj. Location of all existing bridges, culverts, storm sewers, septic systems, sanitary sewers, water, fire protection, electric and telephone lines, both above and below ground, and poles, gas and underground heating systems, pipe lines, artesian wells and other man-made features. Dimensions, grades and flow direction for culverts and sewers shall also be provided.
 - kk. Location of all existing streets and highways on or adjacent to the property affected, including names, right-of-way width, pavement width, curb-to-curb width.
 - ll. Location of all historical or architecturally significant properties within three hundred (300) feet of the property.
 - mm. Copies of any proposed deed restrictions or covenants.
 - nn. Where applicable, the method by which any open space or common open space area or commonly held building or structure is to be owned and maintained.
 - oo. If applicable, development stages for the proposal.
 - pp. The Approving Authority may require other specific data. These data may include but are not limited to geologic information, water yields, flood data, environmental information, traffic counts, road capacities, market or economic information, and similar material.
 - qq. The location, design, and size of on- or off-site pedestrian parks and bicycle pathways, open space, common open space, plazas and recreation areas, bridle paths or any other public use areas.
 - rr. The location and design of the proposed buffer areas, screening, landscaping and planting, including a planting plan and a schedule of plant materials. The plan shall identify existing and proposed plantings. Botanical and common names of plants and trees, dimensions, approximate time of planting and maintenance plans shall also be indicated.
 - ss. Improvement coverage, number of units, square feet of construction, value of construction, density, coverage, number of employees, number of residents and area of land, etc. Specifically identified on the Site Plan, in tabular form, shall be pertinent zoning data, indicating the bulk area requirements of the zone in which the proposed development is located and how the proposed development corresponds to the zoning requirements.
 - tt. All proposed streets and private roads with profiles indicating grading; and cross-sections showing width of roadway, location and width of sidewalk and specifications of the Borough, as applicable.
 - uu. In multi-family residential developments containing twenty-five (25) or more units and in nonresidential developments utilizing one thousand (1,000) square feet or more of land area, the location and description of provisions for the storage of recyclable materials in accordance with the Municipal Recycling Ordinance. The plan shall be accompanied by a description of the size, shape, and materials of construction of the storage area.
- All recycling storage shall be in a location on site as approved by the Planning Board and Public Works Superintendent, and shall be adequately screened so that no recycled material is visible from the property line containing the area.
- (Ord. No. 581 § 9-9.2; Ord. No. 808 § 1; Ord. No. 93-970 § 14; Ord. No. 2002-1274 § 3; Ord. No. 2006-1423 § 2)

9-9.3 Final Application of a Major Site Plan.

The Final Site Plan application shall include the following:

- a. The approved Preliminary Site Plan together with all proposed additions, changes or departures therefrom, if applicable.
- b. *Improvements.* Prior to consideration by the Planning Board of the Final Plat of a major site plan for Final Approval, the applicant shall have installed or shall have filed Performance Guarantees, in accordance with Article 11 of this chapter, for the ultimate installation of the following improvements as required:

Proposed public streets

Private roads

Curbs, shoulders and guard rails

Water, sanitary sewers, drainage, and other roadbed utilities

Individual lot utility connections to a minimum of ten (10) feet beyond the curb line

On-tract drainage improvements

Off-tract improvements

Electric, telephone and other non-roadbed utilities, unless exceptions as permitted in subsection 10-7.4d, 3, k of Article 10 apply.

Street Signs

Shade Trees

Sidewalks

Monuments

Seepage pits

All other improvements required by the Planning Board.

c. After completing improvements, as-built drawings shall be submitted indicating the following:

1. Location Data.
 - (a) Buildings.
 - (b) Parking lots including number of spaces.
 - (c) Drainage structures.
 - (d) Landscaping.
 - (e) Wells.
 - (f) Fencing, guard rails, lighting.
 - (g) Appurtenant structures.
 - (h) Streets and private roads (horizontal alignment).
 2. Final Grading and Elevations.
 - (a) Two (2) feet contour intervals for entire tract.
 - (b) Tops and bottoms of curbs and walls.
 - (c) Finished first floor of principal and accessory building.
 3. Other Data. Complete as-built details of all sewage ejectors or pumping stations, to include piping, materials, elevations of wet well, dry well, high and low water cutoffs, pump performance curves, maintenance manuals, manufacturers guarantees, writing diagrams, etc.
 4. Stormwater Management Facilities. Final grading and elevations of all stormwater management facilities, including certification from the design engineer to the as-built volume of all stormwater management basins.
- d. Final Construction documents for uncompleted improvements illustrating:
1. The Final Plans for Site Development and Site Improvement, including those construction details as may be specified at the time of Preliminary Approval.
 2. The ground floor or other floor plans sufficient to show pedestrian, vehicular or other access as it relates to the Final Site Plan.
 3. The as-built building elevation or typical elevations including size, structure, materials, colors and textures.
 4. Elevations or typical illustrations of any accessory structures, sign or area visible to the general public.
- e. Certification from the Tax Collector that no taxes or assessments for local improvements are due or delinquent.

(Ord. No. 581 § 9-9.3; Ord. No. 92-919 § 1; Ord. No. 2006-1423 § 2)

9-10 SITE DESIGN AND PARKING STANDARDS.

9-10.1 General.

In general, site plans shall follow the principles of design relating to subdivisions where applicable. In reviewing said site development plans, the Planning Board shall ascertain that the following requirements are complied with:

- a. The provisions of the zoning regulations with respect to height, minimum lot areas, mandatory open spaces and the like.
- b. Adequate provisions are made for stormwater management and control in accordance with Section 12-29 of the Borough Land Development Regulations.
- c. The location, design or construction of any building is not likely to involve risks of traffic congestion, public safety or hazard.
- d. The design or construction of any building or use will not be so markedly incongruous with the character of the neighborhood as to materially affect the value of adjacent or nearby property.
- e. Any lighting in connection with off-street parking shall be so arranged and shielded as to reflect the light downward, away from adjoining streets or properties. The light intensity shall not exceed zero point five (0.5) footcandles along any property line nor zero point three (0.3) footcandles along any residential zone property line. Provisions shall be made for reduction in the intensity of illumination to the minimum needed for security purposes when the facility is not in operation.
- f. Adequate provision shall be made for off-street parking and loading, with adequate traffic circulation, traffic safety and protection to adjoining property, as hereinafter required.
- g. Except for parking intended to serve one (1)- and two (2)-family dwellings, all required off-street parking areas shall be surfaced with an asphalt bituminous or cement binder pavement.
- h. No sign other than entrance, exit and condition-of-use signs shall be permitted.
- i. Off-street parking facilities as accessory to any use permitted in a residential zone shall be provided on the same lot with the permitted principal building.
- j. For all business or commercial uses, required parking shall be provided within two hundred (200) feet of the property line of the lot whereon the business is conducted.
- k. The off-street parking and loading provisions of this Article may be met by participation in a joint parking or loading program designed to serve a larger area, provided plans for such joint parking or loading have been approved by the Planning Board.
- l. The off-street parking area shall be effectively screened on any side which adjoins or faces premises situated in any residence zone district, by a fence or wall not less than four (4) nor more than six (6) feet in height, maintained in good condition, provided, however, that a screening of hedge or other natural landscaping may be substituted for the required fence or wall if approved by the Approving Authority. Where the Highway Development District abuts existing developed residential properties in a residential zone district, an undisturbed, natural buffer area fifty (50) feet in depth shall be provided along the abutting portion. A stockade type fence six (6) feet in height shall be provided along the interior line of the buffer area to the entire length of the buffer area.
- m. No commercial repair work or service of any kind shall be conducted on a parking lot, nor shall such lots be used for the parking of disabled, dismantled, inoperable or unregistered vehicles.

(Ord. No. 581 § 9-10.1; Ord. No. 93-946 § 1; Ord. No. 2006-1423 § 2)

9-10.2 Location of Parking and Loading.

All off-street parking and loading areas except for one (1) family dwellings or two (2) family dwellings used exclusively as residences shall, unless otherwise provided by this Article, meet the location requirements prescribed in the following schedule:

MINIMUM DISTANCES IN FEET FOR LOCATION OF PARKING AND LOADING AREAS

	From Buildings*	From Public Streets	From Property Lines	From Residential Zones
R-1	10	25	25	25
R-1A	10	25	25	25
R-2	10	25	25	25
R-3	10	15	15	15
R-4	10	10	10	10
R-5	10	10	10	10
R-8	10	10	10	10
R-10A	10	25	10	10
R-10B	10	25**	10	10
B-1	5	5	5	5
O-B	10	10	10	10
C-1	5	10	10	10
I	10	25	10	25
HD	10	10	10	10
*Loading areas excepted.				
**12 feet from internal streets				

(Ord. No. 581 § 9-10.2; Ord. No. 801 § 2)

9-10.3 Landscaping within Parking Lots.

All off-street parking areas of ten (10) spaces or more shall provide landscaped areas within the parking area. The landscaped areas shall be "islands" or "peninsulas" located within the interior of the parking area. The minimum width of a landscape area shall be five (5) feet and shall have a minimum area of forty-eight (48) square feet. Such landscaped areas shall be distributed throughout the parking area in order to break up the line and view of pavement and parked vehicles. Setback areas between parking spaces and property lines or buildings shall not be counted toward this landscape requirement. Parking overhang areas shall not be counted toward this landscape requirement.

The amount of landscaping shall be at least: sixteen (16) square feet of landscaping per parking space.

(Ord. No. 93-946 § 9-10.3; Ord. No. 2014-1649)

9-10.4 Parking Service Aisles.

All parking areas shall be designed with service aisles to meet the following standards:

Type of Parking	Width of Aisle (feet)
Parallel	12
30 degree angle	12
45 degree angle	15
60 degree angle	18
90 degree angle	24

(Ord. No. 581 § 9-10.4; Ord. No. 93-946 § 2; Ord. No. 2004-1370 § 2)

9-10.5 Parking Space Size.

- Parking Space Length.* For parallel parking, the length of a parking space shall be at least twenty-two (22) feet, except when one end adjoins a paved non-parking area at least four (4) feet long, in which case the length shall be at least eighteen (18) feet. For angled parking the length of the parking space must be at least eighteen (18) feet. For angled parking where overhang area of at least two (2) feet exists across the entire width of the space, the length of the space to be paved may be reduced by two (2) feet provided the two (2) foot area is landscaped and is not included as part of any other required setback or landscaped area.
- General and Customer Parking Space Width.* Each parking space for general and customer parking shall have a minimum width of nine (9) feet, measured perpendicular to the length. For stores providing shopping carts which customers may use to transport purchases to their vehicles, parking spaces shall have a minimum width of ten (10) feet.
- Employee and Long-Term Parking.* Parking spaces designated by signs as being reserved for employees or for long-term (e.g., commuter) uses, or provided with meters which allow parking for six (6) hours or more, shall have a minimum width of eight and one-half (8 1/2) feet.

(Ord. No. 581 § 9-10.5; Ord. No. 93-946 § 2; Ord. No. 2004-1370 § 3)

9-10.6 Off-Street Parking Requirements.

- For all new buildings or uses in addition to existing buildings or uses in all zone districts, there shall be provided the number of parking spaces required by the specific use, as prescribed in the following schedule:

Residential Uses

Use	Required No. of Spaces
1- and 2-family dwellings*	2 for each dwelling unit*
Apartments, townhouses and other multi-family dwellings	
1 bedroom or less	2 for each dwelling unit*
2 or more bedrooms	2.5 for each dwelling unit*
Senior Citizen Housing	1 for each dwelling unit
Low and Moderate Income Housing	
Studio/1 bedroom unit	1.50 for each dwelling unit*
2 bedroom unit	1.75 for each dwelling unit*
3 or more bedroom unit	2.00 for each dwelling unit*

*Garages may be counted for up to 50% of the required parking.

Nonresidential Uses

Editor's Note: GFA refers to "Gross Floor Area."

Assembly hall, community building, social club, institution	1 for every 100 sq. ft. GFA
Banks and similar financial institutions	1 for every 150 sq. ft. GFA
Bowling Alleys	5 for each alley
Business, professional and executive offices	
First 6,000 sq. ft. GFA	1 for every 150 sq. ft. GFA
Next 4,000 sq. ft. GFA	1 for every 200 sq. ft. GFA
Area above 10,000 sq. ft. GFA	1 for every 250 sq. ft. GFA
Church, auditorium, theater	1 for each 3 seating spaces or equivalent accommodation provided
Computer and data processing center	1 for every 200 sq. ft. GFA
Conference Centers	1 for every 50 sq. ft. GFA of conference room area
Funeral Home, Mortuary	20 for each slumber room
Hotel	1.2 for each one-bedroom hotel unit and 1.5 for each two bedroom hotel unit plus additional parking for other facilities available to persons other than hotel guests as follows:
Restaurant	As specified elsewhere in this schedule.
Convention/Conference Facilities	1 for every 150 sq. ft. GFA devoted for such use.
Banquet/Ballroom Facilities	1 for every 100 sq. ft. GFA devoted to such use.
Libraries	1 for every 300 sq. ft. GFA
Manufacturing Plant	
research laboratory, industry	1 for every 500 sq. ft. GFA
Medical and dental clinics and offices	1 for every 150 sq. ft. GFA
Public Garage	1 for every 100 sq. ft. GFA
Public Offices	1 for every 200 sq. ft. GFA
Recreational Instruction	1 for every 150 sq. ft. GFA
Restaurants, taverns, cafes	1 for every 100 sq. ft. GFA or 1 for every 3 seats, whichever is greater
Retail store, shop or similar establishment	1 for every 200 sq. ft. GFA
Schools, studios, including nursery school	1 for each 3 seats in public assembly area. If no public assembly area, 1 space for every 100 sq. ft. GFA
Warehouse, storage building	1 for each 1000 sq. ft. GFA
Wholesale establishment, furniture and appliance store, motor vehicle sales, wholesale store, building material store and similar hard good sales	1 for each 400 sq. ft. GFA

GFA refers to Gross Floor Area

b. Any building containing more than one (1) use shall meet the combined parking space requirement of all uses in the building, except that for residential units in upper stories in business or commercial zones, the requirement for such units is a minimum of one (1) parking space per unit. The Planning Board may allow shared parking between the residential units and business or commercial uses. Any change in use within a building shall be required to meet the minimum parking requirements for the new use.

c. For any use not listed above, there shall be provided at least one (1) parking space for every two hundred (200) square feet GFA.

d. If it can be clearly demonstrated that because of the peculiar nature of any use or in the case of mixed uses proposing shared parking all the required parking is not necessary, the Planning Board may permit a reduction in the amount of parking area to be paved, provided, however, that the entire required parking area shall be shown on the site plan and reserved for parking in the event future conditions should so require its use. The entire parking area, whether paved or reserved, shall be treated as a paved area for purposes of calculating stormwater run-off and lot coverage.

(Ord. No. 581 § 9-10.6; Ord. No. 93-947 § 1; Ord. No. 98-1149 § 1 Art. 9; Ord. No. 2000-1223 §§ 1, 3; Ord. No. 2004-1370 § 4; Ord. No. 2013-1623 § 4; Ord. No. 2014-1654 § 5)

9-10.7 Off-Street Loading.

For Off-Street Loading in all districts for every building or use requiring the receipt or distribution in vehicles of materials or merchandise, there shall be maintained on the same premises with such building or use at least one (1) off-street loading space.

- a. Each loading space shall be at least twelve (12) feet in width, thirty (30) feet in length and have a fourteen (14) foot clearance above grade.
- b. Such space shall be located in the side or rear yard only, but in no case in a side yard adjoining a street.

(Ord. No. 581 § 9-10.7; Ord. No. 769 § 1; Ord. No. 801 § 3)

9-10.8 Site Plans for Multi-Family Housing Developments.

In the case of a site plan for a multi-family housing development, the following design standards and criteria shall be met:

- a. The proposals for maintenance and conservation of the common open space shall be reliable, and the amount, location and purpose of the common open space shall be adequate.
- b. Provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic and the amenities of light and air, recreation and visual enjoyment shall be adequate.
- c. Parking spaces or driveways serving individual dwellings shall not be entered directly from a public street.
- d. All off-street parking areas and internal roadways shall be paved, bounded by permanent curbing and constructed in accordance with applicable Borough standards.
- e. Parking areas and internal roadways shall be located at least ten (10) feet from a building, unless the paved area is a driveway leading to a garage, at least ten (10) feet from a tract boundary line and at least twenty-five (25) feet from a public street.
- f. Internal roadways shall be at least twenty (20) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic and shall not enter a street within fifty (50) feet of an intersection. Parking in internal roadways shall be prohibited.
- g. The arrangement and location of garages, parking areas and internal roadways shall be subjected to approval of the Planning Board and shall be designed to ensure maximum safety, proper circulation and maximum convenience for residents and their guests.
- h. All common open spaces shall be attractively landscaped with grass lawns, trees and shrubs. Provision shall be made for the preservation of existing trees and natural features.
- i. Hard-surfaced sidewalks shall be provided in such locations as will ensure convenient pedestrian traffic as required by the Planning Board.
- j. Screening and fencing shall be provided to shield parking areas and other common facilities from view of adjoining property.

(Ord. No. 581 § 9-10.8)

9-10.9 Trees.

All site plans shall comply with tree removal requirements for major and minor subdivisions and site plans set forth in Section 13-10 of the Borough Code and all other applicable sections of the Borough Tree Removal and Protection Ordinance set forth in Code Chapter XIII. (Ord. No. 2002-1298 § 6)

9-10.10 Stormwater Management.

All site plans shall comply with the stormwater management design and performance standards set forth in Section 12-29 of the Borough Land Development Regulations. (Ord. No. 2006-1423 § 2)

9-10.11 Downtown Parking.

- a. For permitted uses on properties in the B-1 Business and C-1 Commercial Districts, the required number of parking spaces shall be determined by the Borough Zoning Officer in accordance with the Borough Code and parking variances or exceptions pertaining to the subject property that may have been granted prior to the adoption of this subsection. The applicant shall demonstrate that all conditions and requirements of such variances and/or exceptions are current and in effect.
- b. If a change in use does not result in an increase in on-site parking, it shall maintain the parking requirements of the replaced use.
- c. If it is determined that a change of use will result in an increase in the required number of parking spaces, the applicant shall be required to provide parking in the amount as confirmed by the Borough Zoning Officer based upon paragraph a. above. If that required parking cannot be satisfied on site, the applicant shall be permitted to purchase annual off-street parking permits in the Borough parking lot fronting Mt. Airy Road, or in another Borough operated parking facility that may come on line, in the number equivalent to the on-site parking deficiency. Such purchase is made to the Borough Administrator, provided these spaces are available in the Borough's parking lot(s).
- d. An applicant of a change in use may lease parking spaces from any property in the B-1 or C-1 Zone district within two hundred (200) feet of the subject property that the Borough Zoning Officer determines has excess on-site parking spaces. The lease agreement shall be submitted to the Borough Zoning Officer and maintained current.
- e. Failure of the applicant to maintain and reserve the required number of off-street parking spaces at the Borough's parking lot(s) or at the leased parking off site shall vacate any Borough approvals for the use. Nothing contained herein shall prohibit an application to the appropriate Board for approval of a parking variance.
- f. For the purposes of this parking ordinance subsection, "applicant" shall mean the owner of the subject property.

(Ord. No. 2014-1650)

*-Editor's Note: See Appendix A for Review Checklist for Zoning Board of Adjustment applications.

