

SECTION IX
DESIGN STANDARDS FOR SUBDIVISIONS AND SITE PLANS

1-57 General Interest: In passing on the adequacy of development plans, the Planning Board shall apply the standards contained in this Article. Each plan shall conform to design standards that will encourage good development patterns within the Borough. The plan shall conform to the proposals and conditions shown on the Official Map and on the Master Plan. The streets, drainage, rights-of-way, school sites, public parks and playgrounds shown on an officially adopted master plan or official map, shall be considered in approval of site plans and subdivision plans.

No subdivision or site plan shall be approved by the Planning Board/Zoning Board unless the plan, development, or use meets the performance standards herein set forth and such state or federal standards as may be more stringent than those set forth herein. Failure to comply with the performance standards at any time after the issuance of a certificate of occupancy shall be cause for revocation of such certificate. In reviewing any plan, the Planning Board shall consider:

- A. Circulation and Parking: The pedestrian and vehicular traffic movement within and adjacent to the site with particular emphasis on the provision and layout of parking areas, off-street loading and unloading, movement of people, goods and vehicles from access roads, within the site, between buildings and vehicles shall be reviewed.
- B. Site Design and Building Layout: The site design and layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement. Particular attention shall be given to safety and fire protection, impact on surrounding development and contiguous and adjacent buildings and lands.
- C. Lighting: Adequate lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. Directional lights shall be arranged so as to minimize 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 can consist of fencing, landscaped berms, evergreens, shrubs, bushes, deciduous trees or combinations thereof to achieve the stated objectives.
- E. Landscaping: 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 preservation of existing vegetation to the extent possible as well as trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art and the use of building and paving materials in an imaginative manner.
- F. Common Open Space: Common open space shall be provided as part of any planned development. Open space should be classified as developed (recreational) or undeveloped (natural) space. Undeveloped open space should have as a prime objective the preservation of a site's natural amenities (e.g. beaches, water body features, dunes, etc.).
- G. Signs: Signs shall be designed so as to be aesthetically pleasing, harmonious with other signs and buildings on the site. They shall be located so as to achieve their purpose without

constituting hazards to vehicles and pedestrians or be visually distracting from the overall site design.

- H. Utilities: Storm drainage, sanitary waste disposal, water supply and solid waste collection and disposal shall be reviewed. Particular emphasis shall be given to the preservation of stream corridors, establishment of drainage rights-of-way and the adequacy of existing utility systems, and the need for improvements both on-site and off-tract, where appropriate, to adequately carry run-off and sewage, and to maintain an adequate supply of water at sufficient pressure.
- I. Environmental Considerations: Environmental elements relating to prevention of soil erosion, preservation of trees, protection of watercourses, wetlands and floodplains, protection of water sources, noise, air quality, topography, soil and animal life shall be reviewed and the design of the plan shall minimize any adverse impact on these elements.
- J. Street Furniture: The site plan shall provide for those elements of street furniture appropriate to the particular use. These may include phone booths, benches, bike racks, trash receptacles and bus shelters.
- K. Conformance with Master Plan or Official Map: If the Master Plan or the Official Map provides for the reservation of designated streets, public drainage ways, flood control basins, or public areas such as parks, school sites, historic sites or similar lands within the proposed development, such areas shall be shown on the plan in locations and sizes suitable to their intended uses. The Planning Board may reserve the locations and extent of such public areas in accordance with the requirements of N.J.S.A. 40:55D-44.

1-58 Landscape Transition Areas, Buffers, Natural Features, Landscaping and Landscape Plans:

- A. Landscape transition areas or buffers shall be provided along any lot and street line of any non-residential lot where such line or the center line of the adjacent street coincides with a residence zone boundary. Yard requirements may be deemed to be included as part of the landscape transition buffer.

The Planning Board may waive the landscape transition area requirement where existing natural or manmade physical barriers provide an effective visual separation between residential and non-residential uses.

Each permitted use shall provide suitable buffers in order to protect the character, and to minimize any adverse impacts or nuisances on adjoining properties. Buffers shall be located around the perimeter of the site to minimize glare from headlights of vehicles, to minimize noise, to shield light from structures, to shield the movement of people and vehicles from adjacent property and to shield activities from adjacent properties. Buffers are fences, walls, landscaping, berms and mounds used to minimize any adverse impacts or nuisances on the site from adjacent areas. The applicant shall incorporate into its landscaping plan submitted with the site plan a buffer design plan which shall incorporate the following:

1. Buffers shall be located along property lines shielding various uses and activities from each other to be consistent with Section 1-53.
2. Buffer areas shall consist of lawn areas and massed evergreen and deciduous trees and shrubs planted in a manner that will provide a continuous visual screen throughout the entire year.

3. Evergreen and deciduous shrubs shall have a minimum height of three feet (3') when planted and shall be of varieties suggested herein.
4. The height of shrubs planted in a buffer area shall be measured from the ground level around the base of shrub to the topmost part of the shrub, once the shrub has been properly planted in the ground.
5. Where an area required for a buffer is already landscaped, it shall be left in its natural state, and existing growth shall be supplemented with additional plant material where necessary to bring the buffer area up to the minimum requirements of this Section.
6. In non-residential zones, all parking areas, garbage collection areas and loading/unloading areas exclusive of ingress and egress drive shall be screened from adjacent properties by a buffer strip at least four feet (4') in width.

The plant materials, fences, or walls used for screening purposes shall be sufficient to screen an area at all seasons of the year from the view of persons standing at an elevation approximately equal to that of the area to be screened on adjacent streets or properties.

Any article or material stored outside an enclosed building as an incidental part of the primary operation on a lot shall be screened as provided hereinafter by fencing, walls or evergreen planting.

Where the Planning Board deems it necessary to assure an effective visual screen between non-residential uses and streets or residentially zoned properties, such Board may require, in addition to landscaping, the provision of a fence of a type, height, and design suitable for the purpose, provided that the height of such fence or screening shall not exceed six feet (6').

- B. Landscaping Plan: Every application for approval of a site plan or a subdivision shall contain a landscaping plan prepared by a New Jersey Certified Landscape Architect, Registered Architect or Professional Engineer. The plan shall identify, locate and provide planting details for all proposed trees, shrubs, bushes, plant material and ground cover, all such existing plant materials proposed to be retained, and all ground cover, and natural features. For all existing natural growth proposed to be retained, the plan shall state the method(s) proposed to be used for its protection during and after construction (e.g. fencing, tree wells, curbing or similar devices).

The landscaping plan shall conform with the following design requirements, as applicable:

1. The site plan or subdivision plan shall be so designed as to preserve, wherever possible, natural features such as large trees, views, and scenic features or other recognized community assets.

Efforts shall be made to utilize as much existing vegetation on the site as possible.

2. All non-paved areas on properties shall be appropriately landscaped with trees and shrubs, grass and other suitable landscaping materials.

3. Landscaping shall be provided in public areas, recreation sites and adjacent to buildings. Where possible, shade trees shall be planted on the south side of buildings to shield them from the summer sun and evergreens on the north side of buildings, to serve as windbreaks.
4. The landscaping plan shall provide for a variety and mixture of plant materials taking into consideration their susceptibility to disease, colors (by season), textures, shapes, blossoms, and foliage.
5. The choice of landscaping shall be appropriate to site soil conditions and availability of water for irrigation.
6. Street trees shall be planted at a minimum interval of forty feet (40') on-center and they shall have a minimum caliper of three and one-half inches (3-1/2") measured at six inches (6") from the ground. Street trees can help unify dissimilar building styles and uses, separate vehicle and pedestrian zones, and provide shade, overhead canopy and scale to the streetscape. Flowering trees shall not be used as street trees.
7. Existing large trees shall be saved by not changing the surface elevation around the trees by more than twelve inches (12"), construction of tree wells, and by erecting 4 foot (4') high snow fence located at the drip-line of trees prior to any site disturbance.
8. Any tree on the site having a trunk diameter of more than four inches (4") at a height of two feet (2') from the ground shall not be removed or relocated unless it is in accordance with a plan approved by the Planning Board.
9. A sufficient number of shade trees shall be provided and planted on the site to maximize shading and insure a desirable living environment. Except as set forth hereinafter, at planting, deciduous trees shall have a minimum caliper of two and one-half inches (2-1/2") measured at six inches (6") above ground level, and evergreen trees shall be at least six feet (6') high. All trees shall be balled and burlapped.
10. Shrubs used as screens in buffer areas shall have an initial height of not less than five feet (5') and planted at intervals appropriate for the activities involved.
11. All new plant materials shall be guaranteed for two (2) years to be in healthy and vigorous condition and replaced as deemed necessary by the Planning Board.
12. Any damaged or dead trees shall be replaced by the developer and/or applicant up to two (2) years after a final certificate of occupancy has been issued.
13. Landscaping shall be located to provide for climate control. For example, shade trees on the south to shield the hot summer sun and evergreens on the north for windbreaks.
14. Use landscaping to accent and complement buildings. For example, groupings of tall trees to break up long, low buildings and lower plantings for taller buildings.
15. Shade trees shall be planted on each side of every street so as not to interfere with utilities, sidewalks and proper sight distance at intersections.
16. Replacement trees shall conform to the type of existing trees in a given area.
17. Landscaping shall be provided in public areas, recreation sites and adjacent to buildings.
18. Provide for a variety and mixture of landscaping. The variety shall consider susceptibility to disease, colors, season, textures, shapes, blossoms and foliage.

19. Consider the impact of any proposed landscaping plan at various time intervals so that, for example, shrubs do not grow and eventually block sight distances.
 20. Landscaping shall be located in protected areas, along walkways center islands and at the end of parking bays. In narrow islands, low spreading plants such as creeping juniper, English ivy, myrtle or pachysandra are appropriate.
 21. All landscaping in parking areas shall be carefully located so as not to obstruct vision. A variety of different types of trees shall be grouped to break up the mass of cars. Tree types shall be selected from those specified in "Trees for New Jersey Streets – 2nd Revision, 1974," published by N.J. Federation of Shade Tree Commission. Trees that cause damage or excessive site maintenance problems due to root systems or leaf shedding shall be avoided. Trees that can withstand parking area conditions are encouraged.
 22. Those portions of all front, side and rear yards not used for off-street parking, or vehicular or pedestrian circulation, shall be planted with trees, shrubs, plants or grass lawns or combinations thereof.
 23. An in-ground or drip hose irrigation system shall be used to water landscaping as determined to be necessary by the Planning Board.
- C. 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 preservation of existing vegetation to the extent possible as well as trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art and the use of building and paving materials in an imaginative manner.

The following landscape materials shall be used in the development of landscape plans. This list of species is to be used as a guideline and is not meant to exclude other acceptable species.

<u>Shade Trees</u>	<u>Common Name</u>	<u>Minimum Size</u>
<i>Acer pseudoplatanus</i>	Planetree Maple	2-2 ½" cal 12-14" HT
<i>Acer rubrum</i>	October Glory Red Maple	2-2 ½" cal 12-14' HT
<i>Celtis occidentalis</i>	Common Hackberry	2-1 ½" cal 12-14' HT
<i>Quercus phellos</i>	Willow Oak	2-2 ½", cal 12-14' HT
<i>Platanus acerfolia</i>	London Planetree	2- 2 ½" cal 12-14' HT
"Bloodgood"		

<u>Flowering Trees</u>	<u>Common Name</u>	<u>Minimum Size</u>
<i>Cornus Kousa</i>	Kousa Dogwood	6-8' HT
<i>Magnolia virginiana</i>	Sweetbay Magnolia	6-8' HT
<i>Amelanchier canadensis</i>	Shadblow serviceberry	6-8' HT
<i>Viburnum prunifolium</i>	Blackhaw Viburnum	2-2 ½" cal 8-9' HT
<i>Malus floribunda</i>	Japanese Crabapple	8-9' HT
<i>Prunus yedoensis</i>	Yoshino Cherry	2-2 ½" cal

<u>Evergreen Trees</u>	<u>Common Name</u>	<u>Minimum Size</u>
<i>Ilex opaca</i>	American Holly	7-8' HT
<i>Pinus strobus</i>	White Pine	7-8' HT
<i>Pinus thunbergii</i>	Japanese Black Pine	7-8' HT
<i>Juniperus virginiana</i>	Eastern Red Cedar	7-8' HT
<i>Thuja occidentalis</i>	Dark American	7-8' HT
"Nigra"	Arborvitae	7-8' HT

<u>Shrubs</u>	<u>Common Name</u>	<u>Minimum Size</u>
<i>Ilex glabra</i>	Inkberry	18-24" HT, 3' o.c.
<i>Myrica pensylvanica</i>	Bayberry	18-24" HT, 3' o.c.
<i>Prunus maritime</i>	Beach Plum	18-24" HT, 3' o.c.
<i>Viburnum dentatum</i>	Arrowwood Viburnum	18-24" HT, 3' o.c.
<i>Pyracantha coccinea Rosa</i>	Rutgers Firethorn	18-24" HT, 3' o.c.
<i>Rugosa</i>	Rugosa Rose	18-24" HT, 3' o.c.
<i>Rosa virginiana</i>	Virginia Rose	18-24" HT, 3' o.c.
<i>Vaccinium corymbosum</i>	Highbush Blueberry	18-24" HT, 3' o.c.
<i>Ilex crenada</i>	Japanese Holly	18-24" HT, 3' o.c.
<i>Berberis gladwynensis</i>	William Penn Barbery	18-24" HT, 3' o.c.

<u>Ground Cover</u>	<u>Common Name</u>	<u>Minimum Size</u>
<i>Cotoneaster dammeri</i>	Bearberry Cotoneaster	12-15" HT, 2' o.c.
<i>Juniperus chinensis sargentii</i>	Sargent Juniper	12-15" HT, 2' o.c.
<i>Rosa wichuraiana</i>	Memorial Rose	12-15" HT, 2' o.c.
<i>Juniperus conferta</i>	Shore Juniper	12-15" HT, 2' o.c.

NOTE: ALL TREES AND SHRUBS SHALL BE BALLED AND BURLAPPED

1-59 Parking, Loading, Storage, and Recycling Requirements:

- A. In all zones, at the time any building or structure is erected, enlarged, or increased in capacity, there shall be provided off-street parking for automotive, bicycle and other vehicles and off-street loading facilities in accordance with the requirements set forth herein as well as the parking space requirements for the handicapped contained in PL 1975, Chapter 221. All required parking and loading facilities shall be required to have a weather impervious surface and shall be completed prior to the issuance of a Certificate of Occupancy.
- B. Each permitted use shall provide an area for the orderly deposit and pickup of refuse which is concealed from adjacent residential properties. This area shall be visually screened by a decorative wall or fence and landscaping. The overall design shall be in architectural harmony with the principal building and shall not be located within buffer areas.

- C. All provisions and facilities for storage, other than the pickup of refuse, shall be contained within a principal building.
- D. The following minimum number of parking spaces shall be provided for the uses specified per gross floor area unless otherwise indicated:

<u>Land or Business Use</u>	<u>Minimum Standards</u>
Assembly hall, auditorium, theater, church or other similar place of public assemblage.	1 space for each 4 fixed seats. One seat shall be considered twenty-two inches (22") in calculating the capacity for pews or benches.
Automobile and gasoline service station.	1 space per tow truck, grease rack or similar unit of service capability, with a minimum of 5 spaces, plus 1 space for each 2 employees during the period of greatest employment, provided that the total number of spaces shall be not less than 6, but no greater than 12 spaces.
Banks and other financial institutions	1 space for each 600 square feet of gross floor area. Additionally, drive-in banks shall provide room for at least three (3) automobiles per drive-in window and/or lane for queuing purposes.
Beauty and barber shops	1 space for each 400 square feet of gross floor area.
Business, professional offices	1 space for each 400 square feet of gross floor area.
Sightseeing and sport fishing boats	1 space for four (4) passengers as determined by the appropriate Borough license and recorded seating capacity.
Marina	1 space per boat slip.
Dwelling: Attached single family, e.g. two-family unit, townhouse, duplex, three-family unit, or triplex	2 spaces per living unit and stacked parking for two (2) cars may be permitted according to site plan review.
Dwelling: Multi-family or garden apartment with more than three units per structure.	2 spaces per living unit and stacked parking for two (2) cars may be permitted according to site plan review.
General office, corporate office, research	1 space for each four hundred (400) square feet of gross floor area.

Hotel or motel	1.5 spaces for each suite of rooms/unit.
Medical or dental clinic or office	1 space for each 400 square feet of gross floor area or 4 spaces for each Doctor or Dentist, plus 1 space for each employee, whichever is greater.
Personal service business	1 space for each four hundred (400) square feet of gross floor area.
Private kindergarten, child nursery or institutional home	1 space for each six hundred (600) square feet of gross floor area.
Public or Private Schools	1 space for each employee, plus 1 space for each 5 seats in the auditorium or other places of assembly available to the public.
Restaurant	1 space for each six (6) seating accommodations of 1 space for every two hundred (200) square feet of building floor area, whichever yields the greatest number of spaces.
Recreation centers, clubs and service organizations	1 space for each five hundred (500) square feet of gross floor area plus 1 space for each two (2) full-time employees.
Retail business and stores	1 space for each four hundred (400) square feet of gross floor area.
Self-service laundry	1 space for each four hundred (400) square feet of gross floor area.
Swimming clubs	1 space for each four hundred (400) square feet of pool area.
Supermarkets	1 space for each four hundred (400) square feet of gross floor area.
Undertakers, mortuary or funeral homes	1 space for each sixty (60) square feet of floor area available for seating accommodations plus 1 space for each person employed therein.

Mixed uses	If two or more uses are conducted on one lot, the minimum required number of parking spaces shall be the aggregate required minimum number of parking spaces for each use computed separately.
Uses not specified	As determined by the Planning Board on the basis of the number of persons to be employed or to reside in or visit said building and the anticipated use by residents, visitors, or patrons or transportation modes other than private automobiles.

- E. Bicycle or Moped Parking Requirements: In addition to the required facilities for passenger automobiles, facilities for the secure and convenient parking of bicycles shall be required.
- F. Off-Street Loading Requirements: Off-street loading area or berths, open or enclosed with proper access from a street, highway, common service driveway or alley shall be required.
- G. Supplemental Parking, Storage and Loading Space Requirements: In addition to other provisions of this Article, the following shall apply.
 - 1. *Fractional space*: When the application of a unit of measurement for parking space or loading space to a particular use or structure results in a fractional space, a space shall be required for each such fraction.
 - 2. *Computing number of employees*: The number of employees, where not clearly stipulated, shall be computed on the basis of persons to be employed, taking into consideration day, night and seasonal variations.
 - 3. In determining minimum parking space requirements focuses not covered in this Article, the Planning Board shall be guided by the number of persons to be employed in said building or by the use; the number of persons expected to reside in, visit, or patronize the building or use; the anticipated percentage of residents, visitors or patrons using various transportation modes; and the need for safe and convenient loading space for visitors or patrons and goods.
 - 4. Trash storage containers shall be provided for all motels at a ratio of one (1) standard container capable of holding forty (40) to fifty (50) cubic feet for each forty (40) units. A coffee shop shall be considered five (5) units.
 - 5. Each permitted use shall provide an area for the orderly deposit and pick-up of refuse which cannot be seen from adjoining public streets, customer parking areas or adjacent lots when viewed by a person standing on ground level. This area shall be visually screened by a decorative wall or fence and landscaping. The overall design shall be in architectural harmony.
 - 6. Solid waste collection areas shall be provided and shall be located for the convenience of the occupants. Exterior and interior refuse receptacles, aesthetically designed, shall be provided for shopper convenience.

7. All provisions and facilities for storage, other than pick-up of refuse, shall be contained within a principal building. Any article or material stored outside an enclosed building or an incidental part of the preliminary operation on a lot shall be located in the side or rear yard and be so screened by fencing, walls, evergreen planting or combinations thereof that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
 8. All fences, trees, plantings, shrubbery, or other screening required by the Planning Board shall be consistently maintained at the level of quality required of said items at the time they were initially installed.
- H. Parking and Off-Street Loading and Unloading Requirements:
1. Where it can be demonstrated, at the time of Planning Board review, that the parking and/or loading and unloading requirements of this Article will result in more parking spaces than actual needs require, the Planning Board may permit a portion of the proposed parking and/or loading areas to remain unpaved, but landscaped. Such unpaved area shall remain reserved for such future facilities needs, and if conditions in use or actual operation of the proposed use vary, the Planning Board may require such unpaved space to be paved.
 2. Minimum off-street parking loading requirements as required by this Article may only be exceeded, where it can be demonstrated, at the time of Planning Board review, that such additional parking facilities are necessary for the actual operation of a proposed use. In such instances, the Planning Board may grant an increase in minimum spaces on a lot, provided that all other bulk and area requirements are met for the use in the district in which it is located.
 3. A variance and public notice shall be required when the proper number of parking spaces are not being provided on a lot.
- I. Recycling Requirements: The intention of this section is to provide standards and design guidelines governing the preparation of recycling plans for certain developments requiring subdivision or site plan approval. A recycling plan shall be submitted with every preliminary development plan application for twenty (20) or more units of single family or two family housing, multi-family or townhouse.

Non-residential and institutional establishments that are exempt from source separation requirements pursuant to N.J.S.A. 13:1 E-99-16 of the Recycling Act shall submit written verification of such exemption in lieu of the recycling plan required herein.

- 1) Standards for Single Family and Two Family Dwellings:
 - a. A recycling plan in the form of a narrative description and diagram or maps shall be submitted with every preliminary development proposal for the construction of twenty (20) or more units of single family or two family housing.
 - b. The recycling plan shall furnish a list of all applicable recyclable materials, including at a minimum, the following:
 - 1) Acceptable glass containers
 - 2) Acceptable metal containers
 - 3) Acceptable plastic containers
 - 4) Acceptable mixed paper
 - 5) Tires
 - 6) White goods

- 7) Leaves
 - 8) Batteries
- 2) Standards for Multi-family and Townhouse Dwellings:
- a. A plan in the form of a narrative description and diagrams and maps shall be submitted with a preliminary development application for multi-family or townhouse development of twenty (20) or more units. These herein standards may be modified by the Planning Board upon documentation from an applicant indicating actual solid waste surveys from similar projects that would support such modification and ensure the most appropriate space allocation that encourages recycling.
 - b. The recycling plan shall furnish a list of all applicable recyclable materials, including, at a minimum, the following:
 - 1) Acceptable glass containers
 - 2) Acceptable metal containers
 - 3) Acceptable plastic containers
 - 4) Acceptable mixed paper
 - 5) Tires
 - 6) White goods
 - 7) Leaves
 - 8) Batteries
 - c. Each multi-family and townhouse dwelling unit shall be designed to provide a location containing at least eighteen (18) cubic feet of space per unit for storage of designated recyclable materials. The location shall be clearly marked as such on floor plans of the dwelling unit. The required storage area may be designated within a garage structure accessory to the dwelling unit, if available.
 - d. For every twenty (20) dwelling units or portions thereof, an outdoor storage area containing a concrete pad of sufficient dimension to handle the following projected minimum recyclable material generation rates shall be provided:

Minimum Generation Rates

Newspaper	10 lbs. per person per month
Glass	7 lbs. per person per month
Aluminum	0.4 lbs. per person per month
Tin Cans	6 lbs. per person per month
Plastic containers	0.8 lbs. per person per month

An explanation of the method used to determine the proposed size of a storage area shall be provided. An explanation shall also be provided concerning how the determination was made for the size of storage containers.

The outdoor storage area shall be conveniently located for residential disposition of recyclables, preferably near, but clearly separated from a trash refuse dumpster. The outdoor area shall be enclosed on three (3) sides by a solid fence of six feet height and landscaping shall be provided around the fence in accordance with landscape standards contained in this Ordinance.

Outside deposit areas shall not be permitted in any required yard or setback area nor shall they interfere with the adequate operation of off-street parking facilities.

3) Standards for Non-residential Development:

- a. All preliminary non-residential development proposals for the utilization of one thousand (1,000) square feet or more of land shall submit with a preliminary site or subdivision plan a recycling plan to the Borough and to the Cape May County Municipal Utilities Authority that includes the following information:
 - (1) Description of the type of business expected to occupy the building. In a case where, during site plan or subdivision review, the business type is unknown, a recycling plan shall be based on an assumed tenancy mix. Should there be substantial deviation by more than twenty-five percent (25%) from the assumed tenancy mix prior to issuance of a certificate of occupancy, a revised recycling plan shall be submitted to the Borough's Construction Official and/or Recycling Coordinator prior to issuance of the permit/license.
 - (2) Non-residential establishments shall furnish a list of all applicable recyclable materials, including, at a minimum, the following:
 - a) Paper, including acceptable mixed paper, corrugated cardboard, and office paper.
 - b) Acceptable glass containers
 - c) Acceptable metal containers
 - d) Tires
 - e) Used motor oil
 - f) White goods
 - g) Batteries
 - h) Food wastes
 - i) Organic material
 - (3) Approximate amount of each recyclable material, listed by type, expected to be generated (in cubic yards or tons, monthly or annually).
 - (4) Material separation and handling practices, which shall include the following:
 - a) A list of areas where material is expected to be generated.
 - b) A method of storing material at the point of its generation.
 - c) A method of moving material from the generation area to the storage area.
 - d) Location of designated storage area.
 - e) Size of storage area with an explanation of method used to determine size of storage area.
 - f) Size and type of container used to store each material, both at the point of generation and storage prior to hauler pick-up. An explanation shall be provided concerning how determination was made for the sizing of storage containers.
 - g) The method of visually screening the recycling area.
 - h) Method of material removal, including, frequency of pick-up and type of vehicle(s) expected to be used for pick-up.

- i) Safeguards to minimize confusion between recycling areas and refuse collection areas shall be outlined.
- 4) Any agreement with a solid waste hauler or within a separate entity for recycling of source separated designated materials shall also be submitted for review.
- 5) On-site storage space requirements for designated recyclable materials shall be sufficient to accommodate the volume of recyclable materials expected to be generated by the proposed development. On-site collection areas shall not be permitted in any required yard or setback area, nor shall they interfere with the adequate operation of off-street parking facilities.
- 6) Landscaping and screening of the recycling storage area shall be provided in accordance with landscape standards contained elsewhere in this Ordinance.
- 7) Compliance with Other Municipal Codes.

Storage areas, both indoors and outdoors, shall meet all fire, building, health codes, and other applicable requirements for the Borough of West Wildwood.

- 8) Recycling Collection and Education Plan

For both residential and non-residential developments required to submit a solid waste recycling program, a plain language summary of the proposed recycling requirement storage areas and collection process shall be prepared. Such summary material shall be included as part of any sales or rental transactions, and the method for such information dissemination shall be provided as part of a development application.

If a residential or non-residential development application contains a homeowners association or business owners association, then the bylaws for such associations shall address the recycling plan envisions for the development project.

1-60 Circulation, Parking, Driveways and Loading Area Design Standards

- A. Access – Unobstructed access to and from a street shall be provided. Paved access drives or driveways shall be provided in accordance with the criteria provided in this Article.
- B. Location of Parking Spaces – Such parking spaces, open or enclosed, shall be on the same lot or tract of land as the building or use to be served unless the Planning Board, in connection with site plan review, shall approve collective off-street parking facilities for two or more buildings or uses on adjacent or contiguous lots. The total of such collective off-street parking facilities shall be not less than the sum of facilities required for the individual uses computed separately.

1. Loading and unloading areas shall be prohibited in the area between the front building line and the street line on arterial roads.
 2. In residential zones, a driveway within a required front yard may be used and counted as one motor vehicle parking space, provided a parked vehicle does not encroach upon public property.
- C. Location in Different Zones – No access drive, a driveway or other means of ingress and egress shall be located in any residential zone to provide access to uses other than those permitted in such residential zone.
- D. Sidewalks and Curbing – Sidewalks between parking areas and principal structures, along aisles and driveways and wherever pedestrian traffic shall occur, shall be provided with a minimum width of five feet (5') of passable area and be raised six inches (6") or more above the parking area except when crossing streets or driveways. At points of intersection between pedestrian and motorized lines of travel, and at other points where necessary to avoid abrupt changes in grade, a sidewalk shall slope gradually so as to provide an uninterrupted line of travel. Guard rails and wheel stops permanently anchored to the ground shall be provided in appropriate locations. Parked vehicles shall not overhang or extend over sidewalk areas.
- E. Curb Cuts in Residential Areas – For residential development on forty foot (40') lots, curb cuts shall be not more than twenty-eight feet (28') with another twelve feet (12') of continuous uncut curb.
- F. Landscaping
1. Parking areas shall be suitably landscaped to minimize noise, glare and other nuisance characteristics as well as to enhance the environment and ecology of the site and surrounding area. General landscaping design shall conform to criteria set forth in this Article. All open parking areas and access-ways thereto shall be properly drained and all such areas shall be a paved surface.
 2. Parking viewed from the public right-of-way or from any property used for residential purposes shall be suitably shielded.
 3. All commercial off-street parking areas shall be bordered by landscaped areas containing trees and shrubs to shield automobiles from view. Whenever feasible, the Planning Board shall require that at least 10 percent (10%) of the total parking lot area be used for interior landscaping. Such interior landscaping shall be distributed throughout the parking lot in planting islands to provide maximum shade and buffer from noise and glare. At least one deciduous tree for every 10 parking spaces shall be required within the parking lot. For the purposes of this requirement, any parking area enclosed or covered shall not be calculated as part of the total parking area.
 4. In all residential off-street parking areas interior landscaping shall be distributed throughout as determined by the Planning Board to provide for maximum shade and buffer from noise and glare. Buffering or fencing, evergreens, shrubs, bushes, deciduous trees, plants, or combination thereof shall be located along the edge of parking lots or property lines to minimize headlights of vehicles, noise, light from

structures, the movement of people and vehicles, and to shield activities from adjacent properties and roadways.

5. Landscaping shall be provided as part of the overall site plan design and shall be integrated into building arrangements, topography, parking, and buffering requirements. Landscaping shall include preservation of existing vegetation to the extent possible as well as trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art and the use of building and paving materials in an imaginative manner.

G. General Circulation Design Principles

1. Parking space allocations should be oriented to specified buildings.
2. Parking areas may be designed to focus on major walkways which should be marked.
3. Where possible, parking areas shall be separated from streets by islands with a minimum width of five feet (5').
4. All parking areas shall be provided with permanent and durable curbing or bumpers unless this requirement is waived by the Planning Board.
5. Where pedestrians must cross service roads or access roads to reach parking areas, crosswalks should be clearly designated by pavement markings and/or signs.
6. All parking and loading spaces and driveways should be so arranged that cars and trucks may be turned on the lot so that it is not necessary to back into any street. Vehicles being repaired shall be screened from adjacent properties.

H. Driveway Design

1. All entrance and exit driveways shall be located to afford maximum safety to traffic, provide for safe and convenient ingress and egress to and from the site, and to minimize conflict with the flow of traffic.
2. Any exit driveway or driveway lane shall be so designed in profile and grading and located to provide the following minimum sight distance of one hundred fifty feet (150') measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway that is immediately outside the edge of the road right-of-way.
3. No entrance or exit driveway shall be located on a rotary, ramp of an interchange, or within twenty feet (20') of the beginning of any ramp or other portion of an interchange.
4. For all one, two, and three family dwellings with a driveway between a building and property line, there shall be a minimum distance of ten feet (10') between the building and property line.

I. Driveway Angle

1. Two-way operation: Driveways used for two-way operation shall intersect the road at an angle to as near ninety (90) degrees as site conditions will permit and in no case will be less than sixty (60) degrees.

2. One-way operation: Driveways used by vehicles in one direction of travel (right turn only) shall not form an angle smaller than forty-five (45) degrees with a road, unless acceleration and deceleration lanes are provided.
- J. Driveway Dimensions – The dimensions of driveways shall be designed to adequately accommodate the volume and character of vehicles anticipated to be attracted daily onto the land development for which a site plan is prepared. The required minimum dimensions of non-residential driveways shall be twenty-four feet (24’).
- K. New or Altered Parking Lots – No public or private parking area or access roads thereto shall be constructed, altered or added to in the Borough until there shall have been filed with the Planning Board an application for a building permit, which shall include a plan, in duplicate, drawn to scale, showing the actual dimensions of the lot or lots to be built upon, the exact size and location on the lot or lots of the building or structure and accessory buildings already existing or to be erected, and containing such other information as shall be deemed necessary by the Planning Board to determine conformity with the provisions of this Ordinance and of the Building Code.
- L. Maintenance of Off-Street Parking and Loading Areas
1. Every parcel of land hereafter used as a public or private off-street parking or loading area shall be maintained in good condition, free of hazards and deterioration. All pavement areas, sidewalks, curbs, drainage facilities, lighting, bumpers, guardrails, markings, signs, bicycle parking devices, landscaping and other improvements shall be maintained in workable, safe and good condition.
 2. All off-street parking and loading areas, including driveways, shall be maintained with graded, dust-free surfaces that are well drained, such as asphalt or porous pavement as approved by the Borough Engineer. All such off-street parking and loading space and necessary passageways and driveways giving access thereto shall be maintained in a state of good repair and the surface thereof shall be kept clear of ruts, potholes, protrusions, debris, and other vehicular or pedestrian hazards. One (1) or two (2) family dwellings, however, may incorporate parking strips separated by gravel or grass as approved by the Borough Engineer for all off-street parking spaces and/or driveways.
 3. The governing body may authorize repairs for such improvements if, after proper notice, the owner fails to maintain such improvements and such conditions constitute a hazard to health and safety or where such improvements are government by a development or other similar agreement.
- M. Automobile Parking Design Principles
1. The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements set forth below.

The minimum width of access aisles shall conform with the following requirements:

Parking Angle (Degrees)	Aisle Width <u>One-way Traffic</u>	Aisle Width <u>Two-way traffic</u>
0 parallel	12	20

30	12	20
45	14	20
60	18	20
90 perpendicular	23	20

2. In outdoor parking or service areas for uses open to the public, parking spaces shall be striped, lines shall be four inches (4") wide. Such areas shall be curbed with permanent and durable curbing to confine cars to striped parking, without overhang or projection onto sidewalks, driveways, bicycle parking areas, planted areas or adjacent landscaped areas.
3. Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport, or other area available for parking, other than a street, access lane or a driveway. However, a driveway within a required front yard for a one-family residence may count as one parking space. All required parking spaces shall have a vertical clearance of at least seven feet (7'). Curbed islands are required.
 - a. All residential and motel parking shall require every parking space to consist of not less than one hundred sixty two (162) square feet of usable area and shall be measured exclusive of interior driveway or maneuvering areas. Minimum parking stall width shall be nine feet (9'), minimum length shall be eighteen feet (18').
 - b. All business parking shall require every parking space to consist of not less than one hundred sixty two (162) square feet of usable area and shall be measured exclusive of interior driveway or maneuvering areas. Minimum parking stall width shall be nine feet (9'), minimum length shall be eighteen feet (18').
 - c. All Marine Commercial Zone parking designated for boating purposes shall permit stacking. A parking lot attendant may be required at all times to assist vehicular entry-exit and use of stacked parking lots. Each space shall require a width of nine feet (9') and a length of eighteen feet (18').

N. Location and Access of Loading Areas, Berths

Unobstructed access, at least ten feet (10') wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading areas or berths shall be on the same lot as the use to which they are accessory. No entrance or exit for any loading area or berth shall be located within fifty feet (50') of any street intersection. No off-street loading berth or area shall be located in any front yard.

All areas for the loading and unloading of vehicles and for the servicing of establishments or shops shall be paved and have adequate and unobstructed access from a street, service driveway or alley and shall be so arranged that they may be used without blocking or otherwise interfering with the use of automobile access-ways, parking facilities, fire lines or sidewalks.

1-61 Streets

- A. Street Extensions – The arrangement of streets not shown on the Master Plan or Official Map shall be such as to provide for the appropriate extension of existing streets.
- B. Minor Streets – Minor streets shall be so designed as to discourage through traffic.
- C. Right-of-Way – The right-of-way width shall be measured from lot line to lot line and shall not be less than the following:
 - 1. Arterial streets, eighty feet (80’).
 - 2. Collector streets, sixty feet (60’).
 - 3. Minor streets, fifty feet (50’).
 - 4. Marginal access streets, forty feet (40’), or less than the extension of an existing street, as shown on the Official Map, whichever shall be least.
 - 5. The right-of-way width for internal roads and alleys in multi-family, commercial and industrial development, shall be determined on an individual basis by the Planning Board, and shall in all cases be of sufficient width and design to safely accommodate the maximum traffic, parking and loading needs and maximum access for firefighting equipment.
- D. Lots Abutting Existing Streets – Subdivisions that adjoin or include existing streets that do not conform to widths as shown on the Master Plan or Official Map or the street-width requirements of this Ordinance shall dedicate additional width along either one (1) or both sides of said road. If the subdivision is along one (1) side only, one-half (1/2) of the required extra width shall be dedicated.
- E. Intersections – Street intersections shall be as nearly at right angles as is possible and in no case shall be less than sixty (60) degrees. The block corners at intersections shall be rounded at the curb line, with a curve having a radius of not less than twenty feet (20’). Also, only one point of access and one point of egress may be allowed each property except where large frontages are present. In those later cases, the Borough Engineer may advise the Planning Board to the safety requirements involved.
- F. Property Access – Unless necessary to provide access to a lot in separate ownership existing before the date of this Ordinance, no driveway access to property or additional street intersection may be permitted within “Sight Triangles” as specified herein.
- G. Cul-de-sacs – Dead-end streets (cul-de-sacs) shall not be longer than six hundred feet (600’) and shall provide a turnaround at the end with a radius of not less than fifty feet (50’) and tangent, whenever possible, to the right side of the street.
- H. Street Names – No street shall have a name which will duplicate as to be confused with the names of existing streets. The continuation of an existing street shall have the same name.
- I. Alleys – The following shall apply to the design and location of alleys:
 - 1. Public alleys shall not be permitted in residential development except by permission of the Planning Board. Where public alleys are permitted in residential developments, they shall be twenty feet (20’) wide and paved for the full width.

1-62 Lots

- A. Lot Size – Minimum lot size shall be governed by the Zoning Ordinance.
- B. Lot and House Numbers – House and lot numbers shall be assigned each lot by the Borough Engineer.
- C. Side Lot Lines – Insofar as is practical, side lot line shall be at right angles to straight streets and radial to curved streets.
- D. Lot Frontage and Width – Each lot shall front on an approved street accepted by the municipality. Frontage shall be measured along a straight line between points where side lines meet street lines, e.g. the chord of a circle in a cul-de-sac.
- E. Unsuitable Lots – Where there is a question as to the suitability of a lot or lots for their intended use, due to factors such as flood conditions or similar circumstances, the Planning Board may, after adequate investigation, withhold approval of such lots. If approval is withheld, the Board shall give reasons and notify the applicant and enter the same into the minutes.
- F. Concrete Monuments – Concrete monuments shall be installed on both sides of all streets and elsewhere in accordance with the requirement of the N.J. Map Filing Act.

1-63 Easements

- A. Utility Installation and Other Easements – Easements along rear property lines or elsewhere for utility installation may be required. Such easements shall be at least fifteen feet (15') wide and located in consultation with the companies or municipal departments concerned.
- B. Drainage and Conservation Easements – Where a subdivision is traversed by a watercourse drainage way channel or street, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction of both as will be adequate for the purpose.
- C. Preservation of Natural or Manmade Assets – Wherever possible, sub-dividers shall preserve trees, sand dunes, waterways, scenic points, historic spots, and other community assets and landmarks.
- D. Buffer Areas – If a subdivision abuts an area zoned for a use different from the use permitted in the area of the sub-division, the Planning Board shall consider the need to provide a separation to promote the public safety and general welfare of the municipality. The Planning Board may require a landscape transition buffer as set forth in this Ordinance to be shown on the plat of the sub-division. The Planning Board shall be guided by the design criteria for such buffers as is contained in this Ordinance.

1-64 Construction Standards for Specific Improvements – The following construction standards and improvements are necessary to protect the health, safety, welfare, and convenience of the residents and public as well as needed to meet local, county, regional, state and national goals and objectives. It is recognized, however, that in peculiar situations, all of the improvements listed below may not be appropriate or needed.

- A. Streets – The developer shall submit plans, profiles, cross sections and design for the work to the Borough Engineer for approval prior to the start of any construction; at his own expense, grade all streets for their full width in conformity with the terrain and good engineering practices; shall have all underground utilities installed prior to any street paving construction; shall construct adequate underground pipe drainage systems to carry off surface water; shall construct streets in accordance with specifications shown below; and shall be a base course.

The paved roadway areas shall be constructed in accordance with the following:

1. Arterial Streets: As determined by the appropriate agency.
2. Collector Streets: Five inch (5") bituminous stabilized base course and three inch (3") type FABC-2 surface course.
3. Minor Streets: Four inch (4") bituminous stabilized base course and two inch (2") type FABC-1 surface course.

Prior to placing the surface course, the base course shall have a tack coat of bituminous material. All of the above construction shall be in accordance with current New Jersey Department of Transportation Standard Specifications and supplements thereto on file in the office of the Borough Engineer. The Standard Specifications are further supplemented to require that, prior to placing final surface course, the intermediate base course shall be open to traffic and shall so remain for at least one (1) winter season. Thereafter, the engineer shall inspect the pavement and will require areas of pavement failure to be removed and replaced, settled areas shall be leveled with hot mixed bituminous concrete. The engineer may require compacted selected fill or approved sub-base material as needed to replace native sub-grade material.

All traffic lanes, both moving and parking, shall be striped in accordance with the Manual on Uniform Traffic Control Devices, as amended. (U.S. Department of Transportation, Federal Highway Administration, 1971).

- B. Curbs – Shall be constructed of Portland cement air-entrained concrete, Class 6, having a standard strength of 4,500 pounds per square inch. Depressed curbs at driveways shall have a full depth of eighteen inches (18").
- C. Sidewalks – Shall be constructed of Portland cement air-entrained concrete, Class C, having a standard strength of 4,000 pounds per square inch. Minimum width shall be five feet (5').
- D. Water Mains – Water mains are to be installed in accordance with specifications approved by the City of Wildwood Water Utility or the following:
1. Engineering requirements for all water main installations are to comply with the rules and regulations of the New Jersey State Department of Health.
 2. All pipe shall not be less than Class 150 cast-iron pipe of the size determined by the engineer, but in no case less than six inches (6") in diameter, and meeting the current specifications of the American Water Works Association.

3. All joints shall be lead or mechanical joint.
 4. The depth of pipe from the finished surface or roadway or grade shall be not less than four feet (4') from the top of pipe.
 5. Fire hydrants shall be installed not greater than one thousand feet (1,000') apart at locations approved by the Borough Fire Inspector.
 6. Valves shall be installed with all fire hydrants and at such other locations in the lines as directed by the engineer.
 7. House service connections, from the main to the curb stop and box, must be installed at all lots prior to placing any foundation or surface on the roadway.
 8. No installation shall be covered until inspected and approved by the engineer.
- E. Sewers – Where required by the Planning Board, sanitary sewers including service laterals, shall be installed in all streets and easements before the base materials for the streets are in place or if the grading of the easement is complete, whether or not such sewers can be put to immediate use. Sewers in the streets and easements are to be constructed in accordance with the following:
1. All sewers, manholes, appurtenances and equipment shall be designed constructed and installed in accordance with the requirements of the Department of Health of the State of New Jersey, the approval of which shall be noted on plans and specifications submitted as part of the data required, and in accordance with the most recent approved specifications and details of the Borough.
 2. Pipe shall be asbestos cement or cast iron, of the class, type and strength of each required for the particular use and location.
 3. The minimum inside diameter shall be eight inches (8") for sewers in roadways or easements and five inches (5") for house connections; the diameter and slope (gradient) being such as to maintain theoretically a velocity of two feet (2') per second when flowing one-half (1/2) or full with an assumed $n = .013$. Without special permission of all approving authorities, pipes larger in diameter with flatter slopes shall not be permitted if the project rate of flow does not theoretically fill the pipe one-half (1/2) full.
- F. Joints – Sections of pipe shall be joined by slip-type rubber gasketed joints, mechanical joints and such other gasketed joints as approved. Hot poured bituminous joints and caulked lead joints may be used, if approved, where conditions are such that pre-formed gasketed joints are not applicable.
- G. Watertight Caps or Plugs – Termination of service laterals or any other temporary or permanent opening into the system shall be sealed by an acceptable means against the entrance of surface and ground water. Such sealed caps or plugs shall be so installed as to be watertight against any such internal pressure as might be applied in the testing of the sewer, as well as external subsurface water infiltration. Terminations of laterals shall be referred to "S" cuts on curbs or to other permanent monuments to facilitate locating the ends in the future.

- H. Manholes – Manholes may be either precast or built in place. No deviation from the approved standards will be permitted which may adversely affect water-tightness, structural strength, safe use or maintenance of the manhole or the pipes connecting thereto.
- I. Service Connections – Laterals for sanitary sewers shall be constructed from mains to a point two feet (2') beyond underground utility easement in front of the realty improvement to be sewered.

The owner shall, at the time he deeds the streets within a development to the Borough, give a bill of sale to the municipality, transferring title to all sewer utility improvements within street line limits and within easement limits absolutely free to the Borough of West Wildwood.

1-65 Lighting – In connection with every site plan, the applicant shall submit plans for all proposed exterior lighting. These plans shall include the location, type of light, radius of light, manufacturer's specification sheet and intensity in foot candles. Adequate lighting shall be provided to insure safe movement of persons and vehicles and for security purposes. The following design standards shall be followed:

- A. All lighting shall be serviced underground. The style of the light and light standard shall be consistent with the architectural style of the principal building.
- B. The maximum height of freestanding lights shall be the same as the principal building, but not exceeding twenty-five feet (25').
- C. All lights shall be arranged and shielded in such of manner as not to create a hazard or nuisance to nearby residential properties or the traveling public.
- D. Where lights along "property lines" would be visible to adjacent residents, the lights shall be appropriately shielded.
- E. Light fixtures attached to buildings and visible to the public shall be shielded.
- F. Free-standing lights shall be so located and protected to avoid being easily damaged by vehicles.
- G. Lighting shall be located along streets, parking areas, at intersections, and where various types of circulation systems merge, intersect, or split.
- H. Pathways, sidewalks and trails shall be lighted with low or mushroom type standards.
- I. Stairways, and sloping or rising paths, building entrances and exits require illumination.
- J. Lighting shall be provided where buildings are set back or off-set if access is provided at such points.
- K. The following intensity in foot candles shall be provided:
 - 1. Parking lots – an average of five tenths (.05) foot candles throughout.
 - 2. Intersections – three tenths (.03) foot candles.
 - 3. Maximum at property lines – one and zero tenths (1.0) foot candles.
 - 4. Residential areas – average of three tenths (0.3) foot candles.

1-66 Buffers – Buffers are fences, landscaping, berms and mounds used to minimize any adverse impacts or nuisances on the site or from adjacent areas. They shall be provided in accordance with the provisions as set forth in this Ordinance to include landscape transition buffers and landscape strips. The following design principles shall be considered:

- A. Evergreens may be used as buffers providing they are planted properly. An evergreen buffer requires two or even three rows of staggered plantings. The rows shall be planted at intervals such that within one complete growing season, visibility from public view is obscured between uses being buffered.
- B. Fences or walls as buffers shall complement the structural type, design and color of the principal building. A chain link fence with interwoven wood slats is not appropriate for residences or commercial properties.
- C. Solid fences (solid picket, board and batten, panel or louver types) are most appropriately used adjacent or attached to a building as an extension of its architecture. In such instances, consideration shall be given to coordination with the design theme, materials, and color of the principal structure.
- D. Semi-transparent fences (1" x 2" wood screen, picket or contemporary types) are less architecturally related to a principal structure and shall be finished in a more natural manner.
- E. Transparent fences (hedge, split-rail, wire mesh, chain link types) shall be as unobtrusive as possible and be located within an overall landscaping plan so that they blend into the landscape.
- F. Plantings shall be considered as part of any wall or fencing plan.
- G. Consider buffers for the following areas:
 - 1. Where interior roads run parallel with roads exterior to the site, a buffer should be erected to prevent confusion, particularly at night.
 - 2. Buffer parking areas, garbage collection areas, and loading and unloading areas.
 - 3. Consider prevailing wind patterns and use buffers to stop wind-borne debris from leaving the site.

1-67 Signs – Signs shall be permitted only in compliance with the following regulations which are intended to provide attractive, coordinated, informative and efficient signing in the Borough.

- A. General regulations. The following regulations shall apply to all permitted and pre-existing nonconforming signs:
 - 1. No signs shall be hung, erected or placed upon any building or structure unless a written application has been made to the Construction Official by the owner of the property and a permit issued upon payment of the established fee.
 - 2. All signs shall be kept in good repair which shall include replacement or repair of broken structural elements, casings, or faces, maintenance of legibility and all lighting elements.
 - 3. The owner of the premises shall be responsible for keeping the area surrounding ground signs neat, clean and landscaped.

4. Directional signs having areas of less than two (2) square feet are exempt from area and location regulations except they shall be located a minimum of five feet (5') from any property line and further provided they do not constitute a hazard to the traveling public.
 5. Applications shall comply with all applicable county, state and federal sign regulations.
 6. Non-conforming signs shall not be rebuilt, enlarged, changed, or altered in size, location or appearance unless they are to conform with these regulations.
 7. All principle buildings in all districts shall be clearly identified as to house number, street number or name by means of a small unobstructed sign, clearly visible and legible from the main and abutting street.
 8. Letter form and the use of symbols on signs must be simple, bold, and identifiable. The size, location, design, color, texture, lighting, and materials of all temporary and permanent signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.
 9. All signs shall be constructed and placed in such a manner as to insure driver reaction time and safe stopping distance to the entrance of the business or commercial use.
 10. Every sign shall be in good scale and proportion in design and visual relationship to structures, buildings and other surroundings.
 11. Every sign shall be designed as an integral architectural element of the structure, building and site to which it principally relates. As an architectural element, a sign shall be in harmony with the structure, building or site's character and use.
 12. The colors, materials, and lighting of every sign shall be harmonious with the structure, building and site to which it principally relates.
 13. The number of graphic elements on a sign shall be limited to a minimum needed to convey the sign's main message, and shall be composed in proportion to the area of the sign face.
 14. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
- B. Prohibited Signs. Signs prohibited in all zones shall specifically include, but not be limited to, the following:
1. Any sign which does not pertain to an occupant, service, or product actually occupying or provided on the premises where such sign is located.
 2. Roof signs and signs extending above the wall to which they are attached except as where permitted in this Article and in the MC and T-C zones.
 3. Signs posted on fences, posts, utility poles or trees.
 4. Signs posted on Borough property without the consent of the Governing Body.
 5. Signs standing, installed or painted on sidewalks or curbs.
 6. Exterior moving signs or lights of any nature.
 7. Signs on abutments, retaining walls, embankments, standpipes, water towers or similar structures unless approved by the Governing Body.
 8. Advertising signs painted directly on buildings, except in the M-C and T-C zones.

9. Advertising signs which constitute a hazard to the traveling public.
 10. Pylon signs except as permitted herein.
 11. Billboard signs.
 12. Automobile, trailer (attached or unattached) or vehicle of any nature bearing signs or advertisements, parked or left for more than twenty-four (24) hours upon any vacant land or public street.
 13. Flashing or illuminating signs that spell or present alternating messages.
 14. Any lighting or control mechanism which may cause radio or television interference.
 15. Signs where the actual force of illumination is exposed to public view with the exception of neon.
 16. All temporary signs shall be prohibited except as outlined below.
- C. Temporary signs and banners. Temporary signs in all zones shall be subject to the following regulations:
1. Temporary signs shall be permitted identifying architects, builders, brokers, and contractors on premises where a building is being constructed, altered or repaired. No sign shall be displayed for a period exceeding the time required for such construction, alteration or repair, or for one year, whichever is less. Unless affixed to the principal building, such signs shall be set back at least ten feet (10') from all property lines. There shall be no more than one (1) such sign on any property. Said sign shall not exceed twelve (12) square feet in size, and shall not stand more than four feet (4') above ground level.
 2. One temporary window or ground mounted sign shall be permitted announcing that the property on which it is located is for sale or rent, provided such sign shall be displayed for only so long as such property is for sale or rent. Such signs shall not exceed twelve (12) square feet, and, if free-standing, shall not stand more than six feet (6') above ground level. No permit shall be required when placed by the property owners or their duly authorized and licensed real estate brokers.
 3. Temporary political signs shall be permitted in all zones for a period of two (2) months prior to a primary, general and/or special election and for one (1) week thereafter. Said signs shall not exceed sixteen (16) square feet and no side of any sign shall be more than eight feet (8') in any direction.
- D. Window lettering and window signs. Window lettering and signs shall be permitted only in the Marine and Commercial Zones. For the purpose of enforcing this Ordinance, window lettering and signs shall not be construed as signs, but shall be subject only to the following restrictions:
1. All window lettering and signs shall be inside the window.
 2. Permanent window lettering and signs shall be permitted only if the space confining such lettering and signs, or the background, upon which it appears, does not exceed twenty percent (20 %) of the window area. Any painted area of any window shall be construed as window lettering or signs, whether or not such area actually contains lettering or advertising.

3. Window lettering or signs shall pertain only to that establishment occupying that portion of the premises where the window is located.
 4. Temporary window lettering or signs, advertising special sales or event, shall be removed within thirty (30) days after erection. Also, such window lettering or signs, in conjunction with permanent window lettering or sign, shall not cover, in the aggregate, more than twenty five percent (25%) of the window area.
 5. The following window lettering and signs are specifically prohibited:
 - a. Those having an exterior source of illumination which is intermittent or flashing in nature, or which produces glare which interferes with pedestrian or vehicular traffic;
 - b. Moving signs.
 6. All window lettering and signs shall be kept in good repair.
 7. The Construction Official shall have the authority to order the removal of any window lettering or sign which does not conform to these specifications. Any owner or tenant not complying within seventy-two (72) hours.
- E. Sign regulations for specific uses:
1. Hotels/motels and their permitted accessory uses in the motel district shall be permitted to display only the following signs:
 - a. Two (2) signs for the purpose of identification and advertising which shall both be attached to the building, or one attached to the building and one placed on the roof of the building. The total area of these two (2) signs shall not exceed one hundred (100) square feet in area, which area shall be computed by first measuring the initial letter of letters of the name independently as a rectangle and then measuring the remainder of the letters in the name together as a rectangle, but the entire square footage of all of said letters measured aforesaid and combined shall not exceed seventy-five (75) square feet, as aforesaid. No one sign shall exceed seventy-five (75) square feet in area. Where a sign does not have a panel background, the area of such sign shall be computed by measuring the plane surface lying within the shortest straight lines connecting the exterior points of the letters and ornaments on and of said sign. Lighting used on any signs in the said Borough must be of constant intensity and not flashing, revolving, animated or otherwise moving. Signs mounted on a roof shall not be permitted to extend ten feet (10') above the topmost point of the roof.
 - b. Hotels or motels containing and maintaining, in connection with the operation thereof, a restaurant, are permitted to erect and maintain two (2) illuminated service display signs advertising the restaurant facilities which sign is not to exceed sixteen (16) square feet in size measured as aforesaid.
- F. Signs in residential districts. Only the following types of signs shall be permitted in residential districts:
1. Signs accessory to parking areas for institutional or public uses. Signs designating entrance or exits to or from a parking area shall be limited to one (1) sign for each such exit or entrance, with a maximum size of two (2) square feet for each sign. One (1) sign

per parking area designating the conditions of use or identity of such parking area, and limited to a maximum size of six (6) square feet shall be permitted.

2. Nameplate and identification signs for single-family dwellings. A sign indicating the name or address of the occupant, or a small professional announcement sign may be permitted provided that the sign shall be no larger than two (2) square feet.
3. Institutional signs. Signs of schools, colleges, churches and other institutions of a similar public or semi-public nature may be erected and maintained provided that:
 - a. The size of any freestanding sign shall not exceed ten (10) square feet and not more than one (1) such sign is placed on a property, unless such property fronts upon more than one (1) street, in which instance a sign may be erected on each frontage.
 - b. Signs may be affixed to a maximum of two (2) walls of a structure. The total sign area on each wall shall not exceed twenty-five (25) square feet or two percent (2%) of the wall, whichever is less. The wall area shall be measured from ground level to the bottom of the roof eaves and from the side of the building to the other side.
4. A sign erected by the Borough, county, state or federal government.
5. Signs used for the protection of the public during construction or repairs.
- G. Signs in non-residential districts may be erected only in accordance with the following requirements:
 1. Those signs permitted in residential zones.
 2. Exterior wall signs on nonresidential establishments shall be permitted a total of two (2) signs provided, however, that no single exterior wall of any one (1) establishment shall contain more than one (1) of the two (2) permitted signs. The total sign area for the sign permitted on the face of any wall shall not exceed five percent (5%) of the face of the wall area and all signs located in the T-C or M-C Zones shall not exceed sixteen (16) square feet in area. Also, except as noted below, no such sign shall be free-standing or perpendicular to the street line.
- H. Signs in non-residential districts may be erected only in accordance with the following requirements:
 1. Free-standing signs may be permitted in the M-C or T-C Zones at a maximum of one (1) free-standing sign advertising the business establishments or services located on the lot therein, provided that:
 - a. The area of said sign shall not exceed thirty (30) square feet on each side or surface.
 - b. The location of said sign's outboard edge shall not be nearer than one-half (1/2) the required setback from any abutting road right-of-the-way line or property line.
 - c. The base of said sign shall be appropriately landscaped.
 - d. No free-standing sign shall be erected on a side which borders on a residential zone.
 2. Free-standing signs may be permitted for marine fishing and marine sightseeing uses directly related to boats provided they do not interfere with pedestrian sidewalk traffic.
 3. The location of signs shall not block the view of any existing signs on adjacent properties as seen from the inside travel lane.
- I. Substandard signs may be removed by the Borough for the following reasons:

1. Unsafe Signs. Whenever a sign becomes structurally unsafe or endangers the safety of life or property, the Construction Official shall give a written notice that the sign either be made safe or removed. Compliance with the written notice shall be within ten (10) days of receipt of this order.
 - a. The Construction Official or his authorized representative may remove said hazardous sign in the event that the individual, corporation or other entity responsible for same cannot be found or refuses to repair or remove it. The Borough may charge the owner of the sign for any costs incurred in removing hazardous signs.
2. Abandoned Signs. Any individual, corporation or entity who owns or leases a sign shall remove said sign within thirty (30) days after the party advertises that business is no longer conducted in or on the premises, or the party vacates the premises. Removal of the sign can be done in the same manner as described in paragraph 1.a above.
3. Illegal Signs. Any sign erected or applied in violation of this Ordinance shall be removed by the owner within ten (10) days after receipt of written notice. Failure to remove the sign will be handled in the same manner as described in paragraph 1.a. above. The signs shall be removed by the Borough at the owner's expense.
4. Dilapidated Signs. A sign shall be deemed substantially destroyed or deteriorated when the value of said sign, after destruction or any stage of deterioration, is less than fifty percent (50%) of the replacement value of the sign.

1-68 Utilities – The design and location of all utilities shall be based on Borough standards and the public utility having primary jurisdiction. The location of all utilities shall be coordinated by the Borough Engineer. Storm drainage, sanitary waste disposal, water supply, and solid waste collection and disposal shall be reviewed and considered. Particular emphasis shall be given to the adequacy of existing systems and the need for improvements, on-site, off-site and off-tract, to adequately carry runoff and sewage and to maintain an adequate supply of water at sufficient pressure. All plans shall be approved by the Borough Engineer and shall be in accordance with those detail and design standards on file with the Borough Clerk.

1-69 Street Furniture – Street furniture are the manmade elements of the environment. These include, but are not limited to, phone booths, benches, planting boxes, mail and meter boxes, lighting standards, directional signs, bollards (posts), fences and walls, water fountains and pools, drinking fountains, trash receptacles and bike racks. In reviewing a site plan, details of street furniture shall include location, size, lighting, and design relationship to principal buildings. Such furniture shall be subordinate to the site plan and arranged in a design-coordinated fashion to the principal use on the lot (e.g. color, scale, bulk) shall be reasonably harmonious with the principal building and coordinated with the overall site landscaping plan.

1-70 Building Site Design Principles – In the site planning and layout of multi-family and higher density residential developments, the following principles, as appropriate, should be considered:

- A. For townhouse style or similar attached structures, a maximum of six (6) dwelling units in a single row with a minimum offset of two (2) to four (4) feet between every two (2) dwelling units should be encouraged. No more than six (6) dwelling units should be permitted in a straight line. The planes or other straight facades should be no more than eighty feet (80') in length without at least a two-foot offset. Private parking areas should be located near the entrances and outdoor living areas or patios adjoining open space or paths leading to open space. Townhouses and similar style structures in each cluster should be consistent in terms of architectural style and major design elements such as materials, color tones, windows, roof lines, or roof design.
- B. The site plan should be broken into visually small groupings such as quadrangles, clusters and courts, devices to slow speed and reduce the size of each visual grouping, such as garden walls and gates, reduction in setbacks of facing buildings, and variable landscape layouts.
- C. Private off-street parking areas shall be located near dwelling unit entrances.
- D. Architectural elements such as masonry walls and fences shall be compatible, in both style and materials, with the dwelling unit and development of which it is a part.
- E. Architectural style and major design elements of each dwelling unit, such as materials, color tones, windows, and roof design, shall be compatible with all proposed dwelling units in the immediate neighborhood. Building exteriors shall have vertical and/or horizontal offsets to create visual breaks on the exterior.
- F. All garages or carports shall conform architecturally to and be of similar materials as the principal building in the development.
- G. An outdoor private living space shall be provided for each dwelling unit. Buildings shall have open balconies or decks and patios.
- H. Each building or complex of buildings shall have an architectural theme with appropriate variations in design to provide attractiveness to the development compatible with the development and in its relationship to adjacent land uses. Such variations in design shall result from the use of landscaping and the orientation of buildings to the natural features of the site and to other buildings as well as from varying unit widths, using different exterior materials, changing roof lines and roof designs, varying building heights, and changing window types, shutters, doors, porches, and exterior colors. Architectural elevations shall be submitted to the Planning Board for review and approval.
- I. All dwelling units shall be connected to approved and functioning water and sanitary sewer systems prior to the issuance of Certificate of Occupancy.
- J. No outside area or equipment should be provided for the hanging of laundry or the outside airing of laundry in any manner. Sufficient area and equipment shall be made available

within each building for the laundering and artificial drying of the laundry of the occupants of each building.

- K. For each apartment unit, in addition to any storage area contained inside individual dwelling units, there shall be provided for each dwelling unit two hundred fifty (250) cubic feet of storage area in the cellar, basement, or ground floor of the building where personal belongings and effects may be stored without constituting a fire hazard and where said belongings and effects may be kept locked and separated from the belongings of other occupants.
- L. No dwelling shall be constructed below grade. Units shall be designed in such a manner as to provide maximum security and visual privacy from adjacent dwelling units.
- M. The use of natural lighting and solar heating is encouraged. Buildings shall be sited so as to take advantage of view, sun and wind factors.

1-71 Airborne Emissions – No use generating airborne emissions, activity, operation or device shall be established, modified, constructed or used without having first obtained valid permits and certificates from the Bureau of Air Pollution Control, NJDEP, pursuant to NJAC 7:27-8. Specifically, no use, activity, operation or device shall be established, modified or constructed without a valid “Permit to Construct”. No use, activity, operation or device shall be operated, occupied or used without a valid “Certificate to Operate Control Apparatus or Equipment”.

In addition to the requirements of NJDEP, the following shall also apply:

- A. Particulate matter shall not be discharged into the outdoor air in a concentration exceeding three hundredths (0.03) grains per cubic foot of gas at actual gas conditions unless a minimum of ninety-five percent (95%) of such particles leaving the process in the stack gas are removed from the gas prior to discharge. However, regardless of degree of gas cleaning, the following provisions shall apply:
 - 1. The concentration of solid particles shall not exceed five hundredths (0.05) grains per cubic foot at six hundred degrees Fahrenheit (600°F) and one atmosphere pressure.
 - 2. No more than three percent (3%) by weight of the particles discharged shall equal or exceed forty-four (44) microns in diameter.
 - 3. No more than twenty (20) pounds of particulate matter per hour shall be discharged into the outdoor air from any single source.
- B. Visible emission such as smoke, the shade or appearance of which is darker than No. 1 on the Ringelman Smoke Chart, shall not be emitted into the open air from any fuel-burning equipment; provided, however, that smoke emitted during the clearing of a fire box or the building of a new fire, the shade or appearance of which is not darker than No. 2 on the Ringelman Smoke Chart, may be permitted for a period or periods aggregating no more than three (3) minutes in any fifteen (15) consecutive minutes.

1-72 Noise

- A. Standard Noise shall be measured with a sound level meter complying with the Standards of the American National Standards Institute, "American Standards Specifications for General Purpose Sound Level Meters" (ANSIS1.4-1961 or its latest revisions). The instrument shall be set to the A-weighted response scale and the meter to the slow response. Measurements shall be conducted in accordance with "American Standard Method for the Physical Measurements of Sound" (ANSIS1.2.r1961).
- B. Noise level restrictions: Noises shall not exceed the maximum sound levels specified in the table, except as designated below:

	<u>Noise Level Restrictions</u>	
<u>Performance Category</u>	<u>Maximum Level Permitted</u>	<u>Where Measured</u>
Residence Districts	55dBA	On or beyond the neighboring use or lot line
All other Districts	65dBA	On or beyond the lot line or district boundaries

In any residence district, the A-weighted sound levels shall not exceed 50 dSA during the hours of 9:00 p.m. and 7:00 a.m. Whenever a residence district abuts any other district, the most restricted of the limitations shall apply.

- C. Exclusions and permitted variations:
1. The levels specified in the table may be exceeded once by ten (10) dB in a single period of fifteen (15) minutes, during any one day.
 2. Peak values of short duration also known as impact noises may exceed the value specified in the table by twenty (20) dB or have a maximum noise level of seventy-five (75) DSA, whichever is more restrictive.
 3. Noises such as alarms, sirens, emergency warning devices, are excluded from the above limitations.

1-73 Glare and Heat

- A. Allowable illumination – Any operation or activity producing intense glare except for emergency procedures shall be conducted so that direct and indirect illumination from the source shall not exceed three tenths (0.3) foot candle in any area zone residential. Flickering and intense sources of light shall be controlled so as not to cause a nuisance across adjacent lot lines.
- B. Heat – Source of heat, including but not limited to, stream, gases, vapors, products of combustion or chemical reaction shall not discharge onto or directly contact structures, plant life or animal life on neighboring uses or impair the function or operation of a

neighboring use. No use, occupation, activity, operation or device shall cause an increase in ambient temperature, as measured on the boundary between neighboring uses.

1-74 Storage and Waste Disposal

- A. All outdoor storage facilities for fuel, raw materials and products stored outdoors, shall be enclosed by an approved safety fence and suitable landscaping to screen such areas from public view and shall conform to all yard requirements imposed by Borough zoning standards upon the principal buildings in the zone.
- B. No materials, wastes or other substance shall be stored or maintained upon a lot in such a manner that natural run-off from such areas on a site with an approved storm-water drainage plan can impair the existing water quality of a stream, water course or aquifer more than the primary use intended for the lot.
- C. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in containers which are adequate to eliminate such hazards.
- D. Except for smoke which is emitted from chimneys, no smoke, fumes or objectionable odors shall be emitted from any building.
- E. Storage and disposal of hazardous waste materials shall not be permitted in the Borough.

1-75 Drainage – In order to duplicate as nearly as possible natural drainage conditions, regulation and control of storm-water runoff and erosion shall be through on-site storm-water detention and/or ground absorption systems, where possible, which include, but are not limited to, the following:

- A. Detention areas, which may be depressions in parking areas, excavated basins or basins created through the use of curbs, landscaped areas, or any other form of grading which serves to temporarily impound and store water.
- B. Rooftop storage through temporary impoundment and storage of storm-water on flat or slightly pitched building rooftops by use of drain outlets which restrict the storm-water runoff from the roof surface.
- C. Dry wells or reaching basins which control storm-water runoff through ground absorption and temporary storage.
- D. Porous asphaltic pavement which preserves the natural ground absorption capacity of a site and provides a sub-surface reservoir for temporary storage of storm-water.
- E. Any system of porous media, such as gravel trenches drained by porous well of perforated pipe, which temporarily stores and dissipates storm-water through ground absorption.
- F. Any combination of the above mentioned or other techniques, as approved by the Borough Engineer, which serves to limit and control storm-water runoff from a given site.
- G. The storm system shall be adequate to carry off the storm-water and natural drainage water which originates within the lot or tract boundaries. No storm-water run-off or natural drainage water shall be so diverted as to overload existing drainage systems to create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for taking care of these conditions.
- H. Techniques for computing water run-off shall be as prescribed by the Borough Engineer.
- I. Lots shall be graded away from the building(s). Additionally, drainage shall be provided in a manner which will prevent the collection of storm-water in pools or other unauthorized

concentrations of flow and water shall not flow across adjacent property lines at greater than pre-development rates.

- 1-76 Odor** – Odors shall not be discernible at the lot line or beyond. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.
- 1-77 Ventilation** – No use shall obstruct the natural ventilation of adjacent uses nor contaminate the air with excessive heat or odor. Further, no air-conditioners or exhaust fans shall be permitted to discharge exhausted air unless set back within the building line.
- 1-78 Vibration** – There shall be no vibration which is discernible to the human senses or which is at low or high frequencies capable of causing discomfort or damage to life or property.
- 1-79 Toxic and Radioactive Substances** – There shall be no toxic or radioactive substances associated with any use.
- 1-80 Electrical and/or Electronic Devices** – All electric or electronic devices shall be subject to the provisions of Public Law 90-602, 90th Congress, HR 10790, dated October 18, 1968, entitled “An Act for the Protection of Public Health and Safety from the Dangers of Electronic Product Radiation” and the BOCA Basic Building Code as adopted by the State of New Jersey.
- 1-81 Soil Protection**
- A. A soil disturbance review shall be required when an amount of soil exceeding five thousand (5,000) square feet or more of disturbance is to be removed or placed upon any site, regardless of the time span to accomplish such removal. Any proposed removal under 5,000SF shall be reviewed and approved by the Borough Engineer. However, nothing in this review shall be construed to prevent any owner, otherwise eligible in accordance with law, from excavating or cutting, stripping or otherwise disturbing lands or soil for the following purposes:
1. Construction, uses and modifications of a one-family dwelling and its normal accessory and appurtenant uses.
 2. Gardening for non-commercial purposes.
 3. Commercial, agricultural or horticultural use when in accordance with accepted farm agricultural practices, approved by the County Soil Conservation District.
 4. Excavation or cutting, stripping or other land or soil disturbance other than removal from the site necessary for the construction or reconstruction of curbs, sidewalks, private residential driveways, drainage systems, sewage disposal systems and other utility service connections, provided that all other Borough, County, State and District approvals have been received.
 5. Installation, removal, replacement or maintenance of landscaping, including trees, shrubs, flowers and cover where the existing land contours are not changed by more than one (1) foot.
- B. In reviewing site plan applications for soil disturbance, the Planning Board shall consider the following criteria:

1. Any proposed soil disturbance shall be the minimum necessary consistent with the proper development of the site and shall be done in a manner which will minimize erosion and sedimentation damage and other adverse consequences.
2. Physical characteristics of the remaining soil shall be adapted for uses to which the land may lawfully be put.
3. Wherever feasible, natural vegetation shall be retained and protected.
4. The extent of the disturbed area and the duration of its exposure shall be kept within practical geographic and time limits.
5. Either temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed critical areas during soil disturbance.
6. Drainage provisions shall accommodate any increased water runoff resulting from modified soil and surface conditions during and after the soil disturbance.
7. Water runoff shall be minimized and retained on-site wherever possible to facilitate groundwater recharge and to mitigate possible downstream damage.
8. Sediment shall be retained on-site to the maximum extent feasible.
9. Necessary diversions and sedimentation basins and similar required preventive measures shall be installed prior to any on-site disturbance.
10. Compliance with minimum standards and specifications contained in Standards for Soil Erosion and Sediment Control in New Jersey and approval of the Soil Conservation Service prior to actual soil disturbance shall be required.
11. Dust and mud on the premises in question, as well as on abutting lands shall be prevented or controlled.
12. Soil fertility and the resulting ability of the affected area to support plant and tree growth shall be preserved by the preservation of adequate topsoil.
13. Necessary lateral support and grades of abutting lands, structures and other improvements shall be maintained.
14. Pits and declivities which are hazardous or which provide insect breeding locations shall be avoided.
15. The manner of disturbance and/or transportation or removed soil will not adversely affect the public health, safety and general environmental welfare of the Borough.

1-82 Monuments – Monuments shall be installed in compliance with the requirements of N.J.S.A. 46:23-9.11 (q). All lot corners shall be marked with a metal alloy pin of permanent character.

1-83 Street Lighting – Street lighting of a type supplied by the utility and of a type and number approved by the Borough Engineer shall be provided for all street intersections and along all arterial and collector streets and anywhere else deemed necessary by the Planning Board. Wherever this Ordinance requires the underground installation of electric utilities for residential areas, the applicant shall provide for the installation of underground service for street lighting.

1-84 Critical Areas

A. Basis for Establishing Critical Areas:

The mapping of critical areas within the Borough of West Wildwood is based upon the delineation of flood hazard areas on the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency dated October 17, 1975.

Additionally, while information depicted on the Flood Insurance Rate Maps has been prepared as accurately as possible, nevertheless, it must be understood that detailed information mapped at such a large scale may not represent the actual conditions on any particular parcel of land. Therefore, the information is not intended to take the place of specific on-site engineering data presented to the Borough at the time applications are submitted for approval of a subdivision, site plan, construction permit, and/or any other application which considers the “critical areas” categories of information depicted on the map.

A further consideration would be the utilization of the “Best Available Data” provided by FEMA relating to flood hazardous areas.

B. Regulations for Coastal Flood Hazard Protection

1. Findings:

- a. The Borough of West Wildwood occupies part of a low-lying barrier island which is exposed constantly to the threat of coastal flooding due to hurricanes, Nor’easters, and storms.
- b. The entire Borough of West Wildwood has been designated by the Federal Emergency Management Agency as being exposed to a one percent (1%) or greater chance of being flooded in any given year.
- c. The predictable hazards of coastal flooding subject the residents, owners of businesses, and visitors of the Borough to potential loss of life, personal injury, property damage, as well as disruption of commerce, resort activities, and governmental services, all of which adversely affect the public health, safety and welfare.

2. Purpose – This Section has the following purposes:

- a. To promote and protect the public health, safety and welfare;
- b. To minimize the potential for loss of life, personal injury, and public and private property damage from coastal flooding;
- c. To protect the public from the economic and social disruption caused by coastal flood damage, and;
- d. To minimize the need for rescue relief efforts associated with coastal flooding and generally undertaken at the expense of the general public.

3. Definitions:

- a. Appeal – A request for a review of the Construction Official’s interpretation of any provision of the Section or a request for a Variance from the Board of Adjustment.
- b. Area of Special Flood Hazard – Land in the Borough with a one percent (1%) chance or greater of flooding in any given year, as designated by the Federal Emergency Management Agency as Zone AE – 9 or AE – 10.
- c. Base Flood Elevation – A determination of the water surface elevations of the flood level, above sea level, that has a one percent (1%) chance or greater chance of occurrence in any given year, as designated on the most recent FIRM by the Federal Emergency Management Agency.
- d. Beach – Gently sloping un-vegetated areas of sand that extend landward from the mean high water line of the Atlantic Ocean to either:

1. The vegetation line connecting the most seaward naturally occurring perennial plants with other such plants;
 2. A man-made structure generally parallel to the Atlantic Ocean, such as a retaining structure, seawall, bulkhead, revetment, or road except that sandy areas that extend fully under or landward of any elevated boardwalk are considered to be beaches or;
 3. The seaward edge of the dunes.
- e. Breakaway Wall – A wall or partition, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or other suitable building material, that is not part of the structural support of the building and is intended, through its design and construction to collapse or break away under specific lateral loading forces, such as abnormally high tides or wave action, without causing damage to the elevated portion of the building or its supporting foundation system.
 - f. Velocity Zone – Areas subject to high velocity tidal water, including but not limited to wave heights in excess of three feet (3') or wave run-up or wave-induced erosion, from hurricanes, Nor'easters and coastal storms, as designated on the most recent FIRM by the Federal Emergency Management Agency as Zone VII.
 - g. 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 within the area of special flood hazard.
 - h. Dunes – A formation of vegetated or drifting, wind-blown sand, either deposited by the waves and wind or man-made, that lies generally parallel to and landward of the beach, extending landward to the foot of the most inland dune slope.
 - i. Flood or Flooding – A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of tidal waters or;
 2. The unusual and rapid accumulation of run-off of surface waters from any source.
 - j. Flood Insurance Rate-Map (FIRM) – The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the Borough of West Wildwood.
 - k. Lowest Floor – The lowest level of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for 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 complies with the applicable construction standards of the Section.
 - l. Structure – For flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground.
 - m. 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:
 1. Before the improvement or repair is started or;
 2. 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 when 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 or 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 the State Register of Historic Places.
- n. Variance – A grant of relief from the requirements of this Section which permits construction in a manner otherwise prohibited by this Section because a literal enforcement would result in unnecessary hardship.
- o. Repetitive Loss – means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.
- p. Substantial Damage – means damage of any original sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

4. General Provisions

- a. Compliance – No structure shall be located, extended, converted, or structurally altered in a special flood hazard area, and no land shall be developed, graded, filled, or built upon in a special flood hazard area without full compliance with the provisions of this Section.
- b. Basis for Establishing the Areas of Special Flood Hazard – The areas of special flood hazard delineated by the Federal Emergency Management with an accompanying Flood Insurance Rate Map, or the most recent Federal Insurance Rate Map, is hereby adopted by reference and declared to be a part of this Section. The Flood Insurance Study is on file and available for public inspection in the Office of the Construction Official.
- c. Abrogation and Greater Restrictions – This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section and another Ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the most stringent restrictions shall prevail.
- d. Interpretation – In the interpretation and application of this Section, all provisions shall be:
 1. Considered as a minimum requirement;
 2. Liberally construed in favor of the governing body of the Borough of West Wildwood, and;
 3. Deemed neither to limit nor to repeal any other powers granted under State statutes.

- e. Warning and Disclaimer of Liability – The degree of coastal flood hazard protection required by this Section 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 Section shall not create liability on the part of the Borough or by any other officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.

5. Construction Permit

- a. Requirement to Obtain a Construction Permit – A construction permit shall be obtained from the Construction Official before any construction or development begins within any area of special flood hazard, with the exception of any development that requires site plan approval from the Planning Board. Site plans shall also meet the requirements of this Section. The Construction Official may waive this permit requirement for small-scale, nonstructural activities that in his opinion are unlikely to increase or alter coastal flood hazards.
- b. Application for a Construction Permit – Application for such a construction permit shall be made on forms provided by the Construction Official and may require the submission of information including, but not limited to:
 - 1. Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question;
 - 2. The location and quantity of proposed filling;
 - 3. The location and quantity of proposed storage of materials, and;
 - 4. The location of drainage facilities.
- c. Required Information for a Construction Permit – Applications for a construction permit shall include the following information:
 - 1. Elevation in relation to mean sea level of the lowest floor, including basement, or all structures;
 - 2. Elevation in relation to mean sea level to which any structure has been flood-proofed;
 - 3. Plans showing how any non-residential flood-proofed structure will meet the flood-proofing criteria of this Section, and after the structure is built, certification by a registered Engineer or Architect that the structure, as built, meets the flood-proofing criteria of this Section, and;
 - 4. A description of the event to which any watercourse will be altered or relocated as a result of proposed development.
- d. Designation of the Construction Official – The duties of the Construction Official shall include, but not be limited to:
 - 1. Permit Review
 - a. Review applications for construction permits and decide whether the requirements of this Section have been met;
 - b. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law or County or Municipal Ordinance;
 - c. Review all proposed development in the Coastal High Hazard Area to determine if the proposed development complies with this Section or would

alter the beach or dunes so as to increase the potential risks of coastal flood damage.

2. Obtain and Maintain Information on Elevations of Structures

- a. Obtain 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 the structure contains a basement;
- b. For all new or substantially improved flood-proofed structures:
 - i. Verify and record the actual elevation, in relation to mean sea level to which the structure was flood-proofed, and;
 - ii. Maintain the flood-proofing certifications required in Section 6 below;
 - iii. For all new or substantially improved structures in Coastal High Hazard Areas, obtain and record the elevation, in relation to mean sea level, of the lowest structural member of the lowest floor, excluding pilings and columns, whether or not such structures contain a basement.

3. Interpretation of FIRM Boundaries

- a. 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 boundary interpretation as provided in this Section.

6. Flood Resistant Materials and Methods

a. Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with the Boca Basic Building Code. In addition, at every corner of the building and at intervals not to exceed ten feet (10') there shall be re-enforcement bars (minimum ½ inch) extending from the bottom of the footing up through the foundation wall and securely attached to the sill.
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.
3. Floating docks, boats, barges, machinery, construction material and other objects that may be moved by flood waters shall be anchored, moored, or provided with a means of holding in place under flood conditions to the elevation of at least base flood elevation and in winds to hurricane intensity.
4. Fuel tanks and compressed gas tanks in AE Zone may be elevated above or placed below the surface of the earth provided they are placed so as to remain entirely above the natural ground water table at all times. Such fuel tanks and compressed gas tanks shall be installed and securely anchored so that they will be immovable under flood conditions to an elevation of at least base flood elevation.

5. New facilities such as transformer stations, sewerage lift stations, sewerage treatment plants, and other major components of facilities in all zone which are vital to the continuous provision of essential public services shall be constructed and installed in a manner that will protect them from damage under flood conditions to an elevation of at least base flood elevation and in winds of hurricane intensity; in addition, it is recommended that those existing facilities be provided with emergency flood protection doors, window panels and walls.
 6. The major power components of both public and private heating and other essential mechanical, electrical, water and sewerage systems whose operation may be impaired or disrupted by flood waters shall be installed at no less to an elevation of at least base flood elevation.
 7. Boat Storage
 - i. Commercial Boat Storage – When not anchored or moored for use as provided by Borough Ordinance, all boats in excess of fifteen feet (15’) and not considered a row boat or small outboard motor boat, must be stored, displayed, or held for repairs in an enclosed area at all times when not in transit. Said enclosed area to consist of either a building for such purposes or if a vacant lot, said lot must be completely enclosed by a four foot (4’) high cyclone/hurricane fence. Said fence to contain the necessary access gates, and gates must be closed at all times except when boats are being moved in and out.
 - ii. Small Boats Fifteen Feet (15’) in Length or Less – When not anchored or moored for use as provided in Borough Ordinance, any boat which is considered a row boat or small outboard motor boat, which does not contain a windshield or cabin, must be stored upside down, as close to the ground as possible, [not to exceed one foot (1’)] and must be staked and tied to the ground both front and rear.
 - iii. Private Boats – There shall be no boat or boats stored on private property unless said boat or boats are owned by the owner of said property. Said privately owned boat or boats must be secured by taking and tying to the ground. If any boats are stored on private property, and are not owned directly by the owner of said property, then the requirements for securing said boats shall be held to be commercial and subject to the restrictions of “Commercial Boat Storage.”
 - iv. Miscellaneous Objects – Any objects or materials not covered hereunder, which the Construction Official feels should be secured, shall be secured at the request of the Construction Official and to his satisfaction.
- b. Flood Resistant 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 and substantial improvements shall be constructed using methods and practices that minimize flood damage.

- c. Utilities
 - 1. All new replacement water supply systems shall be designated to minimize or eliminate infiltration of flood waters in the system and;
 - 2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
 - d. Lowest Floor Elevation for Residential Construction – New construction and substantial improvements of any residential structure shall have the lowest floor utilized as living space elevated to the minimum Base Flood Elevation as per FEMA plus one foot of freeboard.
 - e. Lowest Floor Elevation or Flood-Proofing for Non-residential Construction – New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall either:
 - 1. Have the lowest floor, including basement, elevated to the level of the base flood elevation, or;
 - 2. Together with attendant utility and sanitary facilities, shall;
 - a. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, and;
 - c. Be certified by a Registered Professional Engineer or Architect that the standards of this subsection are satisfied. Such certification shall be provided to the Construction Official.
 - f. Pilings – All structures built hereafter on any bulk-headed or waterfront property, whether bay, inlet, or ocean, shall be built or placed on pilings, and if wood pilings, they shall be pressure treated with a minimum twelve (12) pound creosote to resist decay, and the same shall likewise be applied to the bulkheads.
7. Supplemental Construction Standards for Coastal High Hazard Areas
- a. Location Landward of the Mean High Tide – All buildings or structures shall be located landward of the reach of the mean high tide.
 - b. Mobile Homes – The placement of mobile homes is prohibited.
 - c. Elevation of Structures on Pilings or Concrete Block
 - 1. All new construction and substantial improvements shall be elevated on pilings, columns, or concrete block. A spread footing with a minimum diameter of 30” must be utilized when elevating on concrete block. Further, the spread footing must be a minimum 12” thick and contain reinforcing bar commonly known as rebar. There will be a minimum of four (4) rows of rebar with a diameter of at least 5/8” and any and all other requirements as per the International Building Code.
 - i. The bottom of the lowest horizontal member of the lowest floor will be elevated to at a minimum of the base flood elevation plus one foot of freeboard.
 - ii. The piling column or concrete block foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading

values shall each have a one percent (1%) chance of being equaled or exceeded in any given year.

2. A registered professional Engineer or Architect shall develop or review the structural design, specifications and plans for the construction and shall certify that the design and methods of construction to be used for elevating the structure are in accordance with accepted standards of practice for meeting the provisions of this subsection.
- d. Space below Lowest Floor
1. All new construction and substantial improvements, as well as any alteration, repair, reconstruction, or improvement to a structure must be elevated to the minimum base elevation plus one foot of freeboard when utilizing pilings, columns or concrete block. In non-supporting breakaway walls are utilized when elevating on pilings they will consist of open lattice or insect screening intended to collapse under wind and water loads without causing collapse, displacement or other structure damage to the elevated portion of the building or supporting foundation.
 2. For the purposes of this subsection, a breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square foot may be permitted only if a registered professional Engineer certifies that the design is proposed to meet the following conditions:
 - a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood, and;
 - b. The elevated portion of the building and supporting foundation shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components, both structural and non-structural. Maximum wind and water loading values to be used in this determination shall each have one percent (1%) chance of being equaled or exceeded in any given year.
 3. Use of Enclosed Space – If breakaway walls are used, such enclosed space shall not be used for human habitation and may be used solely for parking of vehicles, building access or storage.
- e. Use of Enclosed Space – The use of fill for structural support of buildings in the Coastal High Hazard Area is prohibited.
- f. Location Landward of Sea Walls – All new construction or substantial improvements adjacent to sea walls, revetments, bulkheads or other shore protection structures fronting on the Atlantic Ocean shall be set back a minimum of ten feet (10') from the centerline of the shore protection structure, to reduce the risks of damage from wave runup and overtopping and maintain the accessibility of the shore protection structure for future repairs and reconstruction.

8. Variances and Appeals

- a. *Appeal to the Zoning Board of Adjustment* – the Zoning Board of Adjustment as established by this Ordinance shall hear and decide appeals and requests for variances from the requirements of this Section.

- b. *Appeals of Alleged Errors to the Zoning Board of Adjustment* – the Zoning Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Construction Official in the enforcement of this Section.
- c. *Appeal of Decision of the Zoning Board of Adjustment* – Any person aggrieved by the decision of the Zoning Board of Adjustment or any taxpayer may appeal such decision to the Superior Court of New Jersey as provided by law.
- d. *Variances for Historic Structures* – Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Register of Historic Places without regard to the procedures, considerations, or findings set forth in this Section.
- e. *Considerations in Reviewing Variance Requests* – In reviewing applications for appeals or variances from the Coastal Flood Hazard Protection System, the Zoning Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in this Section, and the following considerations:
 - 1. The danger that materials may be swept onto other land to the injury of others;
 - 2. The danger of 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 master plan 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 and the effects of wave action, if applicable, expected at the site and;
 - 11. The costs of providing governmental services during and after food conditions, including maintenance and repair to public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- f. Conditions for Variances
 - 1. Variances may be generally issued only for new construction and substantial improvements to be erected on lots of less than one-half (1/2) acre, contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided the findings by this Section have been met.
 - 2. The Construction Official shall notify the applicant for a Variance that:
 - a. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance and;
 - b. Such construction below the base flood increases risks to life and property.
- g. Findings Required for Variances – Variances shall only be issued upon four (4) findings by the Zoning Board of Adjustment;
 - 1. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

2. A showing of good and sufficient cause;
 3. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and;
 4. A determination that the granting of a variance will not result in increased flood heights, additional threat to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- h. Records Maintained by the Construction Official
1. The Construction Official shall maintain a record of all variance actions, including justification for their issuance and report such variances in his annual or biennial report to the Federal Emergency Management Agency.
 2. The Construction Official shall maintain a record of all notifications to applicant for variances.