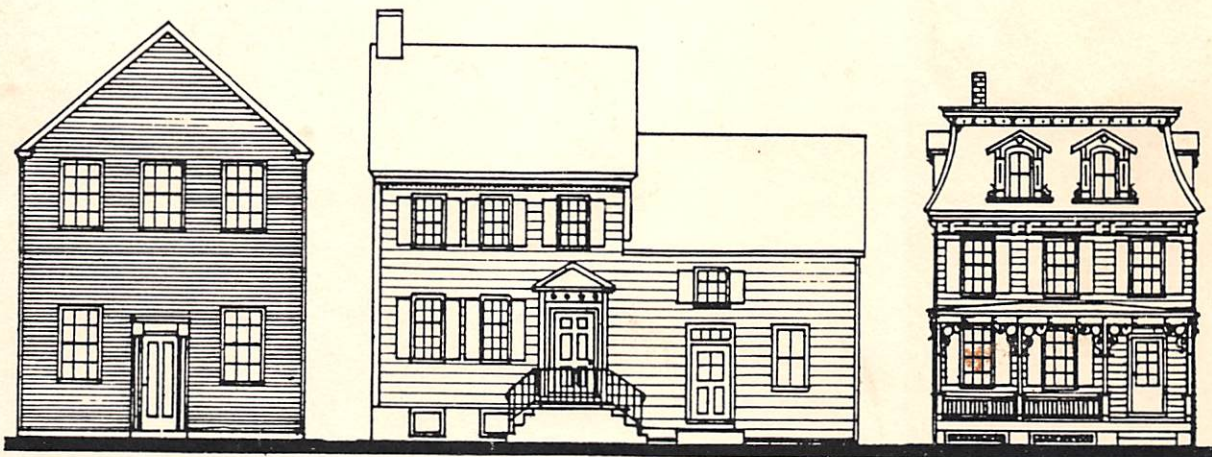


**SHILOH BOROUGH
DEVELOPMENT ORDINANCE OF 1979
AS AMENDED JUNE 1, 1999**



*Prepared by the Borough of Shiloh
Planning & Zoning Board
With Assistance from the
Cumberland County
Department of Planning & Development*

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COUNTY OF CUMBERLAND
STATE OF NEW JERSEY
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I do hereby certify that this is an Official and True
copy of the Borough of Shiloh's **Development**
Ordinance as adopted by the Borough Council after
a Public Hearing held, June 1, 1999 at the Municipal
Building, Highway 49, Shiloh, New Jersey.

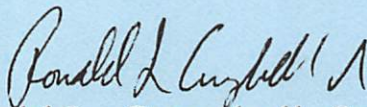

Ronald L. Campbell, Sr., Clerk

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DEVELOPMENT ORDINANCE

Borough of Shiloh, Cumberland County, N.J.

**Amended and Adopted June 1, 1999
By the Shiloh Borough Council**

**Prepared with the Technical
Assistance of the Cumberland County
Planning Board by the Shiloh Planning & Zoning Board**

ARTICLE 1 - TITLE

This Ordinance may be known as the "Shiloh Development Ordinance of 1979 as amended 1999."

ARTICLE II - PURPOSE

This Ordinance is enacted to establish a pattern for land use and building based on the future land use element of the Shiloh Master Plan, to provide a consistent process for subdivision and site plan review and to implement the Master Plan, and to promote the health, safety, morals, and general welfare of the Borough's inhabitants. The Ordinance is intended to regulate the use of land within zoning districts; secure safety from fire, flood, panic, and other natural and man-made disasters; provide adequate light, air, and open space; limit and restrict buildings and structures to specified districts and regulate buildings and structures according to their type and the nature and extent of their use, and regulate the nature and extent of the use of land for trade, industry, residence, open space or other purposes; regulate the bulk, height, number of stories; avoid a conflict with the development and general welfare of neighboring municipalities, the County and the State; establish appropriate population densities and concentrations contributing to the well-being of persons, neighborhoods, communities and regions and the preservation of the environment; provide sufficient space for agricultural, residential, recreational, commercial and industrial uses and open space: encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging the location of such facilities and routes which result in congestion or blight; promote a desirable visual environment; and promote the conservation of open space and valuable natural resources and to prevent urban sprawl and degradation of the environment through improper use of land.

ARTICLE III - DEFINITIONS

For the purpose of this Ordinance, the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The present tense includes the future, the singular number includes the plural, and the plural includes the singular. The word "shall" is mandatory; the word "may" is permissive. The words "used" or "occupies" include the words intended, designed, or arranged to be used or occupied. Words not herein defined shall have the meaning given in Webster's Unabridged Dictionary.

Accessory Use. A subordinate use or structure, the purpose of which is incidental to that of the main use or structure on the same lot herewith.

Administrative Officer. The Secretary to the Borough Planning & Zoning Board except in matters involving the governing body, in which cases the Borough Clerk shall be the Administrative Officer.

Applicant. A developer submitting an application for development.

Application for Development. The application form and all accompanying documents required for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction in the issuance of a permit pursuant to the Municipal Land Use Law.

Approving Authority. The Planning & Zoning Board of Shiloh Borough unless a different agency is designated in the text of this Ordinance when acting pursuant to the Municipal Land Use Law.

Automobile Car Wash. Any establishment for the washing of automobiles or other motor vehicles, using a chain or other conveyor to move the vehicle and or using various automatic devices for the application of soap, water, steam, air or other materials required in the cleaning process, whether automatically applied or self-service.

Automobile Dealership. Any location where two (2) or more cars are simultaneously displayed and offered for sale or lease either in a building or as part of an outdoor display; or where two (2) or more vehicles are offered for sale in the course of any single calendar year.

Average Finished Grade. The mean height or level of completed lawn, walk, or driveway surfaces, as shown on official plans or designs relating thereto, adjoining the front facade of the building.

Basement. A story of a building that is partly underground which has more than one-half of its interior height, measured from the floor to finished ceiling, below the average finished grade of the adjoining building.

Bed & Breakfast Accommodations. A single family, primary detached dwelling in which the owner occupant also provides temporary overnight accommodations to guests for a fee as an accessory use in any zoning district where a single family detached dwelling is a permitted use. The operation of bed & breakfast accommodations shall be considered a home occupation for the purposes of this Ordinance.

Block. A block is the length on one side of a street between two street intersections.

Buffer Zone. A required open space area to be landscaped or naturally planted along district boundary lines, in connection with industrial or commercial uses.

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

Building Line. A line parallel to the street at a distance therefrom equal to the depth of the front yard required for the district under consideration. No part of a building may extend closer to the street than the building line. Roofed porticos, whether open or enclosed, shall be considered as part of a building when measuring distance from the street line and lot lines. Existing roofed porches and porticos may only be permanently enclosed when they comply with all setback or rear yard requirements and all side yard requirements.

Certificate of Occupancy. A certificate of occupancy shall be deemed to authorize, and is required for each occupancy and use of the building or land to which it applies, and shall continue in effect only so long as such building and the use thereof or the use of such land is in full conformity with the requirements of this Ordinance, and any requirement made pursuant thereto. The maintenance of a valid certificate of occupancy shall be the responsibility of the property owner.

Camp. A group of tents, huts, or other shelters, usually located near a lake or in the woods, forming a temporary residence, especially in summer.

Channel. The bed and banks of a stream which convey the normal flow of the stream.

Circulation. The systems, structures, and physical improvements for the movement of people, water, air, sewage, or power by such means as paths, streets, highways, railways, waterways, towers, airways, pipes, and conduits, and the handling of people and goods by such means as terminals, stations, warehouses, and other storage buildings or transshipment points.

Club. Any organization catering exclusively to members and their guests, or any organization for religious, vocational, civic, recreational, or athletic purposes which is not conducted for financial gain.

Cluster Development. (See Residential Cluster)

Common Open Space. An open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the use or enjoyment of residents and owners of the development.

Conditional Use. A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in the development ordinance, and upon the issuance of an authorization therefore by the approving authority.

Construction Official. The Shiloh Borough official empowered by this Ordinance to oversee the development of property.

Contiguous Land. Land and parcels that abut each other, or are separated only by streets, ways, pipelines, electrical power lines, or other rights-of-way owned or controlled by others.

Conventional Development. Any development other than planned development.

Coverage. That percentage of the plot or lot area covered by all structures, parking lots, and impervious surfaces other than retaining walls, hedges, and fences.

Cul-de-sac. A minor land service street, closed at one end and having adequate vehicle turning area at the closed end.

Days. Calendar days.

Density, Gross. The number of dwelling units per acre for a given area that includes streets or other common or public open spaces. In the case of mixed use developments, space devoted to non-residential uses is also included.

Density, Net. The number of dwelling units per acre for a given area that excludes streets and other common or public open spaces. In the case of mixed use developments, space devoted to non-residential uses is also excluded.

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

Development. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; any mining, excavation or landfill; any use or change in the use of any building or other structure, or land; or extension of use of land for which permission may be required pursuant to the Municipal Land Use Law.

Development Regulation. A zoning ordinance, subdivision ordinance, site plan review ordinance, official map ordinance or other Municipal regulation of the use and development of land, or amendment thereto adopted and filed pursuant to the Municipal Land Use Law.

Development Permit. Any permit or certificate of occupancy required to be issued for any development regulated by the Shiloh Borough Development Ordinance.

Drainage. The removal of surface water or ground water from land by drains, grading or other means, including control of runoff to minimize erosion and sedimentation during

and after construction or development to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, to lessen nonpoint pollution, to maintain the integrity of stream channels for their biological functions as well as for drainage, and the means necessary for water supply preservation or prevention or alleviation of flooding.

Drainage Right-of-Way. The lands required for the installation of storm water sewers and/or drainage ditches or the land area required along a natural stream, swale or other watercourse for preserving the channel or drainageway and providing for the flow or passage of water therein to safeguard the public from flood damage in accordance with the provisions of the Shiloh Development Ordinance or applicable State Laws.

Dormitory. A structure containing sleeping rooms of not less than eighty (80) square feet each; and containing complete sanitary facilities although not necessarily within individual rooms; and without cooking facilities in individual rooms; and occupied only by students and assigned supervisory staff of an educational institution.

Dwelling, Single-Family. A detached building designed for, or occupied by one family only.

Dwelling, Two-Family. A detached building designed for, or occupied by two families only. The phrase two-family dwelling shall include duplexes and other buildings where no more than two dwelling units are joined by a common wall or floor/ceiling.

Dwelling Unit. A group of interrelated rooms:

- 1) intended or designed for the use of one family;
- 2) separated from other space by lockable doors;
- 3) having access to the outdoors without crossing any portion of another family's dwelling quarters; and
- 4) having living and sleeping facilities and cooking facilities fixed or portable, and complete sanitary facilities.

Earth Extraction. The removal of sand, topsoil, gravel, fill dirt or mineral or clay products for sale or reuse at another site exclusive of agricultural operations or the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

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

Essential Service. Structures and physical improvements, whether publicly or privately owned, necessary to permit the orderly development of an area, including such facilities as streets; water, sewage, gas, telephone and electric lines; supporting structures such as manholes, catch basins; underground pumping station, and

underground transformer stations; but not including generating or storage plants; processing station, maintenance yards, administration headquarters facilities or above-ground utility poles within major subdivisions.

Family. An individual or group of two or more persons related by blood, marriage, or adoption, or containing foster children placed in accordance with N.J.S.A. 40:55D-66, together with not more than three (3) additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit.

Farm. Any parcel of land containing at least five (5) acres used for general purpose agriculture, which includes the raising of agricultural or horticultural products, livestock, poultry and their resultant products. Farms may include small, retail outlets, business offices, aquaculture facilities, hydroponic and other new technological innovations that advance the science of agriculture and the production of agricultural commodities. Farms shall not include intensive feed lots for raising of poultry, cattle, or other livestock.

Fence or Wall. A structure which permanently or temporarily prohibits unrestricted travel between properties or portions of properties or between the street or public right-of-way and a property.

Final Approval. The official action of the approving authority taken on preliminary approved major subdivisions or site plans after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guarantees properly posted for their completion or approval conditioned upon the posting of such guarantees.

Floor Area Gross. The sum of the total horizontal area of the several floors of a building excluding basement space, unless designed to be used for customary visits by commercial clientele, but including the area of permanent roofed porches and terraces. All dimensions shall be measured from the outside face of exterior walls or from the center line of parting or common walls.

Floor Area, Habitable. Area fully enclosed by the inside surfaces of walls, windows, doors and partitions and having a headroom of at least six feet six inches (6'6") including living, eating, cooking, sleeping, storage, circulation; service, utility and other related household spaces but excluding garages, carports, porches, unheated sheds and basements. Attics or portions thereof may be considered habitable floor area provided they are fully finished and meet the proper height requirements.

Garage - Private. An accessory building incidental to a dwelling unit, as defined herein, which accessory building is intended for the off-street storage of motor vehicles belonging to the inhabitants of said dwelling unit, but in which garage no-business service or occupation is conducted or rendered for profit. The rental or storage space

for more than two cars not owned by persons residing on the premises is considered a business for profit.

Garage - Repair. A building used for the off-street storage of motor vehicles, the provision of incidental gasoline service, the sale of accessories and the repair of motor vehicles excluding body work.

Garden Apartment. One type of multi-family structure generally designed as part of a group of three story buildings, with each rented dwelling unit having its own patio or balcony.

Governing Body. The Shiloh Borough Council.

Gasoline Service Station. An area of land, including any structures thereon, used primarily for the retail sale and direct delivery to motor vehicles of motor fuel and lubricants, as well as such incidental services as the lubrication and hand washing of motor vehicles and the sale, installation and minor repair of automobile accessories, such as tires and batteries.

Glare. Illumination whereby a source of light, producing a reading of fifty (50) or more on a Standard Weston Photographic light meter or equivalent at a distance of three (3) feet is visible from the public right-of-way, or a reading of zero point (0.8) or more is found when such meter or equivalent is held anywhere on a residential property line.

Height of Building. The vertical distance from the established Average Finished Grade to the highest point on the building.

Historic Site. Any building, structure, area, or property that is significant in the history, architecture, archeology, or culture of this State, its communities, or the Nation and has been so designated pursuant to the Municipal Land Use Law.

Home Occupation. An occupation or profession which is clearly incidental to the use of the lot and dwelling for residential purposes and is carried on by a member of the family residing on the premises; does not involve more than two employees not living on the premises; which, with accessory buildings, does not occupy more than 50 per cent of the habitable floor area of the principal residential structures; does not have any exterior evidence of such secondary use other than one sign as per Section 6.40 and does not include the storing of any stock in trade outside a principal or accessory building. In connection with the operation of a home occupation or home or professional office, only external operations which are customary to residential buildings shall be permitted. in the case of any home occupation or home professional office involving customer or patient visitation, adequate off street parking shall be provided in conformance with standards contained in this Ordinance.

Hotel. A structure providing overnight accommodations for a fee primarily for the travelling public, restaurant facilities, and a comprehensive array of specialty visitor and guest services, (eg. retail boutiques, beauty and salon services, banquet and reception facilities, etc.)

House, Apartment. Same as Structure, Multi-Family.

House, Boarding. A rooming house in which the renting individuals are also served with meals prepared in one kitchen by the owner or operator of the house in return for a valuable consideration.

House, Rooming. A single family house, wherein furnished rooms without cooking facilities are rented for a valuable consideration to one or more individuals unrelated by blood or marriage to the owner or operator of the house.

House, Row or Town. Same as Structure, Multi-Family.

House Trailer. Same as Mobile Home.

Institution of Higher Learning. An educational institution of higher learning chartered by the State of New Jersey or a private educational institution of higher learning approved and subject to regulations prescribed by the State of New Jersey and giving instruction or affording facilities for study in academic or technical subjects only at or above the college level.

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

Junk Yard. The use of more than 1,000 square feet in the case of an agricultural parcel or more than 200 square feet of the area of any other lot, whether inside or outside a building, or the use of any portion of that half of any lot that joins a public thoroughfare, for the storage, keeping, processing or abandonment of waste paper, rags, scrap metal or other discarded materials, or the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts thereof. The phrase junk yard shall also include the presence on a property of one (1) or more abandoned or unlicensed or unregistered vehicles or portions of vehicles, except where those vehicles are being used to supply parts to a permitted automobile repair shop on the same premises.

Kennel. Any building or land parcel used for the keeping of dogs and other small household pets. The keeping of more than five (5) such animals on any one property constitutes a kennel.

Land. The word "land" shall include improvements and fixtures on, above, or below the surface.

Light Industry. The manufacture and or assembly of machinery, equipment, and other products that do not involve the conversion of raw materials into finished goods and that do not require industrial furnaces, generating stations, industrial waste treatment facilities, or any other large scale ancillary activity.

Loading Space. Any off-street space not less than 12 feet in width, 70 feet in length and 14 feet in height available for the loading and unloading of goods, having direct access to a street or alley and so arranged that no vehicle is required to back into a street.

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

Lot Area. The surface of a land parcel determined by its boundary lines and expressed in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

Lot Corner. A lot fronting on two streets at their intersection.

Lot, Depth. The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

Lot, Frontage. The horizontal distance measured along the full length of the front lot line. In the case of a corner lot, the shorter of the two street lines shall be considered as the frontage.

Lot Width. The distance between the side lot lines measured at right angles to the depth of the lot, along the front setback line.

Lot Line, Front. The right-of-way line of a street which a lot or parcel abuts.

Lot Line, Rear. A lot line other than a street line which is the farthest lot line from the street. In the case of a lot abutting two streets, required front yard setbacks from both streets shall be observed.

Lot Line, Side. A continuous line which runs back from an intersection with the front lot line and which forms the boundary line between the lot and the adjacent parcel of land.

Maintenance Guarantee. Any security, other than cash, which may be accepted by Shiloh Borough for the Maintenance of any improvements required under the authority of the Shiloh Development Ordinance.

Major Subdivision. Any subdivision not classified as a minor subdivision.

Marginal Access Street. Minor streets which are parallel to, and adjacent to, arterial streets and highways, and which provides access to abutting properties and regulated vehicular access to the arterial street or highway.

Master Plan. A composite of one or more written or graphic proposals for the development of a municipality as set forth and adopted pursuant to the Municipal Land Use Law.

Migrant Labor Housing. Any farm building, other than a principal dwelling, used or intended for use on a temporary basis to house farm labor.

Minor Subdivision. A subdivision or redivision of land that does not involve (1) the creation of more than three lots to be used for residential purposes, (2) planned development, (3) any new street, or (4) extension of any off-tract improvement.

Mobile Home. Any vehicle or similar conveyance so designed or constructed as to permit its transportation as a fully built unit and as to permit occupancy for dwelling purposes on a permanent basis.

Mobile Home Park. A land parcel upon which two or more mobile homes for dwelling purposes are located on a permanent basis, complete with landscaping, driveways, paved roads, individual public utilities. Mobile Home Parks shall not provide sites for travel trailers, camping vehicles, recreational vehicles, or other types of transient vehicles.

Motel. A structure, other than a hotel, providing overnight accommodations for a fee, primarily for the travelling public with parking located adjacent to the rooms, and a minimum of additional services.

Motor Home. A self-propelled recreational vehicle, often less than eight feet in width and 35' in length, which is used for sleeping and other human occupancy during the course of activities commonly known as "camping" or "caravanning."

Municipal Agency. The Shiloh Borough Planning & Zoning Board or Governing Body when acting pursuant to municipal development regulations.

Natural Stream. A naturally eroded channel with visible evidence of banks and bed as distinguished from a swale which shows no evidence of natural erosion, except occasional gullying, and from a ditch, which is an artificially excavated channel.

Non-Conforming Lot. A lot the area, dimension, or location of which was lawful prior to the adoption, revision, or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision, or amendment.

Non-Conforming Structure. A structure whose size, dimension, or location was lawful prior to the adoption, revision, or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision, or amendment.

Non-Conforming Use. A use or activity which was lawful prior to the adoption, revision, or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision, or amendment.

Nursing or Convalescent Home. A small, private institution where the aged, ill, or injured may receive minor medical, surgical, or psychiatric treatment, nursing, food, lodging, care, etc., during illness or convalescence.

Off-site. Any area located outside the lot lines of the lot in question but within the property (of which the lot is a part), which is the subject of a development application, or a contiguous portion of a street or right-of-way.

Off-tract. Any area not located on the property which is the subject of a development application nor a contiguous portion of a street or right-of-way.

On-site. Any area located on a lot in question.

On-tract. Any area located on the property which is the subject of a development application or a contiguous portion of a street or right-of-way.

Parking Lot. An area which contains two or more off-street parking spaces.

Parking Space, Off-Street. An area not less than ten feet by twenty feet (10'x20'), exclusive of driveways appurtenant and giving access thereto, accessible from a street but not located on a street, and which is both suitable and intended for the parking of a passenger motor vehicle.

Performance Guarantee. Any security, which may be accepted by the municipality, including cash; provided that the Borough shall not require more than ten percent (10%) of the total performance guarantee in cash.

Piggery. A place where pigs are commercially assembled for growth or fattening before slaughter. The raising of one pig per member of a household for home consumption only shall not constitute a piggery.

Place of Worship. Churches, Synagogues, and Sunday Schools of commonly recognized and chartered religious institutions and denominations.

Planned Commercial Development. An area of a minimum contiguous size as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses or both and any residential and other uses incidental to the predominant use as may be permitted by ordinance.

Planned Industrial Development. An area of a minimum contiguous size as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate industrial uses and any other uses incidental to the predominant use as may be permitted by ordinance.

Plat. A map or maps of a subdivision or site plan.

Poultry Farm. A place where poultry is assembled for growth, fattening or egg production before sale or slaughter.

Preliminary Approval. The conferral of certain rights pursuant to the Municipal Land Use Law prior to final approval after specific elements of a development plan have been agreed upon by the approving authority and the applicant.

Preliminary Floor Plans and Elevations. Architectural drawings prepared during early and introductory stages of the design of a project illustrating in a schematic form its scope, scale, and relationship to its site and immediate environs.

Public Areas. (1) Public parks, playgrounds, trails, paths and other recreational areas; (2) other public open spaces; (3) scenic and historic sites; and (4) sites for schools and other public buildings and structures.

Public Development Proposal. A master plan, capital improvement program or other proposal for land development adopted by the appropriate public body, or any amendment thereto.

Public Drainageway. Land reserved or dedicated for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation, and erosion.

Public Open Space. An open space area conveyed or otherwise dedicated to the Borough, Borough agency, board of education, State or County agency, or other public body for recreational or conservational uses.

Public Utility. An organization supplying water, electricity, gas, sewerage, mass transportation, or other service to the public operated by a private corporation under governmental regulation or by a government agency directly.

Quorum. The majority of the full authorized membership of a municipal agency.

Residential Cluster. An area to be developed as a single entity according to a plan containing residential housing units in which the individual lots have a common or public open space area as an appurtenance.

Residential Density. The number of dwelling units per gross acre of residential land area including streets, easements and open space portions of a development.

Restaurant. Any building or use which serves food to the general public and which provides tables, chairs, and or counters for the consumption of food entirely within the walls of such buildings or use. Restaurant does not include "take-out" or drive-in establishments which permit the consumption of food within motor vehicles.

Resubdivision (Redevison.) (1) The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law or (2) the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

Right-of-Way Lines. The boundary lines of land used or intended for use as streets and from which setback and other requirements shall begin. Where existing records are vague or show a lesser dimension, they shall be considered to be not less than fifty (50) feet apart, twenty-five (25) feet from the center line of streets.

Roadside Stand. An accessory farm building or structure with requisite off street parking and loading space designed for seasonal sale of principally agricultural and horticultural products grown locally, with at least 25 percent of its sales consisting of goods produced on the farm on which it is located. The intermittent sale of homegrown produce as an accessory use not involving a building or structure; not occupying more than 300 square feet; and not creating any undue traffic hazard shall not be deemed to constitute a roadside stand.

Room. A completely enclosed interior space containing no partitions higher than four feet.

Schedule of Regulations. The Zoning Schedule of District Regulations.

School. An institution designed and staffed to provide educational opportunity not including any such institution housing detainees.

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

Senior Citizen Housing. Housing encompassing multiple dwelling units that is deed restricted to senior citizens only and developed in conjunction with a State or Federal funding program intended to provide special housing facilities for senior citizens. Senior Citizen Housing can include assisted living facilities, where residents are provided with routine, daily living assistance, but does not include medical assisted facilities such as nursing homes, hospice facilities, and other medically oriented geriatric operations.

Setback, Building, Front. The shortest distance between the building line and the front lot line.

Setback, Building, Rear. The shortest distance between the building line and the rear lot line.

Setback, Building, Side. The shortest distance between the building line and the side lot line.

Setback, Building, Along District Boundary. The shortest distance between the building line and the District Boundary Line.

Setback, Parking, Front. The shortest distance between the perimeter line of the parking area and the front lot line.

Setback, Parking, Rear. The shortest distance between the perimeter line of the parking area and the rear lot line.

Setback, Parking, Side. The shortest distance between the perimeter line of the parking area and the side lot line.

Setback, Parking, Along District Boundary. The shortest distance between the perimeter line of the parking area and the District Boundary Line.

Shiloh Development Ordinance. Shall refer to this document including any amendments thereto.

Sign. Any device designed to inform or attract the attention of persons not in the premises on which the sign is located.

Sign, Freestanding. A permanent sign detached from any building.

Sign, On-Site. A sign relating in its subject matter to the premises on which it is located or to the products, accommodations, services, or activities offered on the

premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

Sign, Projecting. A sign attached to a building or other structure and extending from the building wall or structure on a plane which is not parallel to the building wall.

Sign, Wall. A sign attached, to painted on, or erected against a wall or flat vertical surface of a structure with the exposed surface face of the sign on a plane parallel to the face of said vertical surface.

Site Plan. A development plan of one or more lots on which is shown (1) the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, flood plains, marshes and waterways; (2) the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices, and (3) any other information that may be reasonably required in order to make an informed review and approval.

Site Plan, Minor. A minor site plan as defined in the Land Use Law of New Jersey and not exceeding one-half (1/2) acre in size.

Split-level House. Single-family dwelling having floor levels so staggered that each is about one-half story above or below the adjacent one and having at least a portion of the dwelling consisting of two stories.

Standards of Performance. Standards (1) adopted by ordinance pursuant to subsection 65d of the Municipal Land Use Law regulating house levels, glare, earthborne or some vibrations, heat, electronic or atomic radiation, noxious odors, toxic matters, explosive and inflammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects, or conditions and such matters as may be reasonably required by the municipality or (2) required by applicable Federal or State laws or municipal ordinances.

Story. Any covered area with a clear headroom of six feet six inches (6'6") or more whether furnished or not, except a cellar. In the event a building has only one floor, each distance of eight (8) feet between the floor and ceiling shall be counted as a story.

Street. Any street, avenue, boulevard, road, parkway, viaduct, drive or way (1) which is an existing State, County or Township roadway, or (2) which is shown upon a plat heretofore approved pursuant to law, or (3) which is approved by official action as provided by this Ordinance, or (4) which is shown on a plat duly filed and recorded in the office of the County recording officer prior to the appointment of a Planning Board and the grant to such board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement,

shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

Street Line. The right-of-way line of a street, road, or other public way used or intended for use by vehicular traffic.

Street, Public. A street as defined in N.J.S.A. 40: 55D-35 and improved to the level required by the subdivision standards of this Ordinance.

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

Structure, Multi-Family. A structure containing one and only one dwelling unit.

Structure, Single-Family. A structure containing one and only one dwelling unit.

Subdivision. The division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other division of land for sale or development. The following shall not be considered a subdivision within the meaning of this Ordinance, if no new streets are created: divisions of land found by the Planning & Zoning Board to be for agricultural purposes, where all resulting parcels are five (5) acres or larger in size; divisions of property by testamentary or intestate provisions; divisions of property upon court order, including but not limited to judgements of foreclosure; and conveyances of one or more adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the tax map of the municipality. The term "subdivision" shall also include the term resubdivision so as to combine existing lots by deed or other instrument.

Swimming Pool, Private. A non-commercial, privately owned pool, constituting an accessory use to a residential unit or units, and on the same lot therewith. A wading pool with a depth less than eighteen (18) inches and portable swimming devices located above ground level, with an area of less than one hundred twenty-five (125) square feet and a water depth less than three (3) feet, temporary in character and constructed of material other than concrete or masonry shall not be termed a swimming pool.

Swimming Pool, Public. A public or privately owned pool open to the public on an annual member basis, and having dressing rooms, off-street parking and other appropriate accessory facilities.

Tourist Home. See Bed & Breakfast Establishment.

Trailer. See Mobile Home.

Trailer, Camp or Court. See Mobile Home Park.

Trailer, Travel. Structures typically less than eight (8) feet in width and less than thirty (30) feet in length and not used for purpose of day-to-day habitation but designed to be moved from place to place, and which may be entirely enclosed or partially enclosed with canvas or other material and which are used for sleeping and other human occupancy during the course of activities commonly known as "camping" or "caravanning."

Variance. Permission to depart from the literal requirements of a zoning ordinance pursuant to the regulations of the Municipal Land Use Law of New Jersey.

Watercourse. Any land area or use either naturally formed or artificially designed for the storage, passage, retention or flow of water, including but not limited to the following: lake, pond, canal, ditch or swale.

Yard. An open space on the same lot with a principal building, unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this Ordinance.

Yard, Front. The yard extending across the entire width of the lot between the street right-of-way line and the nearest part of any building. In the case of lots having frontage on two or more streets, front yards shall be provided along each street frontage. Where more than 50 percent of the lots in a block front have been developed with an average front yard less than that required herein, the Building Inspector may waive the front yard requirement to the extent that required front yard shall at least equal the average of the front yards provided on said lots. In the case of corner lots, required front yard depth shall be provided along all street frontages. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the property corners at street intersections, shall be assumed to the point at which the side and front line lines would have met without such rounding. Front and rearfront yard lines shall be parallel.

Yard, Rear. A yard extending across the rear of the lot between inner side yard lines. In the case of through lots, there will be no rear yards. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum depth required by District Regulations with its inner edge parallel to the side lot line.

Yard, Side. A yard extending along the side lot line from the front yard to the rear lot line. In the case of through lots, side yards shall extend between the required front yard lines. In the case of corner lots, there shall be only one side yard, adjacent to the interior lot line. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by District Regulations with its inner edge parallel to the side lot line.

Zoning Permit. A document signed by the Zoning Officer which is required as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alterations, conversion or installation of a structure or building and which acknowledges that such use, structure or building complies with the provisions of the Borough zoning ordinances or variance therefrom duly authorized by the Planning & Zoning Board.

ARTICLE IV - GENERAL PROVISIONS

4.1 ADMINISTRATION

These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Borough of Shiloh. Any action taken by the Planning & Zoning Board under the terms of this Ordinance shall give primary consideration to the requirements of this Ordinance and to the welfare of the entire community.

4.2 AMENDMENTS

All provisions of this ordinance may be amended in accordance with applicable laws in effect at the time of the amendment.

4.3 AFFIRMATIVE APPEALS OF USE VARIANCE

Any interested party may appeal to the governing body (1) any final decision of the Planning & Zoning Board approving an application for a use variance, and (2) any other final decision of the Planning & Zoning Board on any other class of application for development. Such appeal shall be made within 10 days of the date of publication of such final decision. The appeal to the governing body shall be made by serving the municipal clerk in person or by certified mail with a notice of appeal specifying the grounds thereof and the name and address of the appellant and name and address of his attorney if represented. Such appeal shall be decided by the governing body only upon the record established before the Planning & Zoning Board.

4.4 PLANNING & ZONING BOARD

A. Establishment. There is hereby established in the Borough of Shiloh pursuant to the Municipal Land Use Law a Planning & Zoning Board of nine (9) members consisting of the following four classes:

Class I: Mayor

- Class II: One of the officials of the municipality other than a member of the Governing Body to be appointed by the Mayor pursuant to N.J.S.A. 40: 55D-23.
- Class III: A member of the Governing Body to be appointed by it.
- Class IV: Six (6) other citizens of the municipality to be appointed by the Mayor.

The members of Class IV shall hold no other municipal office, except that one member may be a member of the Board of Education in which case if there is a member of the Environmental Commission on the Board, that member shall be deemed to be a Class II member of the Planning & Zoning Board. In addition, where there is a combined Planning & Zoning Board the Class I and Class III members shall not participate in the consideration of applications for development which involve use variances from the standards established by this Ordinance.

B. Terms. The term of the member composing Class I shall correspond with his official tenure. The term of member composing Class II shall be for one year or terminate at the completion of his term of office whichever occurs first, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of his term of office as a member of the Environmental Commission, whichever occurs first.

The term of a Class IV member who is also a member of the Board of Education shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first.

The terms of all Class IV members first appointed pursuant to this Ordinance shall be so determined that to the greatest practicable extent the expiration of such term shall be distributed evenly over the first four years after their appointment as determined by resolution of the governing body, provided however that no term of any member shall exceed four years and further provided that nothing herein shall affect the term of any present member of the Planning & Zoning Board, all of whom shall continue in office until the completion of the terms for which they were appointed. Thereafter all Class IV members shall be appointed for terms of four years except as otherwise herein provided. All terms shall run from January 1 of the year in which the appointment was made.

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

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

E. Experts and Staff. The Planning & Zoning Board may employ or contract for a Planning & Zoning Board Attorney, other than the Municipal Attorney; other experts; staff personnel; and other services as it may deem necessary. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

F. Powers and Duties Generally. The Planning & Zoning Board is authorized to adopt bylaws governing its procedural operation. It shall also have the following powers and duties:

- 1) To make and adopt and, from time to time, amend a Master Plan for the physical development of the municipality, including any areas outside its boundaries, which in the Board's judgement bear essential relation to the planning of the municipality, in accordance with the provisions of N.J.S.A. 40: 55D-28.
- 2) To administer provisions of all subdivision and site plan regulations of the municipality in accordance with the provisions of said regulations and the Municipal Land Use Law of 1975, N.J.S.A. 50:55D-1, et. seq.
- 3) To participate in the preparation and review of programs or plans required by State or Federal law or regulations.
- 4) To assemble data on a continuing basis as part of a continuous planning process.
- 5) To annually prepare a program of municipal capital improvement projects projected over a term of six (6) years, and amendments thereto, and recommend same to the governing body.
- 6) To consider and make report to the governing body within thirty-five (35) days after a referral as to any proposed development regulation submitted to it pursuant to the provisions of N.J.S.A. 40:55D-26 (a), and also pass upon other matters specifically referred to the Planning & Zoning Board by the governing body, pursuant to the provisions of N.J.S.A. 40:55D-26 (b).
- 7) To perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies or officers.

8) Hear and decide, by majority vote, appeals where it is alleged by the applicant that there is error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of zoning regulations.

9) Hear and decide, by majority vote, requests ofr interpetation of the zoning map or regulations, or for decisions upon other special questions upon which such board is authorized by this Ordinance to pass.

10) Grant by majority vote a variance from the strict application of the zoning regulations where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographic conditions of such piece of property, the strict application of any regulation in the zoning ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property. In no case shall a variance by granted under this paragraph to allow a structure or use in a district restricted against such structure or use.

11) Grant a variance to allow a structure or use in a district restricted against such structure or use in particular cases and for special reasons, but only by the affirmative vote of at least five members.

4.5 DEVELOPMENT APPLICATIONS AND TIME CONSTRAINTS.

A. Application Procedure for Subdivision or Site Plans. Any applicant for subdivision or site plan review and approval shall obtain all necessary forms from the Planning & Zoning Board Administrative Officer. Said officer shall inform the applicant of the steps to be taken in securing Planning & Zoning Board action and of the regular meeting dates of the Board. A developer seeking minor subdivision, major subdivision, or site plan review and approval shall submit eight (8) copies of all plans, together with a completed application form to the Planning & Zoning Board Administrative Officer at least ten (10) days prior to a regularly scheduled Planning & Zoning Board meeting.

The Planning & Zoning Board, at its next regularly scheduled meeting, shall determine, on the basis of advice from the Municipal Engineer and the Board's Administrative Officer, if the application is incomplete, in which case the developer shall be advised within forty-five (45) days of his initial submission as to the additional materials required. An amended application, together with any required revised site plan or major subdivision plat shall be submitted in the same manner as the original application.

If the application is complete, the Planning & Zoning Board shall classify the application as a major or minor development and act upon it within the applicable time period specified below in Section 4.5B, Preliminary Approvals, and in accordance with other provisions of this Ordinance.

If classified as a major development, and either approved or approved with conditions as a major development, or approved as a minor development, a notation to that effect including the date of the approving authority's action shall be made on all copies of the plat and shall be signed by the Chairman and Secretary of the approving authority (or the vice chairman or assistant secretary in their absence, respectively), except the minor plats shall not be signed until all conditions are incorporated on the plat. All conditions on minor developments shall be satisfied within (90) days of the meeting at which conditional approval was granted otherwise the conditional approval shall lapse.

B. Preliminary Plan Approvals.

1. Final approval in the case of minor subdivisions, and preliminary approval of site plans, in the case of ten (10) acres or less, shall be granted or denied within forty-five (45) days from the date an application is determined to be complete or within such further time as may be consented to by the applicant. Approval of a minor subdivision shall expire one hundred ninety (190) days from the date of Planning & Zoning Board approval and the provisions of the Map Filing Law, or a deed clearly describing the approved minor subdivision, is filed by the developer with the County Clerk.

2. Preliminary applications for major subdivision; site plans for conventional developments of more than ten (10) acres; or any planned development shall be subject to public hearing after notices properly given by the applicant as provided in Section 4.19F and preliminary approval shall be granted or denied within ninety-five (95) days from the date an application is determined to be complete, or within such further time as may be consented to be the developer. Otherwise, the Planning & Zoning Board shall be deemed to have granted preliminary approval of the subdivision plat or site plan and a certificate of the Administrative Officer as to the failure of the Planning & Zoning Board to act shall be used on request of the applicant.

In the event preliminary approval of a subdivision or site plan is denied because of failure to comply with municipal or regional development regulations, a notation to that effect, together with the signature of the Administrative Officer of the Planning & Zoning Board shall be placed on the plat and reasons for the denial shall be stated in the denial resolution.

Preliminary approval of a major subdivision or site plan shall be granted by resolution which shall set forth any conditions that must be met, including required performance guarantees, and plat changes that must be made precedent to final action. A notation indicating preliminary approval does not authorize recording in the case of a subdivision nor the issuance of a building permit in the case of a site plan, unless the plan has been duly stamped and has had affixed the signature of the Chairman or Secretary of the Shiloh Planning & Zoning Board.

Preliminary approval shall, except as provided in paragraph (d) below, confer upon the applicant the following rights for a three (3) year period from the date of the preliminary approval, otherwise the approval shall be void.

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

(b) That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole section or sections of the preliminary plat; and

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

(d) In the case of a development for an area of fifty (50) acres or more, the approving authority may grant the rights referred to in subsections a, b, and c above, for such period of time, longer than three (3) years, as determined by the approving authority to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval and; (2) the potential number of dwelling units and nonresidential floor area of the section(s) awaiting final approval; and (3) economic conditions; and (4) the comprehensiveness of the development, provided that if the design standards have been revised, such revised standards may govern.

C. Final Approval of Site Plans and Major Subdivisions. A developer seeking final approval of a major subdivision or site plan shall, with the knowledge of the Zoning Administrative Officer, submit eight (8) paper prints of the final plan, together with originals and processed tracings as required by the Map Filing Law in the case of subdivisions, along with a completed application form to the Planning & Zoning Board Administrative Officer at least ten (10) days prior to a regularly scheduled Planning & Zoning Board meeting.

The Planning & Zoning Board, at its next regular meeting, shall determine on the basis of advice from the Municipal Engineer and the Board's Administrative Officer, that the application is complete and properly submitted as of that date, or that the application is

incomplete or in error, in which case the developer shall be advised within forty-five (45) days of his initial submission for final approval as to the additional material or corrections required. An amended application, together with any required revised plans shall be submitted in the same manner as the original application.

Final approval of a major subdivision or site plan shall be granted only after all requirements and conditions imposed at the time of preliminary approval have been complied with. A notation indicating approval shall be placed on each plat together with the signatures of the Chairman and Secretary of the Shiloh Planning & Zoning Board.

An application for final approval shall be granted or denied within forty-five (45) days from the date it is determined to be complete, or within such further time as may be consented to by the applicant. Otherwise, the Planning & Zoning Board shall be deemed to have granted final approval and certificate of the Planning & Zoning Board Administrative Officer as to the failure of the Planning & Zoning Board to act shall be issued on request of the applicant.

Final approval of a major subdivision shall expire ninety-five (95) days from the date of signing of the plat unless, within such period, the plat shall have been duly filed by the developer with the County Clerk. The Planning & Zoning Board, for good cause shown, may extend the period for recording for an additional period, not to exceed one hundred ninety (190) days from the date of signing of the plat.

Final approval of a major subdivision or site plant shall confer upon the developer the following rights:

1. Zoning requirements applicable to the preliminary approval first granted and all rights conferred upon the developer as set forth in Subsection 4.5B of this Section, whether conditionally or otherwise, shall not be changed for a period of two (2) years after the date of final approval; provided that in the case of a major subdivision the rights conferred by this Section shall expire if the plat has not been duly recorded in accordance with the expiration provisions above set forth in this Section. If the developer has followed the standards prescribed for final approval, and in the case of a major subdivision, has duly recorded the plat as required herein, the Planning & Zoning Board may extend such period of protection for extensions of one (1) year, but not to exceed three (3) such extensions. Notwithstanding any other provisions of this Ordinance, the granting of final approval of a major subdivision or site plan terminates the time period of preliminary approval given pursuant to Subsection 4.5B of this Section for any portions granted final approval.

2. In the case of a subdivision or site plan for a planned development of fifty (50) acres or more, or a conventional subdivision or site plan of one hundred-fifty (150) acres or more, the approving authority may grant the rights referred to in the above paragraph for such period of time, longer than two (2) years, as shall

be determined by the approving authority to be reasonable taking into consideration (a) the number of dwelling units and nonresidential floor area permissible under final approval; (b) economic conditions; and (c) the comprehensiveness of the development. The developer may apply for thereafter, and the approving authority may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the approving authority to be reasonable taking into consideration (a) the number of dwelling units and nonresidential floor area permissible under final approval; (b) the number of dwelling units and nonresidential floor area remaining to the developer; and (c) economic conditions; and (d) the comprehensiveness of the development.

D. Advisory Committee to the Planning & Zoning Board. The Mayor may appoint one (1) or more persons as a citizens advisory committee to assist or collaborate with the Planning & Zoning Board in its duties, but such person or persons shall have not power to vote or take other action required of the Board. Such person or persons shall serve at the pleasure of the Mayor.

E. Relationship Between Planning & Zoning Board and Environmental Commission. Whenever an Environmental Commission shall have been created and the Environmental Commission has prepared and submitted to the Planning & Zoning Board an index of the natural resources of the municipality, the Planning & Zoning Board shall make available to the Environmental Commission an informal copy of every application for development to the Planning & Zoning Board. Failure of the Planning & Zoning Board to make such informational copy available to the Environmental Commission shall not invalidate any hearing or proceeding.

F. Rules and Regulations. The Board may adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this Ordinance. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions for the County and Municipal Investigations Law (N.J.R.S. 2A:67A-et seq.) shall apply.

G. Granting of Variances. No variance or other relief may be granted under the provisions of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zone regulations.

H. Referral of Applications. Any application under any subsection of this section may be referred to any appropriate person or agency for its report provided that such reference shall not extend the period of time within which the Planning & Zoning Board shall act.

I. Time for Decision in the Appeal from Administrative Officer. The Planning & Zoning Board shall render its decision not later than 120 days after the date of an appeal is taken from the decision of an administrative officer, or not later than 120 days after the submission of a complete application for development to the Board. Failure of

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

J. The Granting of Hardship and Use Variances. In the granting of hardship and use variances, a time limit of one (1) year from the date of the variance approval shall be set within which time the applicant shall secure a building permit, otherwise the variance granted shall be null and void.

K. Issuance of a Variance in Conjunction with Plan Approval. Whenever an applicant shall request a variance to allow a structure or use in district restricted against such structure or use, the Planning & Zoning Board shall have the power to grant subdivision, site plan, or conditional use approval in conjunction with its action on the "use variance" and may impose restrictions on the subdivision, site plan or conditional use application.

L. Appeals from Use Variance Decisions to the Governing Body. An appeal from any decision of the Planning & Zoning Board's granting of a use variance pursuant to the provisions of N.J.S.A. 40:55D-70(d) may be taken to the Governing Body provided such appeal shall be made within ten (10) days of the date of publication of such final decision of the Planning & Zoning Board.

M. Notice of All Decisions on Development. A copy of a development decision of any Borough agency shall be mailed by said agency for an appropriate municipal fee to all persons who request a copy of that decision. A copy of the decision shall be kept with the Administrative Officer. A brief notice of all decisions on development application hearings shall be published in the official newspaper of the municipality and a copy shall be sent to the applicant. Such publication shall be arranged by the Administrative Officer.

N. Power to Reverse or Modify Decisions. In exercising the above mentioned power, the Planning & Zoning Board may, in conformity with the provisions of N.J.S.A. 40:55D-1 et seq. or amendments thereto or subsequent statutes applying, reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appeal from, and make such other requirements, decisions, or determinations as ought to be made, and to that end have all the powers of the Administrative Officer from whom the appeal was taken.

4.6 COMPLIANCE

All zoning requirements shall be met at the time of any erection, enlargement, moving or change in use. If a new structure is added to an existing complex of structures or if any existing structure has an addition, the site plan provisions of this Ordinance shall apply to the enlargement or new structure.

All developments resulting from subdivision and site plan approvals shall comply with all the design and performance standards, including conditions imposed by the approving authority, as shown on the approved site plat and/or included in the resolution adopted by the approving authority.

4.7 CONDITIONAL APPROVAL

A. Conditional Approval by the Approving Authority. The approving authority may condition its approval of any application for development on compliance by the applicant with any lawful requirements the approving authority deems reasonable and necessary for the public health, safety, and welfare. The applicant has the responsibility of complying with reasonable conditions for design, dedication, improvements and land use stipulated by the approving authority.

B. Approval Conditional Upon Legal Barriers. In the event that a developer submits an application for development proposing a development that is barred or prevented, directly or indirectly, by a legal action instituted by any State agency, political subdivision or other party to protect the public health and welfare or by a directive or order issued by any State agency, political subdivision or court of competent jurisdiction to protect the public health and welfare, the municipal agency shall process such application for development regulations, and, if such application for development complies with municipal development regulations, the municipal agency shall approve such application conditioned on removal of such legal barrier to development.

C. Approval Conditioned Upon Other Governmental Action. In the event that development by an application for development requires an approval by a governmental agency other than the municipal agency, the municipal agency shall, in appropriate instances, condition its approval upon subsequent approval of such governmental agency; provided that the municipality shall make a decision of any application for development within the time period provided in this Ordinance or within an extension of such period as has been agreed to by the applicant unless the municipal agency is prevented or relieved from so acting by the operation of law. If such governmental agency's report is returned within the time period and is negative or attaches conditions, the original action by the municipal approving authority shall be null and void and a new resolution shall be adopted which considers the governmental agency's report.

4.8 CONDITIONAL USES

A. Issuance of a permit for Conditional Use. Before any permit shall be issued for a conditional use, applications shall be made to the Planning & Zoning Board. The Planning & Zoning Board shall grant or deny the application after public hearing, but within 95 days of submission of a complete application to the administrative officer or within such further time as may be consented to by the applicant. Where a conditional use application involves a site plan or subdivision, the Planning & Zoning Board shall

review and approve or deny the subdivision or site plan simultaneously with the conditional use application. Failure of the Planning & Zoning Board to act within the required time period shall constitute approval of the application. In reviewing the conditional use application, the Planning & Zoning Board shall review the number of employees or users of the property, the requirements set forth in the ordinance, and shall give due consideration to all reasonable elements which would affect the public health, welfare, safety, comfort and convenience such as, but not limited to, the proposed use (s), the character of the area, vehicular travel patterns and access, pedestrian way, landscaping, lighting, signs, drainage, sewage treatment, potable water supply, utilities, structural location(s) and orientation(s) and shall conduct a public hearing on the application. The use for which conditional uses are granted shall be deemed to be permitted uses in their respective districts, and each conditional use shall be considered as an individual case. In all requests for approval of conditional uses the burden of proof shall be on the applicant. All conditional uses shall require site plan review and approval by the Planning & Zoning Board. Prior to making its decision, the Planning & Zoning Board shall be satisfied that the conditional use is reasonably necessary for the convenience of the public in the location proposed.

B. Time Limit on Conditional Uses. In the granting of conditional uses, a time limit of one (1) year from the date of the variance approval shall be set within which time the owner shall secure a building permit, otherwise the variance granted shall be null and void.

4.9 EFFECTIVE DATE

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

4.10 ENFORCING OFFICERS

It shall be the duty of the zoning officer who shall be appointed by the governing body to administer and enforce the zoning provisions of this Ordinance. No building permit shall be issued unless the plans are accompanied by an approved zoning permit. No zoning permit shall be issued unless the proposed structure, use, temporary activity, and construction activities are in compliance with this ordinance. In cases involving the new use of an existing structure, no certificate of occupancy for the new tenant shall be issued until a zoning permit has been issued. It shall be the duty of the Municipal Engineer to enforce the provisions of subdivision and site plan approvals.

4.11 EXCEPTIONS/WAIVERS

The approving authority, when acting upon applications for preliminary or minor subdivision approval and preliminary site plan approval, shall have the power to grant such exceptions from the "Design and Performance Standards" in Article 6 of this Ordinance as may be reasonable and within the general purpose and intent of the provisions for subdivision/site plan review and approval if the literal enforcement of one or

more provisions of this ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

The approving authority shall have the power to review and approve or deny conditional uses or site plans simultaneously with a review for subdivision approval without the developer being required to make further application, or the approving authority being required to hold further hearings. Whenever approval of a conditional use is requested by the developer in conjunction with a site plan or subdivision, notice of the hearing on the plat shall include reference to the request for such conditional use.

4.12 EXEMPTIONS FROM SUBDIVISION REGULATIONS

Divisions of land not considered a subdivision as defined in this Ordinance shall be exempt from compliance with the requirements of this ordinance only after affirmative action by the approving authority. Such action shall be taken following submission of documentation to the approving authority showing the division of land for agricultural purposes where all resulting parcels are five (5) acres or larger in size; divisions by testamentary or interstate provisions; divisions of property by court order, and conveyances so as to combine existing lots by deed or other instrument, as the case may be. Until exempted from the subdivision regulations by the approving authority, no person can transfer, sell, or agree to transfer or sell, as owner or agent, any land which forms a part of a subdivision for which approval is required.

4.13 FEES

Fees shall be paid and escrow funds established in accordance with a schedule adopted by the Shiloh Borough Council.

4.14 GUARANTEES AND INSPECTIONS

A. Bonding as a Condition of Final Approval. No final plat shall be approved by the approving authority until all items required to be bonded (on-site, off-site and off-tract) in the public interest have been installed, inspected, certified, and approved by the Municipal Engineer and accepted by the governing body and a maintenance guarantee has been filed and accepted by the governing body in accordance with the requirements of this Section. No maintenance bond shall be accepted nor shall any partial facility be accepted for any item which has further stages of work to be completed or which will need to be altered or re-worked in any manner due to the installation or connection of any other facility. Any improvements installed prior to final plat application that do not meet the standards of this Ordinance or other regulations shall be added to the performance guarantee.

B. Developing Cost Estimate for Performance Guarantee. A performance guarantee cost estimate shall be submitted to the approving authority by the Municipal Engineer as part of his report on preliminary and final plat review. The approving

authority may request the Municipal Engineer to review and update this estimate from time to time as required.

1) Form. A performance guarantee required in connection with the Shiloh Development Ordinance shall be in one of the following forms:

- a. A corporate surety bond furnished by a bonding or surety company authorized to do business in the State of New Jersey.
- b. A certified or cashier's check made payable to the Borough of Shiloh.
- c. A certificate of deposit from a recognized banking institution, which deposit may be withdrawn only after action by the municipal governing body determining that the requirements of final approval guaranteed thereby have been fulfilled and which may be claimed by Shiloh Borough in the event such requirements are not met; or
- d. A letter of credit from a recognized banking institution.

2) Term. Performance guarantees shall run for a term, to be fixed by the approving authority, of not more than three (3) years, except that, with the consent of the obligor and the surety, if there be one, the governing body may, by resolution, extend the term of such performance guarantee for an additional period, not to exceed three (3) years. The amount of the performance guarantee may be reduced by the governing body by resolution when portions of the required improvements have been satisfactorily installed.

3) Lack of Performance. If required improvements are not completed or corrected in accordance with the performance guarantee, the obligor or the surety, if there be one, shall be liable thereon to the Municipality for the reasonable cost of the improvements not completed or corrected and the Municipality may, either prior to or after receipt of the proceeds thereof, complete such improvements.

4) Verification and Review. The proposed performance guarantee required for final plat approval shall be submitted to the Municipal Engineer and Municipal Attorney for recommendations as to accuracy and form and then to the governing body for approval and acceptance by resolution. Submission for final plat approval shall not be made until the performance guarantee has been accepted and approved by the governing body. The performance guarantee may cover: streets, grading, pavement, gutters, curbs, sidewalks, street-lighting, shade trees, surveyor's monuments, water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion

control and sedimentation control devices, public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping.

C. Deposit of the Performance Guarantee. The performance guarantee shall be deposited with the Borough by payment to the Municipal Treasurer. The Treasurer shall issue a receipt for such deposits and shall retain the deposits as security for completion of all requirements to be returned to the developer on completion of all required work or, in the event of default on the part of the developer, to be used by the Borough to pay the costs of completing the requirements.

The total performance guarantee shall equal one hundred twenty percent (120%) of the performance guarantee cost estimate plus an amount equal to fifteen percent (15%) of the cost of any facilities installed prior to final submission as a maintenance guarantee. The Municipal Engineer's certification that the principal has satisfactorily installed or has defaulted in meeting the required standards of construction shall be the basis for governing body action which accepts or rejects the improvements, withholds, approval, or may extend the time allowed for installation of the improvements.

D. Notification of Acceptance. The Borough clerk shall immediately notify the approving authority and the Municipal Engineer when the performance guarantee has been approved and accepted by the governing body.

E. Requirement for Preconstruction Conference. Prior to beginning construction, the developer shall arrange for a preconstruction conference between the developer, contractor, and Municipal Engineer. All improvements and utility installation shall be inspected during the time of their installation under the supervision of the Municipal Engineer to insure satisfactory completion. The Municipal Engineer shall be notified by the developer five (5) days in advance of the start of construction.

F. Approval of Municipal Engineer. No work shall be done without permission from the Municipal Engineer. A representative of the Municipal Engineer's office shall, at the option of the Municipal Engineer, be present at the time all work is performed. No underground installation shall be covered until inspected and approved. The Municipal Engineer's office shall be notified after each of the following phases of the work has been completed so that he may inspect the work: Road subgrade; curb and gutter forms; curbs and gutters; road paving (after each coat in the case of priming and sealing); drainage pipes and other drainage structures before backfilling; shade trees and planting strips; street name signs; and monuments.

G. Utility Inspection. Electrical, gas, telephone and all other utility installations installed by utility companies shall also be subject to the inspection requirements contained herein.

H. Issuance of Occupancy Permits. Occupancy permits will be issued only when the installation of curbs, utilities, functioning water supply and sewage treatment facilities,

by this Ordinance, nor shall such plat approval obligate the Borough in any way to maintain or exercise jurisdiction over such street, drainage system, or other improvement. Acceptance of any street, drainage system or other improvement shall be implemented only by favorable action by the governing body.

N. Maintenance Guarantees

1) Establishment. As a condition precedent to final release of any performance guarantee, the governing body may require the developer to execute a maintenance guarantee and post said guarantee with the Municipal Clerk as a surety for maintenance and repair of all improvements required to be installed by the developer. The maintenance guarantee shall be for a period of two (2) years from the date of final acceptance of the improvements by resolution of the governing body, after recommendation of acceptance by the Municipal Engineer, and its amount shall be equal to fifteen percent (15%) of the Municipal Engineer's estimate of the cost of construction or required improvements. The maintenance guarantee shall apply only to such repairs as may be necessitated by substandard original construction or by damage by the developer in the course of development. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed, or the improvements are covered by a performance or maintenance guarantee, as the case may be, shall be required by the Municipality for such utilities or improvements.

2) Form. A maintenance guarantee may be in a form as provided for by Section 4.13B of this Ordinance.

3) Verification. All maintenance guarantees shall be presented to the Municipal Clerk who shall forward one (1) copy of the guarantee to the Borough Engineer and one (1) copy to the Borough Attorney. The Borough Engineer shall advise the governing body and the Borough Attorney if the maintenance guarantee is executed in the correct amount; and the Borough Attorney shall notify the governing body as to the acceptability of the maintenance guarantees in terms of their form and execution.

4) Records. The Borough Clerk shall maintain a record of all maintenance guarantees received by the Borough in connection with development approval and shall notify the Borough Engineer sixty (60) days prior to the expiration date of such maintenance guarantees.

5) Release of Forfeiture. Prior to the expiration date of any maintenance guarantee or to the release of any maintenance guarantee, the Borough Engineer shall inspect the improvements and report to the governing body concerning their condition and any deficiencies still extant. Release of a maintenance guarantee shall be by resolution of the governing body based on recommendation for release by the Borough Engineer. The governing body

may cause a maintenance guarantee to be forfeited if the report of the Borough Engineer illustrates that deficiencies in the bonded improvements exist at the time release is requested.

4.15 INCONSISTENT ORDINANCES REPEALED

All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. Upon the adoption of this Ordinance according to law, all previously adopted procedural, subdivision, site plan and zoning ordinance and their amendments are repealed.

4.16 INTERPRETATION

A. Interpretation of Minimum Requirements. The provisions of this Ordinance shall be held to be minimum requirements. Where any provision of this Ordinance imposes restrictions different from those imposed by any other provision of this Ordinance or any other ordinance, rule or regulation, or other provision of law, whichever provision(s) are more restrictive or impose higher standards shall control.

B. Interpretation of Zoning District Boundary Lines. Zoning district boundary lines are intended to follow street centerlines, streams, and lot or property lines unless otherwise indicated by dimensions on the zoning map. Any dimensions shown shall be in feet, measured horizontally and measured from the street right-of-way line even if the centerline of that street serves as a zoning district line. The location of any disputed zoning district line shall be determined by the Planning & Zoning Board. Zoning district lines extend vertically in both directions from ground level.

C. Modification of District Line. Where a zoning district line divides a lot, the zoning district line may be modified by the owner by moving the zoning district line up to the property line provided the property line is within 20 feet of the zoning district line as shown on the zoning map. A use permitted in the zoning district so extended shall thereafter be a permitted use in the extended area. A zoning district line shall be altered only once by utilizing this section of the ordinance after which the use shall be governed by the district in which it is located after adjustment.

4.17 PERMITS

A. Issuance of Permits. No zoning permit, building permit, or certificate of occupancy shall be issued for any parcel of land or structure which was sold or on which improvements were undertaken in violation of the provisions of this Ordinance or for use of a lot which was created by subdivision after the effective date of, and not in conformity with the provisions of this Ordinance. No site improvements such as, but not limited to, excavation or construction of public or private improvements - shall be commenced except in conformance with this Ordinance in accordance with plat approvals and the issuance of required permits.

B. Requirement for Issuance of Zoning Permit Prior to Other Permits. A zoning permit shall be issued by the Zoning Officer before the issuance of either a certificate of occupancy to a new occupant of an existing building or portion of an existing building or portion of an existing building, or before the issuance of a building permit.

C. Requirement for Certificate of Occupancy. It shall be unlawful to use or permit the use of any building or part thereof hereafter created, erected, changed, converted, altered or enlarged, wholly or in part, until a certificate of occupancy shall have been issued by the Building Inspector and no certificate shall have been issued by the Building Inspector and no certificate shall be issued unless the land, building and use thereof comply with this ordinance; all matters incorporated on the approved subdivision or site plan have been completed and certified by the Municipal Engineer, and the building and health codes are complied with.

D. Fee for Zoning Permits and Certificates of Occupancy. Each request for a zoning permit and a certificate of occupancy shall be accompanied by a certified check or bank money order payable to the Borough of Shiloh in the amount of \$10 for a zoning permit and \$25 per dwelling unit for a certificate of occupancy and \$50 for each one thousand square feet of gross floor area of non-residential use for a certificate of occupancy.

4.18 PROHIBITED USES

All uses not expressly permitted in this ordinance are prohibited including but not limited to the following:

1. Earth extraction other than that incidental to excavating or regrading in connection with or in anticipation of building development or landscaping the site.
2. Piggeries.
3. Mobile homes or trailers except as permitted in Article 6.
4. Trailer Parks.
5. Dumping or disposal of waste or scrap material of any kind by any person or the sufferance of such disposal upon any property by the owner or occupant thereof.
6. Junk yard including automobile wrecking.
7. Reduction or rendering of fish or animal products.
8. Smelting of ore.

9. Public Auction Marts.
10. Distillation of bones, processing or refining or manufacture of acid, gas, gypsum, asbestos or lime.
11. Above ground bulk-storage (more than 5,000 gallons) of petroleum products, or any other flammable liquids, solids, or gases.
12. Trash or garbage incinerator.
13. Acetylene gas producers, Bauxite Burners, Asphalt and Petroleum or Petrochemical refining or processing, Alcoholic beverage producers, Ammonia manufacture, Bleaching powder manufacture, Celluloid manufacture, Fertilizer production or processing. Fireworks or explosive manufacture or processing, Match production, Commercial Slaughter House, Tallow Refinery, Grease Refinery, Leather tanning storage or curing, Chemical manufacturing, Sodium compound manufacturing, Cement manufacturing, or any other trade, industry or use that will be injurious, hazardous, noxious, or offensive to an extent equal to or greater than those here enumerated.
14. Activities which involve danger of fire, explosion, emission of toxic and noxious matter, radiation, or other hazards, or which create vibrations, smoke, or other particulate matter, odorous matter, heat, or humidity.
15. Sale, manufacture, or distribution of any material deemed pornographic as defined by the decisions of the United States Supreme Court.

4.19 PROVISIONS APPLICABLE TO THE MANAGEMENT OF THE PLANNING & ZONING BOARD

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

B. Meetings.

- 1) Meetings of the Planning & Zoning Board shall be scheduled no less often than once a month and any meeting so scheduled shall be held as scheduled unless canceled for lack of applications for development to process.

- 2) Special meetings may be provided for at the call of the Chairman or on the request of any two (2) Board members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements.
- 3) No action shall be taken at any meeting without a quorum being present.
- 4) All actions shall be taken by majority vote of a quorum except as otherwise required by any provision of N.J.S.A. 40:55D et. seq.
- 5) All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Law (N.J.R.S. 10:4-6).

C. Minutes. Minutes of every regular or special meeting shall be kept and include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes shall, thereafter, be made available for public inspection during normal business hours at the office of the Municipal Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party may be charged a fee for reproduction of the minutes for his use as provided for in the rules of the Board.

D. Fees for Board Administration. Fees for applications or for the rendering of any service by the Planning & Zoning Board or any member of their administrative staffs which is not otherwise provided by ordinance may be provided for and adopted as part of the rules of the Board, and copies of said rules or of the separate fee schedule shall be available to the public.

E. Hearings.

- 1) **When Required.** Hearings shall be required for the following:
 - a. Preliminary approval of all site plans greater than ten (10) acres.
 - b. Preliminary approval of major subdivisions
 - c. Conditional Uses pursuant to N.J.S.A. 40:55D-67.
 - d. Bulk variances pursuant to N.J.S.A. 40:55D-70 (c).
 - e. Use variances pursuant to N.J.S.A. 40:55D-70 (d).
 - f. Issuance of a permit to build a structure in the bed of a mapped street, drainageway, flood control basin, or public area reserved

on the official map pursuant to N.J.S.A. 40:55D-34.

- g. Issuance of a permit for a building on structure not related to a street pursuant to N.J.S.A. 40:55D-36.

The approving authority may waive a public hearing for minor subdivisions.

2) Rules. The Planning & Zoning Board may make rules governing the conduct of hearings before such bodies which rules shall not be inconsistent with the provisions of N.J.S.A. 40:55D-1 et seq. or of this Ordinance.

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

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

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

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

7) Hearing for Relief from Regulations. Whenever relief is requested pursuant to Sections 4.4 or 4.5 of this Ordinance, notice of a hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit as the case may be.

8) Requirement to Give Notice. Whenever a hearing is required on an application for development, it shall be the responsibility of the applicant to give notice as follows:

- a. Public notice shall be given by publication in the official newspaper of the municipality at least ten (10) days prior to the date of the

hearing.

- b. Notice shall be given to the owners of all real property as shown on the current tax duplicate or duplicates located within two hundred (200) feet in all directions of the property which is the subject of such hearing and whether located within or without the municipality in which the applicant's land is located. Such notice shall be given by:
 - (1) Serving a copy thereof on the owner as shown on the said current tax duplicate or his agent in charge of the property; or
 - (2) Mailing a copy thereof by certified mail to the property owner at his address as shown on the said current tax duplicate. A return receipt is not required. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.
- c. Notice of all hearings on applications for development involving property located within two hundred (200) feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality, which notice shall be in addition to the notice required to be given to the owners of lands in such adjoining municipality which are located within two hundred (200) feet of the subject premises.
- d. Notice shall be given by personal service or certified mail to the County Planning Board of a hearing on an application for development of property adjacent to an existing County road or proposed road shown on the official County Map or on the County Master Plan, adjoining other County land or situated within two hundred (200) feet of a municipal boundary.
- e. Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a State highway.
- f. Notice shall be given by personal service or certified mail to the Director of the Division of State and Regional Planning in the Department of Community Affairs of a hearing on an application for development of property which exceeds 150 acres or 500

dwelling units. Such notice shall include a copy of any maps or documents required to be on file with an Administrative Officer pursuant to N.J.S.A. 40:55D-10.

- g. All notices hereinabove specified in this section shall be given at least ten (10) days prior to the date fixed for hearing and the applicant shall file an affidavit of proof of service with the Board holding the hearing on the application for development.
- h. Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.
- i. Form notice. All notices required to be given pursuant to the terms of this Ordinance shall state the date, time and place of the hearing the nature of the matters to be considered and identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Municipal Tax Assessor's office and the location and times at which any maps and documents for which approval is sought are available as required by law.

F. List of Property Owners Furnished. Pursuant to the provisions of N.J.S.A. 40:55D-12c, the Shiloh Borough Tax Assessor shall, within seven (7) days after receipt of a request therefore and upon receipt of payment of a fee of ten dollars (\$10), make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to Section. 4.19E.

H. Decisions.

1) Decisions Shall Be Made in Writing. Each decision of any application for development shall be set forth in writing as a resolution of the Board which shall include findings of fact and legal conclusions based thereon.

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

3) Publication of Decision. A brief notice of every final decision shall be published in the official newspaper of the Municipality. At a minimum, the notice shall clearly identify the nature of the Board action requested; the public meeting or meetings at which the matter was heard and decided; and whether or not the application was granted. Such publication shall be arranged by the Administrative Officer of the Planning & Zoning Board.

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

4.20 SAVING PROVISION

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision, site plan, or zoning regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue or as affecting the liability of any person, firm, or corporation, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of this ordinance, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided in this Ordinance.

4.21 SITE PLAN APPROVAL REQUIRED

Site plan approval shall be required for all developments except the following.

- A. Building permits for individual lot applications involving only detached one or two dwelling unit buildings;
- B. Accessory uses such as a private garage (unless it is part of an apartment or townhouse project);
- C. A sign for an existing use or structure which meets all applicable zoning requirements as determined by the Zoning Officer.
- D. Other buildings incidental to residential or agricultural land use.
- E. In connection with the alteration or repair of an existing building or use

when the Zoning Officer determines that all of the following are applicable to the said alteration or repair:

- 1) Will not result in additional coverage
- 2) Will conform to the maximum and minimum building standards set forth in the Zoning Ordinance;
- 3) Will not increase the number of required off-street parking or loading spaces; and
- 4) Is not proposed in connection with a use requiring conditional use approval by the Zoning Ordinance.

4.22 VACATING A STREET OR OTHER PUBLIC WAY

Where a street or public way serves as the zoning district line and it is lawfully vacated, the former centerline shall be considered the zoning district line.

4.23 VALIDITY

If any section, paragraph, clause, or other provision of this ordinance shall be adjusted by the courts to be invalid, such adjudication shall apply only to the section, paragraph, clause, or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

4.24 VIOLATIONS AND PENALTIES

A. Penalty. Violations of the zoning provisions of this ordinance by any owner or lessee or other person shall constitute disorderly conduct and each twenty-four hour violation shall be deemed a separate offense punishable by imprisonment not to exceed thirty (30) days or a fine not to exceed one thousand dollars (\$1000) or both such fine or imprisonment.

B. Subdivisions - Selling Before Approval. If, before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, as owner or agency, any land which forms a part of a subdivision for which Borough approval is required by ordinance such person shall be subject to a penalty not to exceed \$1,000, and each lot disposition so made may be deemed a separate violation. In addition to the foregoing, the Borough may institute and maintain a civil action.

1. For injunctive relief; and

2. To set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with Article 6, Section 44 of the Municipal Land Use Law.

In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land, from which the subdivision was made that remains in the possession of the developer or his assigns or successors, to secure the return of any deposits made or purchase price paid, and also a reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within two years after the date of the recording of the instrument of transfer, sale or conveyance of said land or within six years, if unrecorded.

C. Site Plan Approval. Any development subject to site plan review regulations shall not be instituted and no building permit issued therefor until final site plan approval has been granted by a duly constituted approving authority. A building permit or certificate of occupancy issued for a development after receipt of final approval by a duly constituted approving authority shall remain valid only so long as the terms and conditions of said final approval are fully complied with. Any such development that violates any of the terms and conditions of site plan approval shall be found by the responsible building official to be in violation of the terms of the Shiloh Development Ordinance and shall be subject to penalties provided for such violation set forth in Section 4.24A.

4.25 YARD SALES

An owner or person in possession of real estate may hold a yard or tag sale as provided in the Schedule of District Regulations no more than three times in any calendar year upon obtaining a permit from the Zoning Officer. The tag or yard sale shall not exceed four (4) consecutive days. Tax-exempt organizations are exempt from obtaining a permit under this paragraph. The permit fee for such a sale shall be one dollar (\$1).

A maximum of four (4) temporary off-premises directional signs measuring not over 12 inches by eighteen (12" x 18") each for tag sales, bazaars, fairs, and sales such as church food sales are permitted under the permit fee listed above. Signs must be removed by the permitted within three (3) days after the event.

4.26 ZONING DISTRICT AND ZONING MAP

The zoning districts shall be as shown on the accompanying map and enumerated in the Schedule of District Regulations.

ARTICLE V - DEVELOPMENT REVIEW PROCEDURES AND PLAT DETAILS

5.1 INFORMAL DISCUSSION

An informal submission is optional. Any person may appear at a regular meeting of the approving authority for informal discussion of a plat of sufficient accuracy to be used to review overall development concepts in order to assist the applicant in the preparation of subsequent plans. No decisions will be made and no formal action taken on an informal discussion.

The date included on an informal submission of a site plan shall include sufficient basic data to enable the approving authority and the applicant to comment upon design concepts such as building location, ingress and egress, parking, major natural features that will have to be recognized or may influence certain design criteria, and the applicant's basic intent for water, sewerage, and storm drainage facilities. Informal submissions are sketches to scale of possible plan(s) for the development of an area. They are not binding on the municipality or upon the developer and do not necessitate accurate engineered drawings.

5.2 GENERAL SUBMISSION REQUIREMENTS

Development applications shall be submitted and acted upon in accordance with Section 4.5 of this Ordinance.

5.3 MINOR SUBDIVISIONS

A. Plat Design Standards. Minor subdivisions shall comply with plat design standards of Section 5.6 and design and improvement standards in Article 6. The first approval given a minor subdivision shall be deemed to be final approval of the subdivision provided that the approving authority or its subdivision committee may condition such approval on terms insuring the provision of improvements pursuant to Article 6 of this ordinance. In the event that a development application requires approval by a governmental agency other than the municipal approving authority, the municipal approving authority shall condition its approval upon the subsequent approval of such governmental agency.

B. Resubmission Date. Any lands, lots, or parcels resulting from a minor subdivision shall not be resubmitted as a minor subdivision for a twenty four (24) month period of the date of its initial approval as a minor subdivision.

C. Classification. Any division of land within the past five (5) years of which the parcel proposed for subdivision was a part shall be counted in determining whether-a current subdivision shall be classified as a major or minor.

5.4 SUBMISSION OF PRELIMINARY PLATS

Preliminary plats are required for all site plans and major subdivisions. Such plats shall be submitted and acted upon in accordance with Section 4.5 of this Ordinance and the provisions of this section.

A. Public Hearing. If accepted as an application, a public hearing date shall be set and notice given as required by Section 4.19E and 4.19F of this ordinance.

B. Number of Copies. Upon submission of a preliminary plat and prior to its approval, the administrative officer shall submit one (1) copy of plat and supporting data to each of the following: County Planning Board, Borough Engineer, Secretary of the Board of Health, Tax assessor, Building Inspector, and any other agency or persons as directed by the approving authority for their review and action.

C. Time Constraints. Preliminary plats shall be acted upon within the applicable time constraints of Section 4.5 of this Ordinance.

D. Amendments to Preliminary Plats. If the approving authority required any substantial amendment in the layout of improvements in either a site plan or subdivision as proposed by the developer and that plan had been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development. The approving authority shall, if the proposed development complies with this ordinance, grant preliminary approval.

E. Action of the Approving Authority. The approving authority may approve, disapprove, or approve with conditions the application, including action on the Environmental Report required in the Section entitled "Environmental Impact Report" in Section 6.12. Such action shall not take place until after any required public hearing has been conducted. The decision shall be in writing and shall be sent to the applicant and the newspaper as required by the Section entitled "Public Hearings" in Section 4.19E and F. If the approving authority grants preliminary approval, its chairman and secretary, (or vice chairman or assistant secretary in their absence, respectively) and Municipal Engineer shall sign each page of the plat indicating the approval. If the plat is conditionally approved, it shall not be signed until all conditions are complied with. If all conditions are not complied with within 180 days from the date of the meeting at which a plat was conditionally approved, the conditional approval shall lapse.

5.5 SUBMISSION OF FINAL PLATS

Final plats shall be submitted and acted upon in accordance with Section 4.5 of this Ordinance and the provisions of this section.

A. Approval of Utilities. The final plat shall be accompanied by letters directed to the chairman of the approving authority and signed by a responsible officer of the water

company, sewer authority, and utility which provides gas, telephone and electricity that has jurisdiction in the area. Such letters shall approve each proposed utility installation design and stating who will construct the facility.

B. Location of Utilities. The final plat shall be accompanied by a statement by the Municipal Engineer that he is in receipt of a map showing all utilities and other improvements (both in the development and off-tract improvements) in exact location and elevation, that he has examined the drainage, erosion, storm water control, and excavation plans and found that the interests of the Borough and of nearby properties are fully protected, and identifying those portions of any improvements already installed and that the subdivider has either:

- 1) Installed all improvements in accordance with the requirements of this ordinance and the preliminary plat approval with a maintenance guarantee accompanying the final plat; or
- 2) Posted a performance guarantee in accordance with this ordinance and the preliminary plat approval for all partially completed improvements or improvements not yet initiated.

5.6 PLAT DESIGN STANDARDS

No development application for subdivision or site plan approval shall be accepted unless submitted in plat form and no plat shall be accepted for consideration unless it conforms to the following requirements as to form, content, and accompanying information, and complies with the provisions of N.J.S.A. 46:23.1 et. seq. (Map Filing Law), as amended, and the following:

A. Minor Subdivision Plat for Classification and Approval

- 1) Clearly and legibly drawn
- 2) Graphic Scale not less than 1" = 100'
- 3) Based on actual survey and signed and sealed by a land surveyor licensed in New Jersey
- 4) Sheet sizes of 30" x 42"; 24" x 36"; 15" x 21"; or 8 1/2" x 13".
- 5) Existing and proposed lot lines with bearings and dimensions to 0.01 foot.
- 6) Existing lot lines to be eliminated.
- 7) Area of original tract to one square foot.

- 8) Area of each proposed lot to one square foot.
- 9) Contours at 2 foot intervals in areas with less than 10 percent slope; 5 foot intervals in areas with 10 to 20 percent slope; and 10 or 20 foot intervals on slopes in excess of 20 percent. Properties containing slopes in more than one category shall have those contours at ten foot intervals drawn at twice the width as either the 2 foot or 5 foot contours.
- 10) Existing structures, uses, wooded areas, and isolated trees with a diameter of six (6) inches or more measured five (5) feet above ground level.
- 11) Shortest distance between any existing building and a proposed or existing lot line.
- 12) All streams, lakes and drainage rights-of-way within the limits of the tract (s) being subdivided and within two hundred (200) feet thereof including the location, width and direction of flow of all streams, brooks, and drainage rights-of-way; the location and dimension of all drainage structures; existing features to be removed or relocated; and flood hazard area and floodway lines, steep slopes, wetlands and swamps.
- 13) Existing and proposed rights-of-way and easements within and adjoining the tract with dimensions, existing driveways, street names, and the purpose for any easement. Sight triangles shall be shown. Copies of the text of any deed restrictions shall be included.
- 14) The name of the owner of the proposed tract and all adjoining property owners as disclosed by the most recent municipal tax records.
- 15) The tax map sheet, block and lot number for the tract and all adjacent lots; title; graphic scale; north arrow; space for the subdivision application number; the date of the original drawing and the date and substance of each revision.
- 16) Zoning district (s). If the property lies in more than one zoning district, the plat shall indicate all the zoning district lines. All front, side, and rear yard setback lines shall be shown conforming to the zoning ordinance.
- 17) The name, address, signature, and phone number of the owner, - subdivider, and person preparing the plat, including the seal of person (s) preparing the plat.

- 18) When no sanitary sewers are proposed, the plat shall show the results of a percolation test on each proposed at a site appropriate for the location of a septic filter field. If the percolation test is doubtful, the approving authority at its discretion may require additional percolation test. The plat shall show the following data: the date of the test (s), the location of each test, cross-section of the soil to a depth of at least ten (10) feet below finished grade, ground water level, and the rate of percolation, and the weather conditions prevailing at the time of each test as well as for the preceding 48 hours. The test (s) shall be performed at the applicant's expense by a licensed professional engineer.
- 19) A key map with north arrow showing the entire development and its relation to surrounding areas at a scale of not less than 1" = 2,000'.
- 20) The location of all utility poles, transformers, and other utility infrastructure located within the right-of-way of any State, County, or municipal road or street.

B. Preliminary Subdivision Plat

- 1) Clearly and legibly drawn.
- 2) Graphic scale not less than 1" = 100'.
- 3) Based on certified boundary survey and drawn by a land surveyor licensed in New Jersey with design and improvements drawn by a professional engineer licensed in New Jersey.
- 4) Sheet sizes of 30" x 42"; 24" x 35"; 15: x 21"; or 8 1/2" x 13". If more than one sheet is required to show the entire subdivision, a separate composite map shall be drawn showing the entire subdivision and the sheets on which the various section are shown.
- 5) Key map with north arrow showing the entire subdivision in relation to surrounding areas including the names of principal roads and at a scale of not less than 1" = 2,000'.
- 6) Title Block with the name of the subdivision; any development names previously associated with the application; the name of the municipality; tax map sheet, block and lot number; date of preparation and the most recent revision; meridian; north arrow; graphic scale; the names, addresses, phone numbers, and signatures of the owner, subdivider and person (s) who prepared the plat (s) including the seal of the latter; and space for the subdivision application number.

- 7) The names of all property owners within two hundred (200) feet of the extreme limits of the subdivision as disclosed on the most recent municipal tax records.
- 8) Tract acreage to the nearest one thousandth of an acre; the number of new lots; each lot line dimension scaled to the nearest foot and each lot area to the nearest square foot.
- 9) Existing and proposed contours at 2 foot intervals. All elevations shall be related to a bench mark noted on the plan and wherever possible be based on U.S. Geological Survey mean sea level datum.
- 10) Location of existing natural features such as soil types, slopes exceeding 5 percent, wooded areas, rock outcroppings, views within the development and the location of individual trees outside wooded areas having a diameter of six (6) inches or more measured five (5) feet above ground level. Soil types shall be based on U.S. Soil Conservation Service categories from the Cumberland County Soil Survey.
- 11) Existing and proposed streams, lakes, ponds, and marsh areas accompanied by the following data:
 - a. When a running stream with a drainage area of one-half (1/2) square mile or greater is proposed for alteration, improvement, or relocation, or when a structure or fill is proposed over, under, in, or along such a running stream, evidence of approval, required alterations, lack of jurisdiction, or denial of the improvement by the New Jersey Division of Water Policy and Supply shall accompany the plat.
 - b. Cross-sections and profiles of watercourses at an appropriate scale showing the extent of the flood fringe area, top of bank, normal water level and bottom elevations at the following locations:
 - (1) All water courses within or adjacent to the development and at any point where a watercourse crosses a boundary of the development. (Profile and cross section).
 - (2) At fifty (50) foot intervals for a distance of three hundred (300) feet upstream and downstream to any existing or proposed culvert or bridge within the development (cross sections).

(3) At a maximum of one hundred (100) foot intervals, but at no less than two locations, along each watercourse which runs through or adjacent to the development (cross sections).

(4) When ditches, streams, brooks or watercourses are altered, improved, or relocated, the method of stabilizing slopes and measures to control erosion and siltation during construction as well as typical ditch sections and profiles shall be shown on the plan or accompany it.

- c. The total upstream acreage in the drainage basin of any watercourse running through or adjacent to a development. For flowing streams, small scale watershed maps developed from U.S.G.S. sheets shall be submitted.
- d. The total acreage in the drainage basin to the nearest downstream drainage structure and acreage in that portion of the development which drains to the structure.
- e. The location and extent of all existing or proposed drainage and conservation easements and flood hazard area and floodway lines.
- f. The location, extent and water level elevation of all existing or proposed lakes or ponds on or within 300 feet of the development.
- g. Plans and computations for any storm drainage systems including the following:

(1) All existing or proposed storm sewer lines within or on lands or roads adjacent to the development and for all required off-site and off-tract drainage improvements showing size, profile, and slope of the lines, direction of flow, and the location of each catch basin, inlet, manhole, culvert, and headwall.

(2) The location and extend of any proposed dry wells, ground water recharge basins, detention basins, flood control devices, sedimentation basins or other water conservation devices.

- 12) The names, locations and dimensions including cartway and right-of-way widths of all existing streets within a distance of two hundred

(200) feet of the boundaries of the development, existing driveways and any connections from proposed streets, sidewalks, and bike routes in the development to any adjoining street (s), sidewalk (s), or bike route (s)) and what off-site extensions, if any, will be made to nearby arterial and collector streets as those streets are shown on the adopted master plan.

- 13) Plans, cross-sections, center-line profiles, tentative grades and details of all proposed and existing streets in the tract and within three hundred (300) feet of the subdivision based on the U.S.G.S. datum, together with full information as to the disposal of surface drainage, including plans, cross-sections and profiles of streets, storm drains, and drainage structures. Typical street cross-sections shall indicate the type and width of pavement and the location of curbs, sidewalks, bike routes, typical underground utilities, and shade tree planting. At intersections, the sight triangles, radii or curblines, crosswalks and street sign locations shall be shown. Final street naming may be deferred. For streets where curbs and/or sidewalks are to be provided, separate curb and sidewalk profiles shall be required at street intersections.
- 14) The names, locations, paved widths, right-of-way widths, and purpose (s) of existing and proposed easements, streets, and other rights-of-way in the subdivision. The text of any deed restriction shall be included.
- 15) The location and description of all monuments, existing and tentatively proposed.
- 16) All proposed lot lines, and all existing lot lines to remain and those to be eliminated. All setback lines required by the zoning ordinance with the dimensions thereof and any municipal boundary line where the boundary is within the tract or within two hundred (200) feet of the tract. Any lot (s) to be reserved or dedicated to public use shall be identified. Each block shall be numbered and the lots within each block shall be numbered consecutively beginning with one (1).
- 17) Locations of all existing structures and their use (s) in the tract and within two hundred (200) feet thereof, showing existing and proposed front, rear and side yard setback distances, structures of potential historic significance, and an indication of all existing structures and uses to be retained and those to be removed.
- 18) Plans and profiles of proposed improvements and utility layouts - (sanitary sewers, storm sewers, erosion control, storm water control, excavation, etc.) showing location, size, slope, pumping stations, and

other details as well as feasible connections to any existing or proposed utility systems. If private utilities are proposed, they shall comply fully with all municipal, county and state regulations. If service will be provided by an existing utility company, a letter from that company shall be submitted stating that service will be available before occupancy of any proposed structures. When on-lot water or sewage disposal is proposed, the proposed location of the well and the location and results of percolation tests shall be submitted.

- 19) Zoning district (s) and zoning district lines.
- 20) An itemization of all improvements to be made to the site as required in Article 6 and such other improvements on-site, off-site and off-tract as the public interest may require, together with a listing of the work and materials to be used in installing such improvements including estimated quantities of necessary materials, sufficient to enable the Municipal Engineer to formulate a performance guarantee estimate.
- 21) The location of all utility poles, transformers, and other utility infrastructure located within the right-of-way of any State, County, or municipal road or street.

C. Preliminary Site Plan Plat

- 1) Every preliminary site plan shall be at a minimum graphic scale of 1" - 10', 20', 30', 40', or 50'; certified by a New Jersey licensed architect or engineer, including accurate lot lines certified by a New Jersey licensed land surveyor, submitted on one of four of the following standard sheet sizes (8 1/2" x 13"; 15" x 12"; 24" x 36"; or 30" x 42").

The site plan shall include the following data: (If one sheet is not sufficient to contain the entire territory, a separate composite map shall be drawn showing the entire development and the sheets on which the various sections are shown.) All lot lines and the exterior boundaries of the tract; north arrow; zone district (s) in which the lot (s) is (are) located; date of original drawing and each subsequent amendment; existing and proposed street (s) and street name (s); existing and proposed contours at 2 foot intervals throughout the tract and within one hundred (100) feet of any building or paved area under review; title of the plan; streams; total area to one square foot; total number of parking spaces; all dimensions, areas, and distances needed to confirm conformity with the ordinance such as but not limited to building lengths, building coverage, lot lines, parking spaces, loading spaces, setbacks, and yards; a small key map giving the general location of the parcel within the Borough; and a separate map showing the site in relation to

all remaining lands in the present owner's ownership.

- 2) **Site Plan Information for Preliminary and Final Approval.** Each site plan shall have the following information shown thereon or be annexed thereto and shall be designed to comply with the applicable provisions of this ordinance.
- a. **Building and Use Plan.** Size, height, location, arrangement and use of all proposed buildings, structures, and signs, including an architect's scaled elevations of the front, side, and rear or any structure and sign to be erected or modified to the extent necessary to apprise the approving authority of the scope of the proposed work, shall be shown. Any existing structures shall be identified either to remain or be removed. A written description of the proposed use (s) and operation (s) of non-residential building (s) including the number of employees on each shift; expected truck and tractor-trailer traffic; emission of noise, glare, vibration, heat odor, air and water pollution; safety hazards; and anticipated expansion plans incorporated in the building design. Floor plans shall be submitted.
 - b. **Circulation Plan.** This plan shall show access streets and street names, acceleration/deceleration lanes, curbs, aisles, and lanes, access points to public street, sight triangles, traffic channelization, easements, fire lanes, driveways, number and location of parking and loading spaces/loading berths and/or docks, pedestrian walks, and all related facilities for the movement and storage of goods, vehicles and persons on the site and including lights, lighting standards, signs, and driveways within the tract and within 100 feet of the tract. Sidewalks shall be shown from each entrance/exit along expected paths of pedestrian travel such as, but not limited to, access to parking lots, driveways, other buildings on the site, and across common year areas between buildings. Plans shall be accompanied by cross-sections of new streets, aisles, lanes, driveways and sidewalks. Any expansion plans for the proposed use shall show feasible parking and loading expansion plans to accompany building expansion.
 - c. **Natural Resources Plan.** This plan shall show existing and proposed wooded areas, buffer areas including the intended screening devices and buffers, grading at 2 foot contour intervals inside the tract and within 50 feet of its boundaries, seeded and/or sodded areas, ground cover, retaining walls, fencing, signs, recreation areas, shrubbery, trees, and other landscaping features.

These plans shall show the location and type of man-made improvements and the location, species, and caliper of plant material and trees to be located on the tract. All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing combinations such as landscaped fencing, shrubbery, lawn area, ground cover, rock formations, contours, existing foliage, and the planting of coniferous and/or deciduous trees native to the area in order to maintain or re-establish the tone of the vegetation in the area and lessen the visual impact of the structures and paved areas. The established grades and landscaping on any site shall be planned for aesthetic, drainage, and erosion control purposes. The grading plan, drainage facilities, and landscaping shall be coordinated to prevent erosion and siltation, as well as assuring that the capacity of any natural or man-made drainage system is sufficient to handle the water from the site and contributing upstream areas.

- d. Facilities Plan. This plan shall show the existing and proposed locations of all drainage and storm water run-off; open space; common property; fire, gas, electric, telephone, sewerage, and water line locations; and solid waste collection and disposal methods including proposed grades, sizes, capacities, and materials to be used for facilities installed by the developer. Installations by utility companies need only show their locations on the plat. All easements acquired or required on the tract and across adjacent properties shall be shown and copies of legal documentation that support the granting of an easement by an adjoining property owner shall be included. All proposed lighting shall be shown including the direction, angle, height, and reflection of each source of light. All utilities shall be installed underground. All required state and federal approvals for environmental considerations shall be submitted prior to preliminary approval or be a condition of approval. Drainage facilities shall include facilities to comply with the Storm Water Run-off provisions of this ordinance. The method of sewage treatment and solid waste disposal shall be shown and percolation tests from sufficient locations on the site to allow a determination of adequacy shall be included where septic tanks and leaching fields are permitted and are proposed. Such plans shall be reviewed by the Municipal Engineer with recommendations to the approving authority. All public services shall be connected to an approved public utilities system where one exists.

- 3) Waivers. The approving authority may waive any of the requirements or details specified to be shown on the site plan in the case of a

particular application, if the applicant can demonstrate to the approving authority's satisfaction that certain required site plan data are not necessary to be shown in order for the approving authority to be able to determine clearly that all comprehensive plan proposals and policies and all Shiloh Ordinance provisions will be complied with by the proposed developer and that the proposed development will have no deleterious effect on neighboring properties. Before waiving any site plan application requirements, the approving authority shall, on advise of its professional advisors, make a finding that the site plan in question will provide sufficient materials and information to assure the adequate protection of health, safety, and public welfare of the people of Shiloh.

D. Final Subdivision Plat

- 1) Clearly and legibly drawn.
- 2) Graphic scale not less than 1" = 50'.
- 3) Drawn in compliance with Map Filing Law.
- 4) Sheet sizes of 30" x 42"; 24" x 36"; 15" x 21"; or 8 1/2" x 13". If more than one sheet is required to show the entire subdivision, a separate composite map shall be drawn showing the entire subdivision and the sheets on which the various sections are shown.
- 5) The submission for final plat approval shall show the same information required for preliminary approval in addition to the following, except that the plat to be filed need only contain the data required for filing with the County Recording Officer and all other data may be submitted on separate sheets:
 - a. Signature blocks for the approving authority, Municipal Engineer, and other endorsements required by law.
 - b. Tract boundary lines; municipal boundary line if within 200 feet of the tract being subdivided; street names; all lot lines and other site lines with accurate dimensions, bearing or deflection angles and radii, arcs and chord bearings and distances of all curves based on an actual survey by a Land Surveyor licensed to practice in the State of New Jersey with minimum building setback lines and the area of each lot shown to the nearest square foot. All dimensions, both linear and angular, of the exterior tract boundaries shall be based on and calculated from surveyed traversing which shall have an apparent error of field closure of 1:10,000 or better and shall be corrected by accepted balancing

methods to final errorless closure; all final exterior and lot boundaries shall be similarly balanced to final errorless closure. All dimensions, angles, and bearings, given on the map must be referred to at least two (2) permanent monuments which shall be indicated on the map.

- c. Block and lot numbers in accordance with established standards and in conformity with the municipal tax map as approved by the Municipal Tax Assessor and all street numbers where appropriate shall be designated as specified by the approving authority.
- d. Plans, cross-section, profiles' and established grades of all street and easements as approved by the Municipal Engineer.
- e. Plans and centerline profiles of all storm and sanitary sewers and water mains as approved by the Municipal Engineer.
- f. Location and description of all monuments as required by this ordinance and the Map Filing Law with the subdivision tied into the New Jersey Plane Co-Ordinate System.
- g. By separate exhibits, information regarding required improvements and detailing the stage of completion of installing the improvements including the following certifications:
 - (1) By a New Jersey licensed profession land surveyor as to the accuracy of the plat and of the surveyed dimensions.
 - (2) That the applicant is agent or owner of the land, or that the owner has given consent under an option agreement or contract of sale.
 - (3) Approvals of Municipal Engineer.
 - (4) Appropriate local, county, and state approvals.
 - (5) By the Municipal Tax Collector that all taxes are paid to date.
 - (6) Other certifications that may be required by law.

E. Final Site Plan Plat. The final plat shall include all data required on the preliminary site plan plat drawn to incorporate all changes required as a condition of preliminary approval and drawn by persons and to specifications as required for a preliminary plat.

ARTICLE VI - DESIGN AND PERFORMANCE STANDARDS

6.1 GENERAL

A. Requirement for Sound Design Standards. Any application for development shall demonstrate conformance to the design standards of this Section that will encourage sound development patterns within the Borough. Where either an Official Map or Master Plan has been adopted, the development shall conform to the provision and conditions shown thereon. The streets, drainage rights-of-way, school sites, public parks and playgrounds, scenic sites, historic sites, and flood control basins shown on the officially adopted Master Plan or Official Map shall be considered in the approval of plats. In accordance with good design practices, extreme deviations from rectangular lot shapes and straight lot lines shall not be allowed unless made necessary by special topographical conditions or other special conditions acceptable to the approving authority. All improvements shall be installed and connected with existing facilities, or installed in required locations to enable future connections with approved systems or contemplated systems, and shall be adequate to handle all present and probable future development.

B. Character of the Land. Land which the approving authority finds to be unsuitable for the intended lot(s) and their use due to flooding, improper drainage, steep slopes, soil conditions, adverse topography, utility easements, or other features which can reasonably be expected to be harmful to the health, safety, and general welfare of the present or future inhabitants of the development and/or its surrounding areas, shall not be subdivided and site plans shall not be approved unless adequate and acceptable methods are formulated by the developer to solve the problems by methods meeting this Ordinance and all other regulations.

C. Plats Straddling Municipal Boundaries. Whenever a development abuts or crosses a municipal boundary, access to those lots within the Borough shall be from within the Borough as the general rule. Wherever access to a development is required across land in an adjoining community as the exception, the approving authority may require documentation that such access is legally established, and that the access road is adequately improved.

D. Development Name. The proposed name of the development shall not duplicate, or too closely approximate, the name of any other development in the Municipality. The approving authority shall have final authority to designate the name of the development which shall be determined at the preliminary plat stage.

6.2 ACCESSORY BUILDINGS

Any accessory building attached to a principal building is part of the principal building and shall adhere to the yard requirements for the principal building.

shall be designed, planted, graded, landscaped, and developed with the general guideline that the closer a use or activity is to a property line, or the more intense the use, the more effective the buffer area must be in obscuring light and vision and reducing noise beyond the lot.

B. Buffer Dimensions. A minimum of one-half of the periphery that requires a buffer shall have a buffer at least 15 feet wide which shall be designed, planted, graded, landscaped and developed to obscure the activities of the site from view. In addition, not more than one-half of the periphery that requires a buffer shall consist of at least two of the following: (1) fencing or walls in a landscaped area not less than 10 feet wide; (2) a landscaped berm at least 6 feet high; (3) a building with a setback of at least 200 feet with a grade of less than 20 percent where groups of plantings and trees are located within this area to enhance some architectural feature(s) of the structure as well as offer a break to large open areas, but with no other use permitted in this yard area; and (4) a parking area setback of at least 100 feet that is screened as required under the off-street parking provisions of this Ordinance. If in the judgment of the approving authority any of these alternative provisions will not provide sufficient buffers for the portion of the site proposed, the approving authority may require the site plan to be modified to show the extension of the 15 foot buffer area outlined above, require that the proposed alternatives be landscaped differently, or be relocated until, in the approving authority's judgment, they provide the desired buffering effect.

C. Buffer Plantings. All buffer areas shall be planted and maintained with either grass or ground cover together with a screen of live shrubs or scattered planting of live trees, shrubs, or other plant material meeting the following requirements: (1) the preservation of all natural wooded tracts shall be an integral part of all site plans and may be calculated as part of the required buffer area provided the growth is of a density and the areas has sufficient width to serve the purpose of a buffer. Where additional plantings are necessary to establish an appropriate tone for an effective buffer, said plantings may be required: (2) plant materials used in screen planting shall be at least 3 feet in height when planted and be of such density as will obscure, throughout the full course of the year, the glare of automobile headlights emitted from the premises; (3) the screen planting shall be so placed that at maturity it will not be closer than three feet from any street or property line; (4) trees shall be at least 8 feet in height and 1 1/2 inches in caliper when planted and be of a species common to the area, be of balled and burlapped nursery stock and be free of insect and disease; (5) any plant material which does not live shall be replaced within one year or one growing season; (6) screen plantings and landscaping shall be broken at points of vehicular and pedestrian ingress and egress to assure a clear sight triangle at all street and driveway intersections.

6.6 BUILDING PERMITS, SITE PLAN APPROVALS AND ZONING VARIANCES OUTSTANDING

Nothing in this Ordinance shall require any change in a building permit, site plan, or zoning variance which was approved before the enactment of this Ordinance, but is in

violation of this Ordinance, provided that construction based on such a building permit shall have been started within ninety (90) days following the effective date of this ordinance and, in the case of a site plan or variance, a building permit shall have been issued within ninety (90) days following the effective date of this Ordinance and in all other instances approvals and permits shall be void.

6.7 CORNER LOTS

A. Minimum Setback. Any principal or accessory building located on a corner lot shall have a minimum setback from both street lines equal to the required front yard. The remaining two yards shall be considered side yards for the purpose of this ordinance.

B. Sight Triangle Easement. All corner lots shall maintain an area of clear sight visibility to enhance safe vehicular travel through the Borough in accordance with Section 6.39 of this Ordinance. It shall be the responsibility of the property owner to keep this area clear of shrubbery, plantings, structures, and other obstructions to clear sight visibility.

6.8 CURBS AND GUTTER

Concrete curb shall be installed along every street within the development and at intersections with municipal roads, county roads, and state highways. The standard curb section to be used shall be not more than ten (10) feet in length, shall be set in accordance with approved lines and grades, and radial curbs shall be formed in an arc segment, in a smooth curve. Chord segments are prohibited. Concrete curbs shall be 6" x 8" x 18" with a 6" exposed face, using Class B concrete having a twenty-eight (28) day compressive strength of four thousand five hundred (4,500) p.s.i. and shall be air-entrained. At locations specified by the Board, the curbing shall be designed to provide a ramp for bicycles and/or wheelchairs. Where curbs and gutters are required in conjunction with a new street in a residential development, or in a mixed use development where residential uses constitute a portion of that development, the standards for curbs and gutters found in N.J.A.C. 5-21 et seq. shall apply.

6.9 DRAINAGE

All streets shall be designed to accommodate storm drainage along the streets, including the installation of catch basins and pipes where the same may be necessary for proper surface drainage. The requirements of this section shall not be satisfied by the construction of dry wells. The system shall be adequate to carry off or store the storm water and natural drainage water which originates within the development boundaries and that which originates beyond the development boundaries and passes through the development calculated on the basis of maximum potential development as permitted under this Ordinance. No storm water-runoff or natural drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for

additional drainage structures on other lands without proper and approved provisions being made for taking care of these conditions.

A. Storm Curve. A 5-year storm curve shall be used in computing storm water runoff from the drainage basin to determine the impact on the drainage system under consideration.

B. Computation of Pipe Size. The pipe size determined to be adequate for the run-off computed shall be increased by at least one (1) standard pipe size for the type of pipe being used in order to provide adequate allowance for the normal accumulation of sediment and debris in the storm drainage system. In no case shall the pipe size in a surface water drainage system be less than fifteen (15) inches in diameter.

C. Design of Catch Basins. Catch basins shall be located at all intersections and located in streets with inlets on both sides of the street at intervals of not more than four hundred (400) feet or such shorter distances as required to prevent the flow of surface water from exceeding 6.0 cubic feet per second at the catch basin inlet. Access manholes shall be placed at a maximum 500 foot intervals throughout the system and at pipe junctions where there are no catch basins.

D. Dished Gutters. Dished gutters shall be permitted only at intersections involving local streets. Dished gutters shall not be permitted on arterial or collector streets.

E. Storm Drain Pipes. Storm drain pipes shall be of the size specified and laid to the exact lines and grades approved by the Municipal Engineer. Specifications for manholes, inlets, and storm drains shall follow the 1961 State Highway Specifications, as amended.

F. Grading of Blocks and Lots. For both major and minor developments, blocks and lots shall be graded to secure proper drainage away from all buildings and to prevent the collection of storm water in pools and to avoid concentration of storm water from each lot to adjacent lots.

G. Flood Hazards. Land subject to periodic or occasional flooding shall not be designed for residential occupancy nor for any other purpose which may endanger life or property or aggravate the flood hazard. Such land within a lot shall be considered for open spaces, yards, or other similar uses in accordance with flood plain regulations.

H. Dedication of Drainage Easements. Where a minor or major development is traversed by a watercourse, surface or underground drainageway or drainage system, channel, or stream, there shall be provided and dedicated a drainage right-of-way easement to the Borough conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate to accommodate expected storm water runoff in the future based upon reasonable growth potential in the Borough and; in addition thereto, a minimum of fifteen (15) feet beyond the bank top on

gain is strongly encouraged.

- 2) A new home or business structure may be placed at any angle in relationship to the property frontage provided that the Schedule of District Requirements dimensions are fulfilled.
- 3) A free standing solar energy collection device shall be permitted in any zone as an accessory use provided the device does not infringe on the dimension requirements contained in the Schedule of District Regulations.

B. Wind Energy Conversion Systems, (WECS)

Apparatus that converts wind energy to electricity shall be a permitted accessory use in every district subject to the following standards contained in the Schedule of District Regulations and the following requirements.

- 1) **Compliance with Uniform Construction Code:** Building permit applications shall be accompanied by standard drawings of the structural components of the wind energy conversion system, including structures, tower, base, and footings. Drawings and any necessary calculations shall be certified in writing by a registered professional engineer that the system complies with the Uniform Construction Code.
- 2) **Guy Wires:** Anchor points for guy wires for the WECS tower shall be located on-site and not on or across any above-ground electric transmission or distribution line.
- 3) **Set Back.** The WECS shall be set back from all property lines by a distance at least equal to the total height of the WECS. In addition, the WECS shall be no closer than 150 feet from any residential dwelling.
- 4) **Tower Access.** Towers should have either: (a) tower climbing apparatus located no closer than 12 feet from the ground; (b) a locked anticlimb device installed on the tower; or (c) the tower shall be completely enclosed by a locked, protective fence at least six feet high.
- 5) **Compliance with Atlantic Energy (Connectiv):** All applications for a permit shall include a certification from Atlantic Energy/Connectiv stating that the proposed installation plans meet or exceed their requirements.
- 6) **Rotor Safety.** Each wind energy conversion system must be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor. An engineer must certify the structural compatibility of the proposed tower with intended rotor. This certification would normally be required by the manufacturer.

- 7) **Height.** The minimum height for the lowest part of the WECS shall be 30 feet above the highest existing major structure or tree within a 250 foot radius. For purposes of this requirement, electrical transmission and distribution lines, antennas, and slender or open lattice towers are not considered structures.
- 8) **Electromagnetic Interference.** The wind energy conversion system shall be operated such that no disrupting electromagnetic interference is caused. If it has been demonstrated to the Borough Construction Official that a wind energy conversion system is causing disruptive interference, the operator shall promptly mitigate the disruptive interference.

C. Earth Sheltered Housing

The construction of earth sheltered housing shall be permitted subject to the same locational and dimension requirements as conventional housing.

6.12 ENVIRONMENTAL IMPACT REPORT

Such report shall accompany all major subdivision and site plan preliminary plats, shall provide the information needed to evaluate the effects of a proposed development upon the environment and shall include data, be distributed, reviewed, and passed on as follows:

A. Description of Impact. A description of the development which shall specify what is to be done and how it is to be done, during construction and operation, as well as a recital of alternative plans deemed practicable to achieve the objective.

B. Inventory of Existing Conditions. An inventory of existing environmental conditions at the project site and in the immediate surrounding region which shall describe air quality; water quality; water supply; hydrology; geology; soils and properties thereof, including capabilities and limitations; sewerage systems; topography; slope; vegetation; wildlife habitat; aquatic organisms; noise characteristics and levels; demography; land use; aesthetics, and history. Air and water quality shall be described with reference to standards promulgated by the Department of Environmental Protection of the State of New Jersey and soils shall be described with reference to criteria contained in the Soil Conservation District Standards and Specifications.

C. Impact Analysis. An assessment of the probable impact of the development upon all items set forth above. As a direct result of the investigations made under the environmental impact report, a listing shall be provided which shall be all inclusive stipulating the licenses, permits and approvals needed to be furnished by federal, state, county, or municipal law. The status of these permits and approvals shall also be included. During the preparation of the impact report, the applicant shall contact all concerned federal, state, county, or other municipal agencies or officials adjacent

thereto or affected by the proposed development. The report shall include as a result thereof the conclusions and comments of all concerned governmental officials and agencies. All apropos correspondence between the applicant and these officials and agencies shall be included in the report.

D. Adverse Impact Identification. A listing and evaluation shall be included regarding those adverse environmental impacts which cannot be avoided with particular emphasis upon air or water pollution, increase in noise, damage to natural resources, displacement of people and businesses, displacement of existing harms, increase in sedimentation and siltation, increase in municipal services, and consequences to municipal tax structure. Off-site and off-tract impact shall also be set forth and evaluated.

E. Impact Minimization. A description of steps to be taken to minimize adverse environmental impacts during construction and operation, both at the development site and in the surrounding region, such description to be accompanied by necessary maps, schedules and other explanatory data as may be needed to clarify and explain the steps taken. The developer or its consultants in overall charge of the environmental impact report shall include therein all steps that the developer must undertake to successfully implement the report. Recommended steps must include a positive statement affirming the developer's intent to undertake this work by using terms "shall be, must, etc."

F. Irretrievable Resource Impacts. A statement shall be included concerning any irreversible and rretrievable commitment of resources which would be involved in the proposed development. Alternatives shall be set forth which might avoid some or all adverse environmental effects, including a non-action alternative.

G. Action on Impact Report. Upon completion of all reviews and public hearing(s), the approving authority shall either approve or disapprove the Environmental Impact Report of the development. In reaching a decision the approving authority shall take into consideration the effect of applicant's proposed development upon all aspects of the environment as outlined above as well as the sufficiency of applicant's proposals for dealing with any immediate or projected adverse environmental affects.

H. Waiver of Environmental Impact Report. Notwithstanding the foregoing, the approving authority may, at the request of an applicant, waive the requirement for an Environmental Impact Report if sufficient evidence is submitted to support a conclusion that the proposed development will have a slight or negligible environmental impact. Portions of such requirement may likewise be waived upon finding that the complete report need not be prepared in order to evaluate adequately the environmental impact of a particular project.

I. Submission of Report for Public and Quasi-Public Projects. An Environmental Impact Report as required herein shall also be submitted for all public or quasi-public

projects unless such are exempt from the requirements of local law by supervening county, state, or federal law.

6.13 FENCES AND WALLS

No fence or wall shall be located in any required sight triangle.

6.14 FIRE PROTECTION

Wherever a central water supply system services a development, provision shall be made for fire hydrants along streets and/or on the walls of non-residential structures as approved by the municipal fire department or Municipal Engineer and in accordance with Fire Insurance Rating Organization Standards.

Where streams or ponds exist, or are proposed on lands to be developed, facilities shall be provided to draft water for fire fighting purposes. This shall include access to a public street suitable for use by firefighting equipment and construction of or improvements to ponds, dams, or similar on-site development, where feasible. Such facilities shall be constructed to the satisfaction of the Municipal Engineer and fire department and in accordance with Fire Insurance Rating Organization Standards.

6.15 GRADING AND FILLING

All lots where fill material is deposited shall have clean fill and/or top soil deposited which shall be graded to allow complete surface draining of the lot into local storm sewer systems or natural drainage courses. No re-grading of a lot shall be permitted which would create or aggravate water stagnation or a drainage problem on-site or on adjacent properties or which will violate the provisions of the Soil Erosion and Sediment Control and Soil Removal and Redistribution provisions of this ordinance. Grading shall be limited to areas shown on the approved site plan or sub-division. Any top soil disturbed during approved excavation and grading operations shall be redistributed throughout the site.

6.16 HEIGHT EXCEPTIONS

All buildings and structures shall be subject to height limitations specified in Schedule of District Regulations except: Church steeples, spires, water tanks, and flagpoles. The height of any such structure above the base on which it is fixed or attached shall not exceed two times the district height restriction nor be greater than the shortest distance from such base to any property lines. Agricultural buildings not intended for human occupancy shall not be subject to the building height limitations.

6.17 KENNELS AND ANIMAL HOSPITALS

A kennel and/or animal hospital, in addition to complying with other applicable regulation, (s) including the submission of a site plan as provided, shall be located on a land parcel having a minimum of five (5) acres and shall be located at least two hundred (200) feet from all lot lines, unless the use is carried on within a completely enclosed and sound-proof building, in which case, it must observe the residential lot size and setback requirements of the (A) Agricultural District.

6.18 LAKES

Any lake shall have a minimum depth of water of not less than three (3) feet from May 1st to September 1st of each year. (See sections entitled "Fire Protection" and "Storm Water Run-off" in Article 6).

6.19 LIGHTING

All area lighting shall provide translucent fixtures with shields around the light source. The light intensity provided at ground level shall average a maximum of five-tenths foot candle over the entire area. For each fixture and lighted sign, the total quantity of light radiated above a horizontal plane passing through the light source shall not exceed seven and one-half percent of the total quantity of light emitted from the light source. Any other outdoor lighting shall be shown on the site plan in sufficient detail to allow determination of the effects at the property line and on nearby streets, driveways, residences, and overhead sky glow. No lighting shall shine directly or reflect into windows, or onto streets and driveways in such a manner as to interfere with driver vision. No lighting shall be of a yellow, red, green or blue beam nor be of a rotating, pulsating, beam, or other intermittent frequency. The intensity of such light sources, light shielding, the direction and reflection of the lighting, and similar characteristics shall be subject to site plan approval by the planning board. The objective of these specifications is to minimize undesirable off-site effects.

6.20 LOTS

A. Dimensions. Lot dimension and area shall not be less than the requirements of the Zoning Provisions.

B. Side Lot Angles. Insofar as is practical, side lot lines shall be either at right angles or radial to street lines.

C. Street Frontage. Each lot must front upon an approved, paved street with a right-of-way at east fifty (50) feet.

D. Through Lots on Two Streets. Through lots with frontage on two streets will be permitted only under the following conditions: (1) where the length of the lot between

both streets is such that future division of the lot into two lots is improbable, and (2) access shall be to the street with the lower traffic function and the portion of the lot abutting the other street shall be clearly labeled on the plat, and in any deed, that street access is prohibited.

E. Zoning Measurements at Street Line. Where extra width has either been dedicated or anticipated for widening of existing streets, zoning considerations shall begin at such new street line and all setbacks shall be measured from such line.

F. Contiguous Lot Ownership. Two or more contiguous lots under the same ownership, regardless of whether or not each may have been approved as portions of a subdivision, acquired by separate conveyance, or by other operation of law, and one or more of said lots should not conform with the minimum area and/or dimension requirements for the zone in which it is located, the contiguous lots shall be considered as a single lot and the provisions of this Ordinance shall hold.

G. Non-Conforming Lots. Any nonconforming lot existing at the time of adoption of this ordinance which does not meet the definition of the previous paragraph may have a building permit issued for a permitted use without an appeal for a variance provided the building coverage is not exceeded, parking requirements are met, and provided further that the nonconforming lot abuts lots on either side that are developed and the nonconforming lot is the largest possible assemblage of contiguous land under the preceding paragraph, but where the nonconforming lot abuts either a vacant lot or an oversized developed lot, the issuance of a building permit may be delayed until the approving authority determines the reasonableness of requiring the applicant to acquire additional land to reduce or eliminate the nonconformity. Where the resulting lot is still conforming, the yard and height provisions may be reduced to the same percentage the area of the undersized lot bears to the zone district requirements except that no side yard shall be less than half that required by the ordinance, or five feet, whichever is greater, and no building shall be required to have a height less than 12 feet.

H. Substandard Lot Depth. Whenever land has been dedicated or conveyed to the municipality by the owner of a lot in order to meet the minimum street width requirements or to implement the official map or master plan, and which lot existed at the effective date of this ordinance, the building inspector shall not withhold a building and/or occupancy permit when the lot depth and/or area was rendered substandard due to such dedication and where the owner has not adjacent lands to meet the minimum requirement.

I. Lot Coverage Inclusions. The building area of all roofed structures, buildings, parking lots, and impervious surfaces shall be included in the determination of lot coverage.

J. Non-Reduction of Lot Size. No lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein. Lots

created after the effective date of this ordinance shall meet at least the minimum requirements established by the ordinance.

K. Irregularly Shaped Lots. In the case of irregularly shaped lots, the minimum lot width specified in the Schedule shall be measured at the rear line of the required front yard area, provided that in no case shall the distance between side lot lines be reduced no less than 50% of the minimum width requirements.

6.21 MOBILE HOMES

In addition to complying to other applicable regulations contained in this or any other Borough ordinance, mobile homes may be placed or used only as follows:

A. Temporary Use for Living. Temporary use of one (1) mobile home structure for living and/or sleeping purposes as an accessory structure on a lot for a period not to exceed one (1) month.

B. Temporary Use for Storage. Temporary use of one (1) mobile home structure for office, tool storage or quarters for a watchman as an accessory use to permitted construction projects on the same lot therewith, for a period not to exceed one (1) year.

C. Permanent Storage. Permanent storage of one (1) unoccupied mobile home on a lot only when entirely enclosed in a permitted principal or accessory building.

D. Conditions for Siting of Mobile Homes. Whether occupied or unoccupied, the following conditions regarding the location of accessory mobile homes shall apply.

- 1) Its longitudinal axis shall be perpendicular to the street line of the lot. On corner lots, the longitudinal axis of the mobile home shall be perpendicular to the front building line of the principal building.
- 2) It shall be located in the rear yard or shall be placed in a completely enclosed structure. In no case shall a mobile home extend into the front yard of the lot.

E. Prohibition as a Principal Use. No mobile home shall be permitted as a principal use in any district.

6.22 MONUMENTS

Shall be the size and shape required by N.J.S.A. 46:23-9.12 of the Map Filing Law, as amended, and shall be placed in accordance with said statute and indicated on the final plat. All lot corners shall be marked with a metal alloy pin of permanent character.

6.23 NATURAL FEATURES

Natural features such as trees, brooks, swamps, hilltops, and views, shall be preserved whenever possible. On individual lots, care shall be taken to preserve selected trees to enhance soil stability and the landscape treatment of the area.

6.24 NONCONFORMING USES, STRUCTURES, OR LOTS

The lawful use of land, buildings, or structures existing when this ordinance was adopted may be continued on the lot or in the structure although they may not conform to this ordinance and any such structure may be restored or repaired in the event of partial destruction thereof provided, however, that not shall be enlarged, extended, relocated, converted to another use, or altered, except in conformity with this ordinance,, except as permitted below. Land on which a nonconforming use or structure is located and any nonconforming lot shall not be subdivided or resubdivided so as to be made more nonconforming in any manner.

A. Abandonment. A nonconforming use shall be considered abandoned: (1) if it is terminated by the owner; (2) if a nonconforming use involving a structure is discontinued for twelve consecutive months, or (3) if a nonconforming use of land without structure (s) ceases for a period of six months. The subsequent use of the abandoned building, structure, and/or land shall be in conformity with this ordinance.

B. Conversion to Permitted Uses. Any nonconforming building, structure, or use may be changed to conform to this ordinance, but shall not be changed back to a nonconforming status.

C. Maintenance. Maintenance may be made to a nonconforming use, structure, or lot provided the maintenance work does not change the use, expand the building or the functional use of the building, increase the area of the lot used for a nonconforming purpose, or increase the nonconformity in any manner.

D. Nonconforming Lots and Structures.

- 1) Any existing structure on a nonconforming lot, or any existing structure on a conforming lot which violates any yard requirements, may have additions to the principal building and/or construct an accessory building without an appeal for a variance, provided the total permitted building coverage is not exceed and the accessory building and/or the addition to the principal building do not violate any other requirements of this ordinance. Building permits may be issued on non-conforming vacant lots in accordance with the sectioned entitled "Lots" in Article 6.
- 2) Any nonconforming vacant lot existing at the time of adoption of this ordinance may have a building permit issued for a permitted use

without an appeal for a variance provided the building coverage is not exceeded, parking requirements are met, and the yard and height provisions are reduced to the same percentage the area of the under-sized lot bears to the zone district requirements except that no side yard shall be less than half that required by the ordinance, or five feet, whichever is greater, and no building shall be required to have a height less than one story or 12 feet, whichever is less.

E. Restoration and Repairs.

- 1) Any nonconforming building, structure or use which has been condemned or damaged by fire, explosion, flood, windstorm, or act of God, shall be examined by the Building Inspector. If in the opinion of the Building Inspector, the value of repairing the condition is greater than 50 percent of the value of replacing the entire structure, it shall be considered completely destroyed and may be rebuild to the original specifications only upon approval of a use variance as provided by state statutes.
- 2) Where the value of repairing the condition is determined to be less than 50 percent of the value of replacing the entire structure, the non-conforming structure or use may be rebuild and used for the same purpose as before, provided it does not exceed the height, area, and bulk of the original structure.
- 3) The percent damaged or condemned shall be the current replacement costs of the portion damaged or condemned computed as a percentage of the current replacement cost of the entire structure, neither to include the cost of the foundation.

F. Sale. Any nonconforming use, structure or lot may be sold and continue to function in the same nonconforming manner.

6.25 OFF-TRACT IMPROVEMENTS

A. Payment of Pro-Rata Costs. The approving authority shall require, as a condition of final subdivision or site plan approval, that developer pay his pro-rate (roughly proportional) share of the cost of providing only reasonable and necessary street improvements and water, sewerage and drainage facilities, and easements therefore, located outside the property limits of the development but necessitated or required by construction or improvements within such development. The developer shall either install the improvements or contribute his pro-rata share of the costs, at the option of the developer. If the developer installs the improvements, he shall be compensated for all but his pro-rata share of the cost of said improvements. The formula for determining the pro-rata share shall be determined by the Borough Engineer based on the type of development, scope of improvements, and measure of impact.

B. Payment of Full Costs. The developer shall pay the full cost of all off-tract improvements required by the approving authority if such off-tract improvements are wholly necessitated by the proposed development and said improvements do not benefit any land other than the land within the subdivision or site plan.

C. Procedural Requirement for Cost Allocation. The developer shall provide for payment of its pro-rata share, allocated in conformance with the standards set out in subsection E and F hereof, of all off-tract improvements required by the approving authority if such improvements are wholly or partially necessitated by the proposed development and said improvements benefit lands other than those within the subdivision or site plan.

D. Requirements Prior to Approval. In the event the approving authority shall determine that off-tract improvements are required in connection with any subdivision or site plan, then prior to granting final approval:

- 1) The approving authority shall report to the Borough Council
 - a. the location, character and extent of the required off-tract improvements;
 - b. the Municipal Engineer's estimate of the total cost of such off-tract improvements; and
 - c. the proposed allocation of the said total cost determined in accordance with the standards set forth in subsection E and F below.
- 2) The Borough Council shall determine and report to the approving authority whether and by what date the off-tract improvements will be constructed by the Borough as a general improvement, or as a local improvement or as a combination thereof; or whether the developer, at his option may construct the required off-tract improvements and be reimbursed pursuant to a formula specified by the Borough Council if the improvements specifically benefits property other than that within the subdivision or site plan.
- 3) The approving authority shall require, as a condition of final approval of the subdivision plat or site plan that:
 - a. if the improvement is to be constructed by the Borough as a general improvement, the developer shall deposit with the Borough an amount equal to the difference, if any, between the estimated cost of the improvement and the estimated total amount by which all properties, including the subdivision or site plan to be serviced by the improvement, will be specially benefited by the improve-

ment; or

- b. if the improvement is to be constructed by the Borough as a local improvement, the developer shall deposit with the Borough, in addition to the amount specified in paragraph a. above, the estimated amount by which the subdivision or site plan will be specially benefited by the improvement:

E. Allocation of Costs Among Parties. In determining the allocation of cost for off-tract improvements as between the developer, other property owners and the Borough, the approving authority shall be guided by the following factors:

- 1) the total estimated cost of off-tract improvements;
- 2) the increase in market values of the properties affected and any other benefits conferred;
- 3) the needs created by the application;
- 4) population and land use projections for the land within the general area of the subdivision or site plan and other areas to be served by the off-tract improvements;
- 5) the estimated time for construction of the off-tract improvements; and;
- 6) the condition and periods of usefulness of the improvements which may be based upon the criteria of N.J.S.A. 40A:2-22.

F. Accounting for Specific Cost Factors. Without limiting the generality of the foregoing, the approving authority may take into account the following specific factors:

- 1) With respect to street, curb, gutter, sidewalk, street light, street sign and traffic light improvements, the approving authority may consider:
 - a. traffic counts;
 - b. existing and projected traffic patterns;
 - c. quality of roads and sidewalks in the area; and
 - d. such other factors as it may deem relevant to the needs created by the proposed development;

- 2) With respect to drainage facilities, the approving authority may consider:
 - a. the relationship between the areas of the subdivision or site plan and the area of the total drainage basin of which the subdivision or site plan is a part;
 - b. the proposed use of land within the subdivision or site plan and the amount of land area to be covered by impervious surfaces on the land within the subdivision or site plan; and
 - c. the use, condition or status of the remaining land area in the drainage basin.
- 3) With respect to water, gas and electric supply and distribution facilities the approving authority may consider the use requirements of the use proposed for the subdivision or site plan and the use requirements of all other properties to be benefited by the improvements;
- 4) With respect to sewerage facilities the approving authority may consider:
 - a. the anticipated volume of effluent from the use proposed for the subdivision or site plan and the anticipated volume of effluent from all other properties to be benefited by the improvements;
 - b. the types of effluent anticipated and particular problems requiring special equipment or added costs.

G. Deposit of Funds. Any money received by the Borough Treasurer for off-tract improvements to be constructed or installed by the Borough pursuant to the provisions of this section shall be deposited in a suitable depository therefore and shall be used only for the improvements for which they are deposited or improvements satisfying the same purpose. If construction of improvements for which the Borough is responsible has not commenced within (5) years from the date of deposit, the amount deposited together with any interest thereon shall be returned to the developer or his successor in interest.

H. Additional Payment by Developer or Refund of Unused Monies. Upon completion of any improvement constructed by the Borough as a general or local improvement, the total cost of such improvement shall be determined by the ordinance providing for such improvements. The difference between the actual cost as so determined and the estimated cost shall be computed. The developer or his successor in interest shall make remittance to the Borough, if the actual cost exceeds the estimated cost, or shall receive a refund from the funds deposited with the Borough if

the estimated cost exceeds the actual cost, in an amount which bears the same relationship to the difference between the actual and estimated costs as the amount deposited by the developer for his proportionate share of the estimated cost bears to the total estimated cost. Any sum payable by the developer or his successor in interest may be levied and collected by the Borough in the same manner as is provided by law for the levy and collection of real estate taxes.

I. Presumption of Fee Ownership. In the absence of an express provision in a deed or deeds of conveyance, it shall be presumed that the fee owners of all lots in the subdivision or site plan at the date any deposit or portion thereof is returned or additional charge is made pursuant to subsections B, G, and H of this section, are the lawful successors in interest to the developer and each such fee owner shall be charged with or entitled to receive a pro-rata share, based on lot area, or any funds to be returned or additional charge to be made pursuant to this section. Upon payment of any such sums to the said fee owners, the Borough shall be released of liability to any other person.

6.26 ON TRACT IMPROVEMENTS

On-tract improvements, including street right-of-way, street or shoulder paving, curb and gutters, street signs, street lighting, street trees, sidewalks, survey monuments, surface drainageways, surface drainage structures and facilities, potable water supply structures and facilities, sanitary sewerage and facilities, off street parking and loading areas and paving, private driveway paving, open space areas and improvements and screen or buffer planting, as specified in this ordinance and according to design criteria contained in this ordinance shall be required where applicable in connection with all minor and major subdivisions and site developments, including permitted planned developments of any kind. Where any improvements proposed in conjunction with a subdivision or site plan application are regulated by the New Jersey Residential Site Planning Act standards, N.J.A.C. 5-21, said standards shall apply in addition to the requirements of this Ordinance.

6.27 OFF-STREET PARKING AND LOADING

A. Access to and From Lots. Drives shall be limited to a maximum of two to any street, except when the frontage of a property along any one street exceeds 500 feet, the number of drives to that street may be based on one drive for each 250 feet of property frontage. Each drive shall be at least three parking aisles from any other drive on the same property. Each drive shall handle no more than two lanes of traffic each direction; be at least 50 feet or one-half the lot frontage, whichever is greater, but need not exceed 300 feet from the street line of any intersecting street; and be at least 20 feet from any property line. The width of the curb cut shall be determined by the type traffic to be handled and the limitation to the number of lanes of traffic. Driveways with widths exceeding 24 feet shall be reviewed by the approving authority giving consideration to the width, curbing, direction of traffic flow, radii of curves, and traffic

lane divider. Curbing shall be either depressed at the driveway or have the curbing rounded at the corners with the access drive connected to the street in the same manner as another street.

B. Access to Parking and Loading Spaces. Access to Parking and Loading Spaces. Individual parking and loading spaces shall be served by on-site aisles designed to permit each motor vehicle to proceed and from each parking the loading space without requiring the moving of any other motor vehicle. Where the angle of parking is different on both sides of the aisle, the larger aisle width shall prevail.

C. Buffers. Parking and loading areas for commercial and industrial uses shall be buffered from adjoining streets, existing residential use, or any residential zoning district in a manner meeting the objectives of the buffer section of this ordinance.

D. Curbing. All off-street parking area containing six (6) or more spaces and all off-street loading areas shall have concrete or Belgian block curbing around the perimeter of the parking ad loading areas and along major interior driveways to separate them from the parking and loading spaces. Curbing may also be installed within the parking or loading areas to define segments of the parking and loading areas. Concrete wheel blocks may be located within designated parking or loading spaces. All curbing shall be located in conjunction with an overall drainage plan. Curbing installed at locations requiring pedestrian access over the curbing shall be designed to have ramps from the street grade to the sidewalk. The breaks shall be either opposite each aisle or no less frequent than one every 65 feet along the curb.

E. Dimensions. Off-street parking spaces shall be either 9 feet wide or 10 feet wide (depending on the width of the access aisle and the angle of parking) and a minimum of 20 feet in length in accordance with the following schedule. In any event, the parking lots containing more than ten (10) spaces a minimum of one space shall be a minimum of 12 feet wide for parking lots with more than twenty (20) spaces, five (5) percent of all spaces but not more than ten (10) spaces shall be 12 feet wide. These wider spaces shall be located in one area and designated as parking for the handicapped. They shall be located so that access does not require wheeling or walking behind parked cars.

<u>Angle of Parking Space</u>	<u>For Parking Spaces Nine (9) Feet Wide</u>		<u>For Parking Spaces Ten (10) Feet Wide</u>	
	<u>One-Way Aisle</u>	<u>Two-Way Aisle</u>	<u>One-Way Aisle</u>	<u>Two-Way Aisle</u>
90 degrees	25'	25'	22'	22'
60 degrees	20'	22'	18'	20'
45 degrees	18'	20'	15'	18'
30 degrees	15'	18'	12'	12'
parallel	12'	18'	12'	18'

Off-street loading spaces shall have 15 feet of vertical clearance and be designed in accordance with the following schedule:

<u>Loading Space</u>		<u>Apron/Aisle Length</u>	
<u>Length</u>	<u>Width</u>	<u>90</u>	<u>60</u>
60'	10'	72'	66'
60'	12'	63'	57'
60'	14'	60'	54'

F. Drainage. All parking and loading areas shall have drainage facilities installed in accordance with good engineering practice as approved by the Municipal Engineer and in accordance with the "Drainage" provisions of Article 6 of this ordinance. Where sub-base conditions are wet, springy, or of such nature that surfacing would be inadvisable without first treating the sub-base, these areas shall be excavated to a depth of at least 6 to 12 inches below the proposed sub-grade and filled with a suitable sub-base material as determined by the Municipal Engineer. Where required by the Engineer, a system of porous concrete pipe, sub-surface drains shall be constructed beneath the surface of the paving and connected to a suitable drain. After the sub-base material has been properly placed and compacted, the parking area surfacing material shall be applied.

G. Surfacing Approval. Surfacing shall be approved as part of the plan approval.

- 1) Areas of ingress and egress, loading and unloading areas, major interior driveways, aisles, and other areas likely to experience similar heavy traffic shall be paved with not less than 4 inches of compacted base course of plant-mixed bituminous stabilized base course constructed in layers not more than 2 inches compacted thickness, or equivalent, and prepared and constructed in accordance with Division 3, Section 2A, of the New Jersey Department of Transportation Standard Specifications for Roads and Bridge Construction (1961) and amendments thereto. A minimum 2-inch thick compacted wearing surface of bituminous concrete (FABC), or equivalent, shall be constructed thereon in accordance with Division 3, Section 10, of the New Jersey Department of Transportation Specifications and amendments thereto.
- 2) Parking space areas and other areas likely to experience light traffic shall be paved with not less than 3 inches of compacted base course of plant-mixed bituminous stabilized base course, or equivalent, prepared and constructed in accordance with Division 3, Section 2A of the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction ((1961) and amendments thereto. At least one-and-one half inch compacted wearing surface of bituminous

concrete (FABC), or equivalent, shall be constructed thereon in accordance with Division 3, Section 10, of the New Jersey Department of Transportation Specifications and amendments thereto.

H. Landscaping in Parking Areas. Trees shall be staggered and/or spaced so as not to interfere with driver vision and shall be placed at the rate of at least one tree for every five parking spaces in parking lots containing more than ten (10) spaces. Not less than six (6) percent of the interior of a parking lot containing more than ten (10) spaces shall be landscaped. Planting which is required for screening along the perimeter of any parking lot shall not be considered as part of the interior landscaping requirement. All areas between the parking area and the building shall be landscaped with trees, shrubs, and ground cover. Any plantings which do not live shall be replaced within one year or one season. A majority of the parking areas for more than fifty (50) cars shall be obscured from streets by buildings, landscaped berms, natural ground elevation, or plantings, singularly or in combination.

I. Minimum Loading Requirements. Adequate off-street loading and maneuvering space shall be provided for every use. The number of spaces shall be based on the following schedule.

- 1) A minimum of one space per use except that where more than one use shall be located in one building or where multiple uses are designed as part of a self-contained complex the number of loading spaces shall be based on the cumulative number of square feet within the building or complex and shall be dispersed throughout the site to best serve the individual uses.
- 2) There shall be at least one central point for trash/garbage pickup in multi-family and non-residential uses which shall be separate from parking and loading areas by locating such facility either within a building or outside the building in totally enclosed metal container (s), obscured from view from parking areas, streets and adjacent residential uses or zoning districts by a fence, wall, planting or combination of the three. If located within the building, the doorway (s) may serve both the loading and trash/garbage collection functions. If a container is used for trash/garbage collection functions and is located outside the building, it may be located adjacent to or within the general loading area (s) providing the container (s) do not interfere with or restrict in any manner loading and unloading functions.
- 3) Retail Stores: One space for every 4,000 square feet of gross floor area.
- 4) Office Uses: One space for every 20,000 square feet of gross

floor area.

- 5) Warehousing, Indoor Storage, Shipping Receiving: One space for every 10,000 square feet of gross floor area.
- 6) Research, Testing, Laboratory, Manufacturing, and Assembly: One space for every 20,000 square feet of gross floor area.
- 7) Public and quasi-public: None
- 8) Where any use is located on a tract of at least 50 acres and no portion of a loading area, including maneuvering areas, is closer than 200 feet to any property line and where the length of the driveway connecting the loading area to the street is at least 300 feet, the number of off-street loading spaces may be fewer than the number required by the above schedule provided the applicant as part of the site plan application shall indicate on the site plan and shall document to the approving authority that the number of spaces to be provided will be adequate to meet the needs of the specific use proposed.

J. Minimum Off-Street Parking Requirements. Adequate off-street parking shall be provided for every use. The following schedule shall be used to determine the number of spaces required. Where a particular function contains more than one of the following categories, the total parking requirement shall be the sum of the component parts:

- 1) Residential: 2 spaces per dwelling unit.
- 2) Farm: 2 spaces per dwelling unit.
- 3) School: 1.5 spaces per classroom, but not less than one space per 3 seats in an auditorium.
- 4) Municipal Government: 1 space for each vehicle assigned to the building plus 1 space for every 3 seats in the general meeting room and auditorium.
- 5) Church and Sunday School: 1 space for every 2.5 seats.
- 6) Golf Course: 4 spaces per hole plus 1 space for every 2.5 seats in restaurant.
- 7) Utility: 2 spaces.
- 8) Professional Offices as part of Home Occupation: minimum of 5

spaces (in addition to the two (2) residential spaces); 6 spaces per examination room or dental chair, or 1 space per 200 square feet of gross floor area, whichever is greater.

- 9) Mortuary: 10 spaces for each viewing room and chapel.
- 10) Medical Centers: 6 spaces per each examination room or dental chair, or 1 space per 200 square feet of floor area, whichever is grater.
- 11) Offices: 1 space for each 325 square feet of gross floor area.
- 12) Bar or Tavern: 1 space for every 3 seats.
- 13) Restaurant: 1 space for every 2.5 seats.
- 14) Retail Sales: 1 space for every 150 square feet gross floor area.
- 15) Service Station: 4 spaces per interior service area, bay, wheel alignment pit, and work area.
- 16) Farm equipment and supplies: 1 space for every 325 square feet gross floor area.
- 17) Warehouse: 1 space for every 5,000 square feet gross floor area.
- 18) Research, testing & experimentation: 1 space for every 1,000 square feet gross floor area.
- 19) Manufacturing, fabrication & assembly plants: 1 space for each employee for the largest work shift at the plant.
- 20) Hospital: 2 spaces per bed.
- 21) Veterinary Hospital: 6 spaces per examination room or doctor, whichever is greater.
- 22) Neighborhood Swimming Pool: 1 space for every 50 square feet of water surface.

K. Location of Parking and Loading Areas.

- 1) Loading spaces shall be located on the same lot as the use being served, may abut the building being served rather than requiring a setback from the building, and shall be located to directly serve the building for which the space is being provided.

- 2) No loading and parking spaces shall be located in any required buffer area.
- 3) Parking spaces located to serve residential uses shall be within 150 feet of the entrance of the building and within 300 feet of commercial/industrial uses.
- 4) No parking shall be permitted in fire lanes, streets, driveways, aisles, sidewalks, or turning areas.

6.28 PERFORMANCE STANDARDS

A. Electricity. Electronic equipment shall be shielded so there is no interference with any radio or television reception beyond the operator's property as the result of the operation of such equipment.

B. Glare. No use shall direct or reflect a steady or flashing light beyond its lot lines. Exterior lighting and lighting resulting from any manufacturing or assembly operation shall be shielded, buffered, and directed as approved on the site plan so that any glare, direct light, flashes, or reflection will not interfere with the normal use of nearby properties, dwelling units and streets.

C. Air, Water and Environmental Pollution. No use shall emit heat, odor, vibrations, noise, or any other pollutant into the ground, water, or air that exceeds the most stringent, applicable state and federal regulation. No building permit, zoning permit or certificate of occupancy shall be issued for any use until a state permit has been issued, where a state permit is required, to ascertain and approve the level of emission, quality of emission, type and quality of emission control, and such other state regulations governing the emission of pollutants into the ground, water, or air.

D. Storage and Waste Disposal. No materials or wastes shall be deposited upon a lot in such form or manner that they can be transferred off the lot, directly or indirectly, by natural forces such as precipitation, surface water, evaporation or wind. All materials or wastes which might create a pollutant, be a safety hazard, or be a health hazard shall be stored on a property except under conditions approved by the fire department and the New Jersey Department of Labor and Industry.

6.29 POULTRY OR TURKEY FARMS

All applications for a turkey or poultry farm shall be accompanied by a written opinion of the County Agricultural Agent indicating that the operation will not create an unreasonable disturbance of odor, noise, runoff, dust, or other measurable impact beyond the property line of the proposed poultry or turkey farm. In addition to site plan

information normally required under Article 5, the application shall set forth the purpose of the operation, the manner in which birds will be housed, methods for recycling or disposing of manure, the number of birds to be kept in relation to the size of the parcel, all building or range area, property line setbacks and, in the case of poultry, if birds are to be kept outdoors, proposals for regular rotation and cropping of range areas. In addition, turkeys may be raised only inside entirely enclosed buildings. The report of the County Agricultural Agent should also contain observations regarding the above listed matters. Any certificate of occupancy shall remain valid only so long as the use is operated in a nuisance-free manner in accordance with any conditions included in approval of the Planning & Zoning Board.

6.30 PRINCIPAL USE

No lot shall have erected upon it more than one principal permitted use. No more than one principal building shall be permitted on one lot except that industrial and commercial complexes receiving site plan approval may be permitted to have more than one building on a lot in accordance with the zoning district in which it is located.

6.31 PUBLIC UTILITIES

All public services shall be connected to an approved public utilities system where one exists.

A. Underground Installation. The developer shall arrange with the servicing utility for the underground installation of the utilities distribution supply lines and service connections in accordance with the provisions of the applicable Standard Terms and Conditions incorporated as a part of its tariff as the same are then on file with the State of New Jersey Board of Public Utility Commissioners.

B. Requirement for Utility Compliance with this Ordinance. The developer shall submit to the approving authority, prior to the granting of final approval, a written instrument from each serving utility which shall evidence full compliance or intended full compliance with the provisions of this section; provided, however, lots which abut existing streets where overhead electric or telephone distribution supply lines and service connections have heretofore been installed, may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening, or an extension of service, or other such condition occur as a result of the development and necessitate the replacement, relocation or extension of such utilities, such replacement, relocation, or extension shall be underground.

C. Utility Screening. Where natural foliage is not sufficient to provide year-round screening of any utility apparatus appearing above the surface of the ground, other than

utility poles, the applicant shall provide sufficient live screening to conceal such apparatus year-round.

D. Exceptions. On any lot where by reason of soil conditions, wooded area, or other special condition of land, the applicant deems it a hardship to comply with the provisions of this section, the developer may apply to the approving authority for an exception from the terms of this Section, in accordance with the procedure and provisions of the section entitled "Exceptions" in Article 4. Where overhead lines are permitted as the exception, the alignments and pole locations shall be carefully routed to avoid locations along horizons, avoid the clearing of swaths through areas of trees by selective cutting and a staggered alignment, by planting trees in open areas at key locations to minimize the views of the poles and alignment, by following rear lot lines and other interior locations, and similar design and location considerations to lessen the visual impact of overhead lines.

E. Exemption from Performance Guarantees. Any installation under this section to be performed by a servicing utility shall be exempt from requiring performance guarantees, but shall be subject to inspection and certification by the Municipal Engineer and shall require proof of payment for installation to the utility.

6.32 RESERVATION OF PUBLIC AREAS

If the Master Plan or the official map provides for the reservation of designated streets and roads, public drainageways, flood control basins, or public areas within the proposed development, before approving a subdivision or site plan the approving authority further requires that such streets and roads, public drainageways, flood control basins, or public areas be shown on the plat in locations and sizes suitable to their intended uses. The approving authority may reserve the location and extent of such street, ways, basins, or areas shown on the plat for a period of 1 year after the approval of the final plat or within such further time as may be agreed to by the developer. Unless during such period or extension thereof the Borough shall have entered into a contract to purchase or institute condemnation proceedings according to law for the fee or a lesser interest in the land comprising such streets, ways, basins, or areas, the developer shall not be bound by such reservations shown on the plat and may proceed to use such land for private use in accordance with applicable development regulations. The provisions of this section shall not apply to the streets and roads. Flood control basins or public drainageways necessitated by the subdivision or land development and required for final approval.

The developer shall be entitled to just compensation for actual loss found to be caused by such temporary reservation and deprivation of use. In such instance, unless a lesser amount has previously been mutually agreed upon, just compensation shall be deemed to be the fair market value of an option purchase the land reserved for the period of reservation; provided that determination of such fair market value shall include, but not be limited to, consideration of the real property taxes apportioned to the

land reserved and prorated for the period of reservation. The developer shall be compensated for the reasonable increased cost of legal, engineering, or other professional services incurred in connection with obtaining subdivision approval or site plan approval, as the case may be, caused by the reservation.

6.33 ROADSIDE STANDS

Roadside stands for the sale of farm, truck gardening, nursery and green-house produce may be established as provided in the district regulations and provided further that the major portion of such produce offered for sale is raised by the seller in the Borough of Shiloh on land owned or leased by him. Such uses may be permitted subject to site plan review and approval by the Shiloh Planning & Zoning Board. The certificate of occupancy for a roadside stand operation shall be valid only so long as the stand is maintained in good repair on a well-kept site. The roadside stand shall have only one entrance and one exit from the highway; shall maintain no display of goods closer than forty (40) feet to a road right-of-way line; and shall provide one (1) parking space for every one hundred (100) square feet of display area. A maximum of three temporary off-site signs shall be permitted during periods of operation only, each not more than six (6) square feet in area. No signs shall be located within the right-of-way of the adjoining highway, nor shall any sign obstruct the vision of vehicle operators entering or leaving the off-street parking area. Interior or exterior lighting in connection with a roadside stand shall not produce noticeable glare off the premises.

6.34 RURAL RESIDENTIAL DEVELOPMENT

Any person desiring to subdivide property in any residential zone for single family home lots may elect to apply to the approving authority for a major subdivision under the following reduced improvement requirements of this section, with all other major subdivision requirements applying. The approving authority shall examine each request to determine whether it meets the following minimum standards and requirements.

A. Minimum Lot Area. Every lot in the development shall have a minimum area of 2 acres.

B. Minimum Frontage. Each lot shall have a minimum frontage, width, and depth of two hundred fifty feet.

C. Impact on Adjacent or Adjoining Property. The development will not adversely affect the development of adjacent or adjoining property.

D. Street Design. The proposed local streets will not interconnect with existing or proposed streets of higher classification to form continuous routes. They will be designed to discourage any through traffic, will have the exclusive function of providing access to properties abutting the proposed street, and will follow the contours of the

land to the greatest extent possible. Street standards will also conform to Section 6.46 of this Ordinance.

E. Reduction in Standards. If it is determined by the approving authority that the proposed development conforms with the standards established for R-1 Residential Development, and is in keeping with Section 6.46 of this Ordinance, the following reduction in standards and improvements for the local streets will be allowed.

- 1) The right-of-way width for all local streets which are entirely within the subdivision shall be fifty (50) feet.
- 2) The pavement width for all such local streets shall be reduced to twenty-four (24) feet, with a stabilized grass shoulder thirteen (13) feet in width on each side.
- 3) Subject to approval by the approving authority in each specific case, surface storm water drainage may be carried in open ditches outside the right-of-way of the local streets, or other suitable drainage structures within the right-of-way as may be approved by the Municipal Engineer.
- 4) Curbs or gutters shall not be required except where excessive grades or other conditions require their installation.
- 5) Sidewalks shall not be required.
- 6) Street lighting requirements may be relaxed or eliminated.
- 7) Any lot approved under Subsection E of this Section shall require a deed restriction that precludes any further subdivision.

F. Reduction in Lot Size or Change of Use. Any resubdivision of approval lot (s) created under these standards providing for additional lot (s) or lot (s) having an area of less than 2 acres or any application resulting in any change in use shall be conditioned upon the widening of the street to full width in accordance with current street standards, an evaluation of the need for piped surface water drainage facilities, and compliance with all other development regulations. Any and all improvements shall be at the expense of the developer. These conditions shall apply to all local streets constructed under these reduced requirements in the circulation pattern effected by the lot (s) in question as well as the complete drainage system serving the lot (s) in question. The developer shall include these provisions as deed restrictions in the deeds associated with the lots originally subdivided in accordance with these reduced standards.

6.35 SANITARY SEWERS AND SEPTIC SYSTEMS

A. Requirement for Connection. If a sewage treatment and distribution system is accessible, the developer shall construct facilities in such a manner as to provide adequate sewerage within the development to transport all sewage from each lot and the total development to said treatment and distribution system. Where a treatment and distribution system is part of the adopted municipal capital improvements program and said system will be accessible to the proposed development, the developer shall install dry sewers designed to tie into the proposed facility upon its completion.

B. Capacity. Any sanitary sewer collection system shall be adequate to handle all present and probable future development. Alignments outside streets shall require easements or rights-of-ways in accordance with the section entitled "Easements" in Article 6.

C. Applicability of New Jersey DEP Regulations. Any treatment plant and collection system, including individual on-lot septic systems, shall be designed in accordance with the requirements of the State Department of Environmental Protection and municipal ordinance.

6.36 SERVICE STATIONS

A. Storage Areas. All storage areas, trash facilities, pits, lifts, and working areas shall be within a building. All lubrication; repair or similar activities shall be performed in an enclosed building and no dismantled parts shall be placed outside.

B. Setback of Pumps and Islands. All gasoline pumps, air pumps, and the islands upon which pumps are normally located shall be set back from the street line at least 60 feet and from any other property line at least 50 feet. A minimum space of 25 feet shall exist between any two islands and between any island and the service station building.

C. Prohibition of Junk Yards and Unregistered Vehicles. No junked motor vehicle or part thereof and no unregistered motor vehicle shall be permitted outside an enclosed service station building. No more than six motor vehicles may be located outside a service station building for a period not to exceed five days provided the owners are awaiting the repair of said motor vehicles.

D. Display and Parking for Rent or Sale. The exterior display and parking of equipment for rent or sale shall be permitted provided the area devoted to this purpose is in addition to the minimum lot size required for a service station, the area devoted to this purpose does not exceed 20 percent of the total area of the entire site, the maximum sign area for a service station is not exceeded, and that the location of the equipment being rented or sold does not interfere with the required off-street parking requirements for the service station and does not interfere with the on lot traffic circulation indicated on the approved site plan.

E. General Design Standard. It is intended that service stations be designed compatibly with other permitted commercial or industrial uses in the zone in which they are located, that they not be stripped along the available highway frontage or at each quadrant of a convenient intersection, and that they be located within shopping centers and in office and industrial complexes as an integral part of the overall design. Ingress and egress shall be designed to recognize the turning movements generated. These access points shall be coordinated with the access points required for nearby uses, frequency of intersecting side streets, minimizing left turns off collector and arterial streets, and maintaining building setbacks compatible with the required setbacks and landscaping.

6.37 SHADE TREES

All shade trees shall have a minimum diameter of two and one-half (2-1/2) inches measured three (3) feet above the ground and be of a species approved by the approving authority. Trees shall be planted forty (40) to sixty (60) feet apart and parallel to but no more than twenty (20) feet from the curb line and shall be balled and burlapped, nursery grown, free from insects and disease, and true to species and variety. Stripping trees from a lot or filling around trees on a lot shall not be permitted unless it can be shown that grading requirements necessitate removal of trees, in which case those lots shall be replanted with trees to re-establish the tone of the area and to conform with adjacent lots. Dead or dying trees shall be replaced by the developer during the net recommended planting season. Parking lots shall be planted as required in the section entitled "Off-Street Parking and Loading" in Article 6.

6.38 SIDEWALKS

Sidewalks shall be required at the approving authority's discretion depending on the probable volume of pedestrian traffic, the street classification in instances where streets are involved, the development's location in relation to other populated areas, schools and other generators of pedestrian traffic. Where required, sidewalks shall be at least four (4) feet wide and located as approved by the approving authority. Sidewalks shall be at least four (4) inches thick, of Class C concrete having a twenty-eight (28) day compressive strength four thousand (4,000) p.s.i., and shall be air-entrained. Where sidewalks are constructed in conjunction with residential development regulated by the New Jersey Residential Site Planning Act Standards, N.J.A.C. 5-21, et seq., said standards shall apply.

6.39 SIGHT TRIANGLES

Sight triangles shall be required at each quadrant of an intersection of streets, and streets and driveways. The area within sight triangles shall be either dedicated as part of the street right-of-way or maintained as part of the lot adjoining the street and set aside on any subdivision or site plan as a sight triangle easement. Within a sight triangle, no grading, planting or structure shall be erected or maintained more than 30

inches above the street centerline or lower than 8 feet above the street centerline except for street name signs and official traffic regulation signs. Where any street or driveway intersection involves earth banks or vegetation, including trees, the developer shall trim such vegetation and trees as well as establish proper excavation and grading to provide the sight triangle. The sight triangle is that area bounded by the intersecting street lines and a straight line which connects "sight points" located on each of the two intersection street lines the following distances away from the intersecting street lines: arterial streets at 130 feet; collector streets at 60 feet; and primary and secondary local streets at 35 feet. Where the intersecting streets are both arterial, both collectors, or one arterial and one collector, two overlapping sight triangles shall be required formed by connecting the sight points noted above with a sight point 35 feet on the intersecting street. Any proposed development requiring site plan approval shall provide sight triangle easements at each driveway with the driveway classified as a local street for purposes of establishing distances. The classification of existing and proposed streets shall be those shown on the adopted Master Plan or as designated by the Planning Board at the time of the application for approval for a new street not included on the Master Plan. A sight triangle easement dedication shall be expressed on the plat as follows: "Sight triangle easement subject to grading, planting and construction restrictions as provided for the Shiloh Development Ordinance". Portions of a lot set aside for the sight triangle may be calculated in determining the lot area and may be included in establishing the minimum setbacks required by the zoning provisions.

6.40 SIGNS

Signs shall be permitted in accordance with the following standards and requirements:

A. Exempt Signs. The following shall not be included in the application and requirements:

- 1) Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, or name of occupants or date of construction.
- 2) Warning signs and signs posting property such as "private property", "no hunting", "no trespassing", or similar signs which do not exceed two (2) square feet in area.
- 3) Flags and insignias of any government except when displayed in connection with commercial promotion.
- 4) Legal notices, information or directional signs erected by governmental bodies.
- 5) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

- 6) Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

B. Signs Allowed Without Permit. In all zoning districts, the following signs not exceeding two (2) square feet in area shall be permitted without obtaining a sign permit:

- 1) All signs and signals owned and operated by the Borough of Shiloh, The County of Cumberland, the State of New Jersey, or the United States of America.
- 2) Identification signs for public or quasi-public facilities, such as schools, churches, hospitals, or libraries, not exceeding two (2) square feet in area.
- 3) Memorial or historical markers or tablets not exceeding two (2) square feet in area.
- 4) Traffic or directional signs when approved by the Borough Engineer.

C. Signs Allowed With Permit. In any district, customary one-site, for sale, no trespassing, and professional office or home occupation name plates not exceeding six (6) square feet in area nor one (1) such sign for each two hundred feet (200') or part thereof of road frontage contained in the property are permitted upon issuance of a permit by the Zoning Officer and provided such sign is located at least ten feet (10') from any street sign, complies with applicable side yard requirements for the district in which it is located and conforms to applicable side requirements of this ordinance.

D. Prohibited Signs. The following signs are prohibited in any part of the Borough:

- 1) Off-site signs, other than municipal, county, or state traffic or direction signs, which advertise or publicize an activity, business, product, or service not conducted on the premises, except in the case of yard sales as specified in Section 4.25.
- 2) Signs which are located in a public right-of-way or approved sight easement.
- 3) Signs lit with flashing or intermittent light or are in any way animated or are so lit or reflectorized that they interfere with or may be mistaken for a traffic signal.
- 4) Signs which purport to be or are an imitation of, or resemble an

official traffic sign or signal, or which bear the words "STOP", "GO SLOW" "CAUTION", "DANGER", "WARNING", or similar words other than those contained in the name of the business.

- 5) Signs which are located on a water tower, storage tank, utility pole, or similar structures.
- 6) Signs which are placed above the roof peak of a building or structure or on a flat roof.
- 7) Signs using mechanical or electrical devices to revolve, flash, or display movement or the illusion of movement.

E. Sign Interpretation and Measurement. For the purpose of determining the number of signs, a "sign" shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is a reasonable doubt about the relationship of elements, each element shall be considered to be a single sign. The surface area of the sign shall be computed to include the entire area within a parallelogram, triangle, circle, semicircle, or other geometric design comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members of freestanding signs shall not be included in computation of the sign surface area.

F. Design Standards. All signs shall be designed, constructed, and maintained in accordance with the following standards and provisions:

- 1) No freestanding sign shall exceed the maximum height or area permitted under the following schedule:

<u>Type of Road Fronting on Sign Location</u>		<u>Maximum Permitted Sign Height</u>	<u>Maximum Permitted Sign Area</u>
<u>No. of Lanes</u>	<u>Speed Limit</u>		
2	less than 30 mph	10'	6 sq.'
	30-44 mph	12'	29 sq."
	more than 45 mph	14'	35 sq.'

- 2) No free-standing sign shall be located any closer than the following distances to street rights-of-way:

<u>Area of Sign</u>	<u>Minimum Distance</u>
less than 25 sq.'	10'
25 Sq.' and more	15"

- 3) Signs shall conform to applicable side yard requirements for the district in which they are located.
- 4) Illuminated signs shall be so arranged as to reflect the light and glare away from adjoining premises and away from adjoining streets and/or rights-of-way.
- 5) Signs with two (2) exposures shall be measured for area by using the surface area of one (1) side only. Both sides, however, may be used for display.
- 6) All signs shall be constructed of durable materials, such as wood, metal, or stone.
- 7) Wall signs shall be affixed with their face parallel to and not more than 15 inches from the wall to which they are attached.
- 8) Projecting signs are subject to the following limitations:
 - a. Projecting signs shall be no higher than the sill of the second floor windows, not to exceed four (4) feet above the tops of lower windows or eaves, whichever is less.
 - b. Projecting signs above a sidewalk shall be no closer than eight (8) feet at their lowest point to the finished grade below them.
 - c. Projecting signs above an area traversed by motor vehicles shall be no closer than fourteen (14) feet at their lowest point to the finished grade below them.
 - d. Projecting signs must project from a wall at a 90 degree angle except at buildings which occupy a street corner. In such cases, the sign may project diagonally from the building corner.
 - e. No projecting sign may be closer than fifty (50) feet to any other projecting sign, other than in a shopping center wherein the signage is approved as part of site plan approval.
 - f. No projecting sign shall exceed thirty square feet in area.
- 9) Freestanding signs are subject to the following limitations:
 - a. A freestanding sign which is six (6) square feet or more in area may be displayed only on a frontage of one hundred (100) feet or more, and may not be closer than one hundred (100) feet to

any other freestanding sign which is six (6) square feet or more in size.

- b. An activity may have both a freestanding and a projecting or a wall sign, on-site, if only one of those signs is six (6) square feet or more in size.

G. Permitted Commercial, Industrial, or Institutional Signs. Each commercial, industrial, or institutional use may have one on-site sign, either lighted or unlighted. Such sign may be either a wall, projecting, or freestanding sign. Wall signs shall not exceed an area equivalent to five percent (5%) of the first story portion of the wall to which it is attached or thirty-two (32) square feet, whichever is smaller. Where the building (s) is designed for rear or side entrances, one (1) unlighted wall sign may be attached against the building at rear or side entrances, each sign not to exceed an area equivalent to half that of the area of a wall sign permitted on the front of the building. Where an individual office unit in a building has direct access from the outside, a sign not exceeding four (4) square feet identifying the name of the office may be attached to the building at the office entrance.

H. Shopping Center Signs. Each shopping center may have one (1) freestanding sign, either lighted or unlighted, along each arterial or collector road which the tract in question abuts.

- 1) Where uses in a shopping center share a common walkway, each use served by the walkway may have one (1) additional sign, either lighted or unlighted. No such sign shall exceed ten (10) square feet in area.
- 2) All signs in a shopping center shall conform in character to all other signs in the complex and shall blend with the overall architectural scheme of the shopping center.

I. Temporary Signs. Zoning permits are required for temporary signs and when granted, shall authorize the erection of said signs and their maintenance for a period not to exceed ninety (90) days in any one (1) calendar year. When found reasonable, the Planning & Zoning Board may grant an extension of a temporary sign permit. Temporary signs shall not exceed thirty-two (32) square feet in an area on one (1) side. The advertisement contained on any temporary sign shall pertain only to the business or activity conducted on or within the premises on which such sign is or will be erected or maintained. Temporary signs of a civic, political, or religious nature to be erected or placed by nonprofit organizations and which meet the standards of this section shall not be required to obtain a zoning permit and shall be removed within ten (10) days following the conclusion of the event.

J. Requirement for Sign Permit. Unless otherwise exempted in this chapter, all signs to be erected, constructed, or placed within Shiloh Borough shall require issuance of a sign permit. Applications for permits to erect, construct, or place any sign shall be made to the Zoning Officer and shall contain the following:

- 1) Name, address, and telephone number of the applicant, the person preparing and/or constructing the sign(s) and the person erecting the sign.
- 2) Location of the building, structure, or the lot to which the sign is or is to be erected or attached.
- 3) A scaled drawing showing the size of the existing or proposed sign; the location of the sign on the building to which it is to be attached or on the property on which it is to be placed (in which case setback dimensions shall be shown); the materials to be utilized in the construction of the sign, including whether or not the sign will be illuminated, and the message, lettering, artwork, illustrations, color, and appurtenances to be placed or shown on the sign(s).
- 4) In the case of signs to be erected, constructed, or placed on property or attached to structures not belonging to the applicant, evidence of the property or structure owner's approval and permission for the locating of said sign.

K. Maintenance of Signs.

- 1) Signs must be maintained in good condition and must also not be allowed to deteriorate or become dilapidated. The Building Inspector shall require proper maintenance of all signs and shall inspect every sign which requires issuance of a permit within thirty (30) days after it is erected. All signs, together with all of their supports, braces, guys, and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.
- 2) The Building Inspector or Zoning Officer shall notify the owner of any sign which is in disrepair of such state in writing. The owner of such sign shall correct such deficiency within a reasonable period of time from the date of said notice. In the event that the owner fails to correct said deficiency or make the required repairs, he shall be subject to the penalties set forth in section 4.24A.

6.41 SINGLE FAMILY RESIDENCE IN AGRICULTURAL ZONE

A. **Single Family Farm Residence Requirement for Employment Connection.** An applicant for a Single Family Residence as a permitted principal use in the Agricultural Zone must meet the following agricultural related employment conditions:

- 1) It shall be carried out on an immediately adjacent farm or under the same ownership and management as an immediately adjacent farm.
- 2) The applicant shall have been employed by such farm at least six months prior to making application.
- 3) The applicant shall submit a signed affidavit from his employer certifying employment.
- 4) In the event that the farm owner wishes to construct a place of residence for himself and his family, such shall be permitted without fulfilling items 1, 2, and 3 above provided that he demonstrates that he is engaged on the farm in agriculture as a bonafide, gainful economic activity.

B. **Single Family Non-Farm Residence.** A single family residence for an individual or family not engaged in agricultural production shall only be permitted when all three of the following items are fulfilled:

- 1) One of the following two items must be fulfilled:
 - a. The land to be used is not prime farmland which is considered to be Class I, Class II, and Class III soils as defined by the Soil Conservation Service of the United States Department of Agriculture. The basis for determining the boundaries of prime farmland shall be the Soil Survey of Cumberland County dated April, 1978 (distributed through the Soil Conservation Service) unless other acceptable soil survey data is submitted by the applicant; or
 - b. The land in question is not suitable for farming due to reasons which may include, but are not limited to, shape of parcel, acreage owned, and significant existing adjacent development.
- 2) No new roads may be constructed.
- 3) The requirements on the Schedule of District Regulations and all other applicable sections of this Ordinance are fulfilled.

6.42 SOIL EROSION AND SEDIMENT CONTROL

All developments shall incorporate soil erosion and sediment control programs phased according to the scheduled progress of the development including anticipated starting and completion dates.

A. Data Required. The applicant shall submit a Natural Resource Plan as outlined under the Development Review provisions of this ordinance which shall clearly establish the means for controlling soil erosion and sedimentation for each site, or portion of a site, when developed in stages. The soil erosion and sediment control measures shall have the approval of the Soil Conservation Service pursuant to the Soil Erosion and Sediment Control Act (Ch 251, P.L. 1975).

B. General Design Principles. Control measures shall apply to all aspects of the proposed land disturbance and shall be in operation during all stages of the disturbance activity. The following principles shall apply to the soil erosion and sediment control plan: (1) stripping of vegetation, grading or other soil disturbance shall be done in a manner which will minimize soil erosion; (2) whenever feasible, natural vegetation shall be retained and protected; (3) the extent of the disturbed area and the duration of its exposure shall be kept within practical limits; (4) either temporary seeding, mulching or other suitable stabilization measures shall be used to protect exposed critical areas during construction or other land disturbances; (5) drainage provisions shall accommodate increased run-off resulting from modified soil and surface conditions during and after development or land disturbance; (6) water run-off shall be minimized and retained on-site wherever possible to facilitate ground water recharge; (7) sediment shall be retained on-site, and (8) diversions, sediment basins, and similar required structures shall be installed prior to any on-site grading or land disturbance.

C. Maintenance. All necessary erosion and sediment control measures installed under these provisions shall be adequately maintained for one year after completion of the approved plan or until such measures are permanently stabilized as determined by the Municipal Engineer. The Engineer shall give the applicant upon the applicant's request, certification of this determination.

D. Soil Erosion Prevention Plan. Each tract shall have a soil erosion prevention plan to accompany the preliminary plat which shall show temporary sedimentation basin (s) through which storm waters will be directed during periods of construction. The plan shall show existing contours, temporary contours, temporary ditching, and final contours. In addition, the plan shall outline general construction stages to illustrate what portion (s) of the site will be unprotected at various states, the maximum amount of land to be exposed at various stages, the availability and use of water trucks to prevent dust and erosion by wind, areas where top soil will be stockpiled during construction period (s), the areas where it will be redistributed after completion of the applicable stage of construction, the methods of seeding the top soil while it is stockpiled and again after its redistribution, and a plan of progressing toward

completion of the entire project that shall outline how and at what stages the approximate times the previously exposed areas will be final graded and seeded or paved, or by some other means have the soil stabilized prior to completion of the entire project so that permanent soil erosion prevention methods will be employed at the earliest time.

6.43 SOIL REMOVAL AND REDISTRIBUTION

The excavation and grading for completion of a development shall be done in accordance with the approved plat which contains soil erosion and sediment control provisions. Excavation of soil, other than required for the construction of approved structures and supporting facilities such as but not limited to streets, driveways and parking areas, shall be prohibited. Regarding of property so as to redistribute top soil throughout the site from area excavated for such approved structures and supporting facilities shall be done in the following manner to minimize or eliminate the erosion of soil. Any application proposing the disturbance of more than 5,000 square feet of surface area of land as defined in the Soil Erosion and Sediment Control Act (Ch 251, P.L. 1975) shall include on its plan the following: the means to control or prevent erosion, provide for sedimentation basin (s) for soil that does erode due to water, and control drainage, dust, and mud on the premises as well ab abutting lands; the preservation of soil fertility and the resulting ability of the area affected to support plant and tree growth by maintenance of adequate top soil consisting of at least six inches of the original layer; maintenance of necessary lateral support and grades of abutting lands, structures and other improvements; prevention of pits and declivities which are hazardous or which provide insect breeding locations; the physical limitations and characteristics of the soil shall not be altered to prevent the use to which the land may lawfully be put; and such other factors as may reasonably bear upon or relate to the public health, safety and general welfare.

6.44 STORM WATER RUN-OFF

A. On Site Storm Water Facilities. All development shall incorporate on-site, storm water facilities that will encourage the recharging of underground aquifers and/or the slowing down of the rate storm water leaves the site. All measures used to control the rate of storm water run-off shall comply with the Grading and Filling, Soil Erosion, and Sediment Control, and Soil Removal and Redistribution provisions in Article 6 of this ordinance.

B. Detention Basins. Where the amount of run-off from the proposed development is sufficient to justify detention basin (s), one or more detention basins shall be required. The determination of the amount of storm water run-off and whether the amount of run-off and whether the amount of run-off is sufficient for detention basin(s) shall be made by the approving authority upon the advice of the Municipal Engineer and Soil Conservation District. Each detention basin shall contain a primary water depth capacity which will accept all surface water directed to it from a 4 inch rain in 24 hours.

The detention basin shall have a secondary water depth capacity, which together with the primary water depth capacity, will accept all surface water directed to it from a 6 inch rain in 24 hours. All storm water run-off from the property shall be directed through one or more detention basins. The primary water depth capacity shall have one or more outlets permitting complete draining of the maximum capacity of the detention basin at the primary water depth in not less than 36 hours. The same outlet(s) shall provide for draining the detention basin capacity of the primary and the secondary water depth capacity in not less than 48 hours.

C. Percolation. Vertical holes, filled with coarse rock, may be provided within the detention basin for percolation into the soil.

D. On-Site Design. All developments may incorporate on-site storm water detention or impoundment facilities in the following manner:

- 1) Swales may be constructed in which there need to no outlet facilities and which will impound water draining only from other landscaped areas. The water impounded in these areas will be left to evaporate and percolate and the swales shall otherwise be seeded and maintained in lawn area.
- 2) Impoundment/detention basins along any stream that maintains a steady flow of water throughout the year may be constructed provided any improvements designed to provide such impoundment/detention facilities shall be designed to meet the standards of, and have the approval of, the New Jersey Department of Environmental Protection, and shall have the proper amount of sustained water flow downstream, proper depth of water to control vegetation, and a proper design to prevent water stagnation in any part of the pond.
- 3) Detention of storm water on roof surfaces may be designed by means of essentially flat, but slightly pitched roofs to the edges. Facilities for control of the water runoff from the roof shall be provided in the form of vertical leaders with detention rings around the intake to provide the control of water flow. The spacing and capacity of the vertical leaders and detention of rings shall be approved by the Municipal Engineer and Building Inspector depending on the area to be drained, the pitch of the roof, the capacity of the impoundment/ detention facilities to which the water will eventually drain, and the structural strength of the roof. It is recommended that the intakes be protected by a device that will accept the full amount of water passed on to it from the detention rings, but which will act as a strainer for any foreign matter such as leaves, twigs, and seedlings. The leaders from a roof with water detention design shall direct the storm water into a detention basin constructed in a manner as outlined above.

E. Easements. Where storm drains are installed outside streets, easements or rights-of-way shall be required in accordance with the section entitled "Easements" in Article 6.

6.45 STREET LIGHTING

Street lighting standards of a type and number approved by the approving authority and Municipal Engineer shall be installed at street intersections and elsewhere as deemed necessary by the approving authority. The developer shall provide for the installation of underground service for street lighting.

6.46 STREETS

A. Requirement for Paved Streets. All development shall be served by paved streets with an all weather base and pavement with an adequate crown. 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, conform with the topography as far as practicable, and allow for continued extension into adjoining undeveloped tracts.

B. Requirement for Street Access. When a development adjoins land capable of being developed or subdivided further, suitable provisions shall be made for optimum access from the adjoining tract to existing or proposed streets.

C. Through Traffic. Local streets shall be designed to discourage through traffic.

D. Driveway Access onto Streets. In all residential zone, development bounded by any arterial or collector street shall control access to said streets by having all driveways intersect minor streets. Where the size, shape, location, or some other unique circumstance may dictate no other alternative than to have a driveway enter an arterial or collector street, the lot shall provide on-site turnaround facilities so it is not necessary to back any vehicle onto an arterial or collector street and abutting lots may be required to use abutting driveways with one curb out. All lots requiring reverse frontage shall have an additional twenty-five (25) feet of depth to allow for the establishment of the buffers outlined below unless such buffers are established in a reserve strip controlled by the Borough or County. That portion of the development abutting an arterial or collector street right-of-way shall either be planted with nursery grown trees to a depth of not more than the twenty-five (25) foot buffer strip along the right-of-way line and for the full length of the development so that in a reasonable period of time a buffer area will exist between the development and the highway. Berms shall not be less than five (5) feet in height, they shall be stabilized by ground cover to prevent soil erosion and shall be planted with evergreens and deciduous trees according to a landscaping plan designed to have no adverse effect on nearby properties. All trees shall be of nursery stock having a caliper of not less than two and one half (2-1/2) inches measured three (3) feet above ground level and be of an approved species grown under the same climatic conditions as the location of the

development. They shall be of symmetrical growth, free of insect pests and disease, suitable for street use, and durable under the maintenance contemplated.

E. Street Right-Of-Way. In all developments the minimum street right-of-way shall be measured from lot line to lot line and shall be in accordance with the following schedule, but in no case shall a new street that is a continuation of an existing street be continued at a width less than the existing street although a greater width may be required in accordance with the following schedule. Where any arterial or collector street intersects another arterial or collector streets, the right-of-way and cartway requirements shall be increased by ten (10) feet on the right side of the street (s) approaching the intersection for a distance of three hundred (300) feet from the intersection of the centerlines.

<u>Classification</u>	<u>ROW Width</u>	<u>Traffic Lanes</u>	<u>Width Between Curbs</u>	<u>Total Utility Right-of-Way Outside the Curb*</u>
Arterial	86'	4 @ 11 1/2	64'	22'
Collector	66'	2 @ 11'	40'	26'
Secondary Local	50'	2 @ 10'	30'	20'

*Shall be grass stabilized topsoil, minimum 4" deep.

F. Reserve Strips. No development showing reserve strips controlling access to streets or another area, either developed or undeveloped, shall be approved except where the control and disposal of land comprising such strips has been given to the governing body.

G. Required Right-of-Way. In the event that a development adjoins or includes existing Borough streets that do not conform to widths as shown on either the Master Plan or Official Map or the street width requirements of this ordinance, additional land along both sides of said street sufficient to conform to the right-of-way requirements shall be anticipated in the subdivision design by creating over-sized lots to accommodate the widening at some future date, the additional widening may be offered to the Borough for the location, installation, repair, and maintenance of streets, drainage facilities, utilities and other facilities customarily located on street rights-of-way and shall be expressed on the plat as follows: "Street rights-of-way easement granted to the Borough of Shiloh permitting the Borough to enter upon these lands for the purposes provided for and expressed in the Development Regulations Ordinance of the Borough of Shiloh." This statement on an approved plat shall in no way reduce the subdivider's responsibility to provide, install, repair or maintain any facilities installed in this area dedicated by ordinance or as shown on the plat or as provided for by any maintenance or performance guarantees. If the subdivision is along one (1) side only, one-half (1/2) of the required extra width shall be anticipated.

H. Longitudinal Grades. Longitudinal grades on all local streets shall not exceed ten percent (10%), nor four percent (4%) on arterial and collector streets. No street shall have a longitudinal grade of less than one-half percent (0.50%). Maximum grades within intersections shall be four percent (4%). The cross-section of the cartway from the centerline to the curb line or edge of the paving shall be parabolic, and not exceed two percent (2%) slope. Where the cartway on a collector or arterial street is banked to facilitate a curve in the street alignment, the slope toward the curb line or shoulder shall conform to accepted engineering practice.

I. Intersecting Street Centerlines. Intersecting street centerlines shall be as nearly at right angles as possible and in no case shall they be less than seventy-five degrees at the point of intersection. The curb lines shall be parallel to the centerline. Approaches to all intersections shall follow a straight line for at least one hundred (100) feet measured from the curb line of the intersecting street to the beginning of the curve. No more than two (2) street centerlines shall meet or intersect at any one point. Collector and arterial streets intersecting another street from the opposite sides shall not be offset unless measuring from the point of intersection of the street centerlines, the two (2) intersections shall be spaced a sufficient distance to permit a minimum of two (2) lot depths between the two (2) street rights-of-way, but not less than two hundred and fifty (250) feet between rights-of-way. Any development abutting an existing street which is classified as an arterial or collector street shall be permitted not more than one (1) new street every eight hundred (800) feet on the same side of the street within the boundaries of the tract being subdivided. In the spacing of streets, consideration will be given to the location of existing intersections on both sides of the development. Intersections shall be rounded at the curblines with the street having the highest radius requirement as outlined below determining the minimum standard for all street lines. Arterial @ 40 feet; collector @ 30 feet; and local streets @ 20 feet.

J. Sight Triangles. Sight triangles shall be provided as required in the section entitled "Sight Triangles" in Article 6.

K. Tangents. A tangent at least two hundred (200) feet long shall be introduced between reverse curves on arterial and collector streets. When connecting street lines deflect in any direction they shall be connected by a curve with a radius conforming to standard engineering practice so that the minimum sight distance within the curblines shall be one hundred sixty (160) feet for a local street, three hundred (300) feet for a collector street, and five hundred fifty (550) feet for an arterial street.

L. Changes in Grade. All changes in grade where the difference in grade is one percent (1%) or greater shall be connected by a vertical curve having a length of at least fifty (50) feet for each two percent (2%) difference in grade, or portion thereof, and providing minimum sight distances of one hundred sixty (160) feet for a local street, three hundred (300) feet for a collector street, and five hundred fifty (550) feet for an arterial street. Intersections shall be designed with as flat a grade as practical with the advice of the Municipal Engineer.

M. Cul-de-Sacs. Where dead-end (cul-de-sac) streets are utilized, they shall conform to the following standards:

- 1) Dead-end streets of a permanent nature (where provision for the future extension of the street to the boundary of the adjoining property is impractical or impossible) or of a temporary nature (where provision is made for the future extension of the street to the boundary line of adjoining property) shall provide a turnaround at the end of the right-of-way radius of not less than seventy-five (75) feet and a cartway radius of not less than sixty (60) feet. The center point for the radius shall be on the centerline of the associated street or, if off-set to a point where the cartway radius also becomes a tangent to one (1) of the curb lines of the associated street.
- 2) If a dead-end street is of temporary nature, provisions shall be made for removal of the turnaround and reversion of the excess right-of-way to the adjoining properties as off-tract responsibility of the developer creating the street extension when the street is extended.
- 3) A dead-end street shall be no longer than 1,000 feet.

N. Street Names. No street shall have a name which will duplicate or so nearly duplicate in spelling or phonetic sound the names of existing streets so as to be confusing therewith. The continuation of an existing street shall have the same name. The names of new streets must be approved by the approving authority.

O. Street Construction Standards. Streets shall be constructed in accordance with the following standards and specifications:

- 1) Arterial Streets
6" quarry blend stone base
4" bituminous stabilized gravel intermediate course
2" FABC-1 surface course
- 2) Collector and Local Streets
5" quarry blend stone base
3" FABC-2 surface course
- 3) Where sub-base conditions are wet, springy, or of such nature that surfacing would be inadvisable without first treating the sub-base, these areas shall be excavated to a depth of at least 6 to 12 inches below the proposed sub-grade and filled with a suitable sub-base material as determined by the Municipal Engineer. Where required by the Engineer, a system of porous concrete pipe, sub-surface drains shall be constructed beneath the surface of the paving and connected to a

suitable drain. After the sub-base material has been properly placed and compacted, the parking area surfacing material shall be applied.

P. New Jersey Residential Site Planning Act Standards. Where any street or related improvements are proposed in conjunction with a subdivision or site plan application that is regulated by the New Jersey Residential Site Planning Act Standards, N.J. A.C. 5-21, et seq., said standards shall apply in addition to the requirements of this Ordinance and the State standards shall apply where required by State law.

6.47 STREET SIGNS

Street signs shall be metal on metal posts of the type, design and standard as approved by the approving authority on advise of the Municipal Engineer. The location of the street signs shall be determined by the Engineer but there shall be at least two (2) street signs furnished at each four-way intersection and one (1) street sign at each "T" intersection. All signs shall be installed free of visual obstruction.

6.48 SWIMMING POOLS

A. As An Accessory Use. No private residential pool shall be installed on any lot unless said lot shall contain a residence and said pool shall be accessory to the residence. The pool shall meet the yard requirements for accessory buildings in the district in which it is located except that if the pool is located in the front yard, the pool shall be set back twice the distance from the street line than is required for the principal building.

B. Pool Area. A pool shall occupy no more than the equivalent of 50 percent of the yard area in which it is located. For purposes of calculating the area of a pool, the area shall include the water surface, the patio adjoining the pool, and any pumping, circulation, and other mechanical equipment required to operate the pool.

C. Health and Safety. Pools shall otherwise be installed, operated and used in accordance with other health and safety ordinances regarding water filtration, circulation and treatment; fencing; noise; and lighting.

6.49 TRAILERS

No trailer, auto trailer, trailer coach, travel trailer or camper shall be used for dwelling purposes or as sleeping quarters for one or more persons or for the permanent conduct of any business, profession, occupation or trade, except that such facilities may be used for temporary replacement of a damaged dwelling unit and for temporary use as a construction office located on a site during construction provided a temporary permit has been issued for its use by the building inspector. This section shall not be construed so as to prohibit the parking or storage of trailers and campers on private

premises although no more than one camper or trailer shall occupy the premises and shall not occupy the front yard.

6.50 YARDS

A. Relationship to Principal Building. No open space provided around any principal building for the purpose of complying with front, side, or rear yard provisions shall be considered as providing the yard provisions of another principal building. On a lot which extends through a block in a manner resulting in frontage on two or more streets, including corner lots, the building setback from each street shall not be less than the required front yard.

B. Extensions and Setbacks. Building projections including bays, chimneys, cornices, and gutters may extend into required yard areas for a distance not to exceed five (5) feet and shall not be located within ten (10) feet of any property line.

C. Reduction. No yard existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards created after the effective date of this ordinance shall at least meet the minimum requirements established herein.

6.51 WATER SUPPLY

A. Public Water and Sewer. Where water is accessible from a servicing utility, the developer shall arrange for the construction of water mains in such a manner as to make adequate water service available to each lot, dwelling unit, or use within the development. The entire system shall be designed in accordance with the requirements and standards of the municipal, county and/or state agency having approval authority and shall be subject to their approval. The system shall also be designed with adequate capacity and sustained pressure for present and probable future development.

B. Design Standards. Where public water is not available, potable water supply shall be provided to each lot on an individual well basis. Such wells shall be designed in accordance with the requirements and standards of the municipal and/or state agency having jurisdiction.

C. Easements. Where water distribution systems are installed outside streets, easements or rights-of-way shall be required in accordance with the section entitled "Easements" in Article 6.

6.52 SENIOR CITIZEN HOUSING

A. Public Water and Sewer. All Senior Citizen Housing Developments shall be connected to both public water and sewer utilities.

B. Design Standards. Senior Citizen Housing Developments shall be designed in accordance with the parking, landscaping, and all other requirements of this Ordinance, with exception to the following:

- 1) **Parking.** In addition to the required number of parking spaces per residential dwelling unit, Senior Citizen Housing Developments shall also include handicapped parking spaces in accordance with the Americans with Disabilities Act.
- 2) **Sidewalks and Pedestrian Ways.** Sidewalks and other pedestrian ways shall be constructed to provide access from Senior Citizen Housing Developments to the existing sidewalk network of the Borough. Specifically, it is the intent of this Ordinance to require sidewalks from the Senior Citizen Housing Development to the center of the Borough so that shopping, post office, banking, and other services that may be provided within the Borough center are accessible to the Development residents.

6.53 LIGHT INDUSTRY

A. Access. Light Industrial Uses in the M-1 Light Industry Zone shall conform to the New Jersey Highway Access Code and provide the prescribed driveways, acceleration and deceleration lanes, and/or other access requirements of the Code.

B. Landscaping. Light Industrial Uses in the M-1 Light Industry Zone shall be landscaped to provide a buffer from the principal roadway. The buffer shall comprise vegetative landscaping as described in Section 6.5 of this Ordinance. In addition to the principal industrial use, all parking areas shall also be buffered and landscaped from the roadway and all neighboring properties.

C. Nuisance. No Industrial Use shall pose a nuisance in terms of odor, noise, dust, or other emittance to neighbors or adjoining property. There shall not be permitted the idling of trucks, or the running of machinery that would create a noise beyond the confines of the industrial building between the hours of 10:00 p.m. and 6:00 a.m.

D. Parking. In accordance with Section 6.27 of this Ordinance.

E. Lighting. In accordance with Section 6.19 of this Ordinance.

F. State and Federal Regulation. The manufacture or assembly of materials in the Light Industry Zone shall meet emission and all other standards of operation prescribed by law under State and Federal rules, regulations, and statutes. It shall be the responsibility of the applicant and/or operator of said use to ensure that such standards are being fully implemented.

ZONE

PERMITTED PRINCIPAL, CONDITIONAL & ACCESSORY USES

MAXIMUM - MINIMUM BUILDING STANDARDS

(A) AGRICULTURAL ZONE/DISTRICT

The (A) Agricultural Zone/District is intended to allow and encourage the continuation of agricultural activities on the prime farmland surrounding the Borough's developed core. This Zone has been designated in accordance with the Master Plan's recommendation for agricultural preservation.

1. PERMITTED PRINCIPAL USES

- a. Farm and general purpose agriculture including truck gardens, nurseries, greenhouses, and customary farm buildings and uses in keeping with the definition of a farm found in this Ordinance, provided no animals are housed or manure or odor or dust producing substance is stored within 100 feet of any property or street line.
- b. Commercial stables or riding academies provided no animals are housed or manure or odor or dust producing substance is stored within 100 feet of any property or street line.
- c. Golf courses and other open land and recreational uses, but excluding intensive commercial amusement uses such as driving range, automobile race track, amusement park, shooting facilities, mini-golf, and other such uses deemed by the Planning & Zoning Board to pose a nuisance to neighboring properties.
- d. Single Family Dwelling on an existing public road for the purpose of housing an individual or family gainfully employed either full or part-time in agricultural production subject to the standards in Section 6.41A.
- e. Kennels and animal hospitals subject to the standards specified in Section 6.17.
- f. Public Parks and Playgrounds.

2. PERMITTED ACCESSORY USES

Uses customarily incidental to any permitted Principal Use including a swimming pool as specified in Section 6.48, yard sales as specified in Section 4.25, roadside stands as specified in Section 6.33, wind energy conversion systems as specified in Section 6.11, and migrant labor housing.

3. PERMITTED CONDITIONAL USES, (Sections 4.7 and 4.8.)

- a. Single family dwelling for an individual or family not employed in agricultural production subject to the standards in Section 6.41B.
- b. Home Occupation as defined in Article III.

4. ALL APPLICABLE STANDARDS of Article VI shall apply to permitted, conditional, and accessory uses as prescribed by the Shiloh Borough Planning & Zoning Board.

MINIMUM LOT SIZE	MINIMUM YARD DIMEN. (IN FEET)			Maximum Height in Feet	Maximum % of Lot Coverage	
	Area	Width	Front			Side
5 Acres	200	40	25	25	35	20
5 Acres	200	40	25	25	35	20
5 Acres	200	40	25	25	35	20
1 Acre	150	40	25	25	35	15
5 Acres	200	40	25	25	35	20
1 Acre	150	40	25	25	35	20

ZONE (R-1) RESIDENTIAL ZONE/DISTRICT

PERMITTED PRINCIPAL, CONDITIONAL, & ACCESSORY USES

MAXIMUM - MINIMUM BUILDING STANDARDS

The (R-1) Residential Zone/District is intended to preserve Shiloh's existing residential area, provide for its expansion, and maintain an efficient and compact land use pattern. This Zone is based upon the Master Plan's recommendation for the Borough's residential development.

1. PERMITTED PRINCIPAL USES

- a. Single Family Dwellings.
- b. Farm and general purpose agriculture as permitted in the (A) Agricultural Zone/District.
- c. Public Parks and Playgrounds.

2. PERMITTED ACCESSORY USES

- a. Uses customarily incidental to any permitted Principal Use as outlined in the (A) Agricultural Zone/District.
- b. Off-street parking and loading facilities as specified in Section 6.27.
- c. Signs as specified in Article VI.

3. PERMITTED CONDITIONAL USES, (Sections 4.7 and 4.8.)

- a. Churches, Sunday Schools, and other places of Worship, as defined.
- b. Public, Parochial, and Private Schools.
- c. Home Occupation as defined in Article III.

4. ALL APPLICABLE STANDARDS of Article VI shall apply to permitted, conditional, and accessory uses as prescribed by the

* square feet

MINIMUM LOT SIZE	MINIMUM YARD DIMEN. (IN FEET)			Maximum Height in Feet	Maximum 5 of Lot Coverage	
	Area	Width	Front			Side
20,000*	100	35	15	20	35	20
2 Acres	200	40	25	25	35	35
5 Acres	200	40	25	25	35	35
5 Acres	200	40	25	25	35	35

ZONE	PERMITTED PRINCIPAL, CONDITIONAL & ACCESSORY USES	MAXIMUM-MINIMUM BUILDING STANDARDS					Maximum Height in Feet	Maximum % of Lot Coverage
(C-1) NEIGHBORHOOD COMMERCIAL ZONE/DISTRICT	<p>The (C-1) Neighborhood Commercial Zone/ District is intended to preserve the Borough's traditional development pattern of a commercial node ringed by residential development. This District recognizes and encourages continued commercial use at a scale and character compatible with the surrounding residential neighborhood. The (C-1) Zone/District conforms to the Master Plan's objectives of encouraging and maintaining commercial and service activities within the Borough's developed core.</p> <p>1. PERMITTED PRINCIPAL USES</p> <p>a. Professional or Business Offices.</p> <p>b. Banks, Savings & Loan Associations, Fiduciary Institutions.</p> <p>c. Grocer or General Store.</p> <p>d. Pharmacy.</p> <p>e. General Service, Supply or Repair Shop, such as Carpenter, Upholsterer, Electrician, or Plumber.</p> <p>f. Personal Service Shop including Tailor, Barber, or Beauty Shop.</p> <p>g. Retail Shops engaged in the sale of any of the following: antiques, books, floral items, furniture, hardware, novelties or gifts, jewelry, photographic equipment, or clothing.</p> <p>h. Single Family Dwelling.</p> <p>2. PERMITTED ACCESSORY USES</p> <p>a. Any use customarily incidental to any permitted Principal Use.</p> <p>b. Signs as specified in Article VI.</p> <p>c. Off-street parking and loading facilities as specified in Section 6.27.</p> <p>3. ALL APPLICABLE STANDARDS of Article VI shall apply to permitted, conditional, and accessory uses as prescribed by the Shiloh Borough Planning & Zoning Board.</p>	MINIMUM LOT SIZE		MINIMUM YARD DIMEN. (In Feet)				
		Area	Width	Front	Side	Rear		
		10,000	75	10	10	20	35	60
10,000	75	10	10	20	35	60		
10,000	75	10	10	20	35	60		
10,000	75	10	10	20	35	60		
10,000	75	10	10	20	35	60		
10,000	75	10	10	20	35	60		
10,000	75	10	10	20	35	60		
10,000	75	10	10	20	35	60		
10,000	75	10	10	20	35	60		
20,000	100	35	15	20	35	20		
20,000	100	35	15	20	35	20		
*Square Feet								
** Linear Feet								

ZONE PERMITTED PRINCIPAL, CONDITIONAL, & ACCESSORY USES

MAXIMUM-MINIMUM BUILDING STANDARDS

ZONE	PERMITTED PRINCIPAL, CONDITIONAL, & ACCESSORY USES	MINIMUM LOT SIZE					MINIMUM YARD DIMEN. (IN FEET)			Maximum Height in Feet	Maximum % of Lot Coverage
		Area	Width	Front	Side	Rear					
(C-2) COMMERCIAL ZONE/DISTRICT	<p>The (C-2) Zone/District is intended to provide an area for high-way oriented commercial uses having large land area requirements. The District conforms with the Master Plan.</p> <p>1. PERMITTED PRINCIPAL USES.</p> <p>a. Any use permitted in the (A) Agricultural Zone/ District and subject to the restrictions specified therein.</p> <p>b. Motels.</p> <p>c. New Automobile Sales with Used Car Sales as an Accessory Use.</p> <p>d. Indoor Commercial Recreation such as howling alley, skating rink, or tennis court but excluding video emporia and pool halls.</p> <p>e. Professional Office Building.</p> <p>f. Funeral Homes.</p> <p>2. PERMITTED ACCESSORY USES.</p> <p>a. Any use customarily incidental to any permitted Principal Use.</p> <p>b. Signs as specified in Article VI.</p> <p>c. Off-street parking and loading facilities as specified in Section 6.27.</p> <p>3. PERMITTED CONDITIONAL USES.</p> <p>a. Service Stations in accordance with Section 6.36.</p> <p>4. ALL APPLICABLE STANDARDS of Article VI shall apply to permitted, conditional, and accessory uses as prescribed by the Shiloh Borough Planning & Zoning Board.</p>	1 Acre	150	40	15	25	35	60			
		1 Acre	150	40	15	25	35	60			
		1 Acre	150	40	15	25	35	60			
		1/2 Acre	100	40	15	25	35	60			
		1/2 Acre	100	40	15	25	35	60			
		1 Acre	150	40	15	25	35	60			

PERMITTED PRINCIPAL, CONDITIONAL, & ACCESSORY USES

MAXIMUM-MINIMUM BUILDING STANDARDS

**(M-1)
LIGHT
INDUSTRY
ZONE/
DISTRICT**

The (M-1) Light Industry Zone/District is intended to provide a suitable area for assembling, warehousing, and other light industrial uses. It is designated in accordance with the Master Plan.

1. PERMITTED PRINCIPAL USES

- a. Principal Uses permitted in the (A) Agricultural Zone/District and subject to the restrictions therein.
- b. Light Industrial, Commercial, or Public Research Activities.
- c. Assembly or fabrication of products from previously prepared materials.
- d. Manufacture of candy, cosmetics, drugs, perfumes, pharmaceuticals, toiletries, and food products except the rendering of fats and oils.
- e. Warehousing and Wholesale Distribution or Sale of Facilities.
- f. Manufacture, repair, or storage of ceramic products, musical instruments, novelties, rubber or metal stamps, clothing, toys, optical goods, scientific or precision instruments, medical, dental, electric, or electronic supplies or equipment, watches or timing devices, luggage, photographic equipment, pleasure boats, furniture, or signs. This shall not include the manufacture or molding of products such as boats from resin materials.
- g. Storage or Sales of Building Supplies or Equipment.
- h. Public Maintenance and Storage.

2. PERMITTED ACCESSORY USES.

- a. Any use customarily incidental to any permitted Principal Use.
- b. Signs as specified in Article VI.
- c. Off-street parking and loading as specified in Section 6.27.

3. LIGHT INDUSTRIAL STANDARDS IN SECTION 6.53 shall apply to all light industrial uses. All other applicable standards of

MINIMUM LOT SIZE	MINIMUM YARD DIMEN. (IN FEET)			Maximum Height in Feet	Maximum % of Lot Coverage	
	Area	Width	Front			Side
2 Acres	200	50	25	25	35	70
2 Acres	200	50	25	25	35	70
2 Acres	200	50	25	25	35	70
2 Acres	200	50	25	25	35	70
2 Acres	200	50	25	25	35	70
2 Acres	200	50	25	25	35	70
2 Acres	200	50	25	25	35	70

ZONE	PERMITTED PRINCIPAL, CONDITIONAL, & ACCESSORY USES	MAXIMUM-MINIMUM BUILDING STANDARDS							
<p>(S-1) SENIOR CITIZEN HOUSING DISTRICT</p> <p>The (S-1) Senior Citizen Housing District is intended to provide for a limited number of high density, residential housing units in the Borough both to help meet the obligations of the community's affordable housing demand and the needs of Senior Citizens. The District is in keeping with the goals of the Master Plan.</p> <p>1. PERMITTED PRINCIPAL USES</p> <p>a. Senior Citizen Housing</p> <p>b. All principal permitted uses allowed in the (R-1) Residential Zone in accordance with the standards and regulations prescribed therein.</p> <p>2. PERMITTED ACCESSORY USES.</p> <p>a. Any use customarily incidental to residential development.</p> <p>b. Signs as specified in Article VI.</p> <p>c. Off-street parking and loading facilities as specified in Section 6.27.</p> <p>3. ALL STANDARDS OF SECTION 6.52 shall apply to Senior Citizen Housing developments and all other applicable standards of Article VI shall to all principal, conditional, and accessory uses as prescribed by the Shiloh Borough Planning & Zoning Board.</p>	<p>The (S-1) Senior Citizen Housing District is intended to provide for a limited number of high density, residential housing units in the Borough both to help meet the obligations of the community's affordable housing demand and the needs of Senior Citizens. The District is in keeping with the goals of the Master Plan.</p>	MINIMUM LOT SIZE*		MINIMUM YARD DIMEN.** (IN FEET)			Maximum Height in Feet	Maximum % of Lot Coverage	Maximum Dwelling Units per Acre
		Area	Width	Front	Side	Rear			
			1 Acre	200	40	25	25	35	70
<p>*Minimum Lot Size refers to the amount of land needed for any senior citizen housing project, not the lot size per senior citizen dwelling unit.</p> <p>**Minimum Yard Dimensions refer to the setbacks for any and all buildings in the project and neighboring properties, not the setbacks between the individual dwelling units that are part of the senior citizen housing project.</p>									

**BOROUGH OF SHILOH
CURRENT ZONING AND PLANNING BOARD FEES**

Land Use Board applications for variances other than D variances	\$ 75.00
"D" Variances	\$200.00
Zoning Permit	\$ 25.00
200 foot owner's list	\$ 10.00
Conditional Use Application	\$100.00
Minor Subdivision Application	\$ 50.00 plus
\$25.00 for each lot	
Major Subdivision Application	\$100.00 plus
\$40.00 for each lot	
Minor Site Plan	\$100.00
Major Site Plan	\$250.00 plus
\$40.00 per acre of site	
Request for Interpretation	\$100.00
Request for Prior Non-Conforming Use Determination	\$100.00
Any other appeal of decision of Zoning Officer	\$100.00

Escrow Fees paid in advance of any matter being deemed complete for hearing:

A.	Conceptual Subdivision Plan Review (Major or Minor)	\$300.00
B.	Minor Subdivision	\$500.00
C.	Minor Subdivision with Variance(s)	\$750.00
D.	Major Subdivisions	
	(Preliminary Approval)	
	(1) 0-25 Lots	\$ 3,000.00
	(2) 26-100 Lots	\$ 5,000.00
	+ each lot over 26	\$ 50.00
	(3) 101 to 500 Lots	\$ 7,500.00
	+ each lot over 101	\$ 50.00
	(4) 501 Lots	\$10,000.00
	+ each lot over 501	\$ 25.00
E.	Major Subdivisions (Final Approval)	
	(1) 0-25 Lots	\$ 1,500.00
	(2) 26-100 Lots	\$ 2,000.00
	(3) 101 to 500 Lots	\$ 3,500.00
	(4) 501 Lots +	\$ 5,000.00

F.	Site Plans:	
(1)	Conceptual Site Plan (Informal) (Major or Minor)	\$ 300.00
(2)	Minor Site Plan (Preliminary Approval)	\$ 750.00
(3)	Minor Site Plan (Final Approval)	\$ 500.00
(4)	Major Site Plan (Preliminary) :	
	(a) 0 - .5 Acre Disturbed Area	\$ 2,000.00
	(b) .51 to 1 Acres of Disturbed Area	\$ 2,500.00
	(c) 1.01 to 5 Acres of Disturbed Area	\$ 3,500.00
	(d) 5.01 to 25 Acres of Disturbed Area	\$ 5,000.00
	(e) 25.01 to 100 Acres of Disturbed Area	\$ 7,500.00
	(f) 100.01 + Acres of Disturbed Area	\$10,000.00
	+ each Acre over 100	\$ 100.00
(5)	Major Site Plan (Final)	
	(a) 0 - .5 Acre of Disturbed Area	\$ 500.00
	(b) .51 to 1 Acre of Disturbed Area	\$ 1,000.00
	(c) 1.01 to 5 Acres of Disturbed Area	\$ 1,500.00
	(d) 5.01 to 25 Acres of Disturbed Area	\$ 2,000.00
	(e) 25.1 to 100 Acres of Disturbed Area	\$ 2,500.00
	(f) 100.01 + Acres of Disturbed Area	\$ 3,000.00
	+ each Acre of 100	\$ 50.00
G.	Variance Other Than Pursuant to <u>N.J.S.A. 40:55D-70D</u>	
	First Acre or part thereof	\$ 500.00
	+ Each additional Acre or part thereof	\$ 150.00
H.	Variance Pursuant to <u>N.J.S.A. 40:55D-70D</u>	
	First Acre or part thereof	\$ 1,000.00
	+ Each additional Acre or part thereof	\$ 150.00
I.	Conditional Use:	
	First Acre or part thereof	\$ 1,000.00
	+ Each additional Acre or part thereof	\$ 150.00
J.	Request for Interpretation	\$ 300.00
K.	Request for Pre-existing Non-conforming use determination	\$ 300.00

In the event that the amount deposited in escrow is expended, the applicant shall deposit such additional amount as estimated to be necessary by the Borough Engineer. In the event of a specialized application, the escrow deposit shall be as determined to be reasonably necessary by the Borough Engineer.