Borough of
PALMYRA
New Jersey
A Place To Grow

LAND DEVELOPMENT ORDINANCE

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BOROUGH OF PALMYRA
LAND DEVELOPMENT CODE

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101 Title

This chapter shall be known as "THE LAND DEVELOPMENT CODE OF THE BOROUGH OF PALMYRA", referred to in this chapter in the short form as "this code".

102 Goals and Objectives

This Code is adopted pursuant to N.J.S.A. 40:55D-1 et seq., in order to promote and protect the public health, safety, morals and general welfare, and in the furtherance of the following related and more specific objectives:

To secure safety from fire, flood, panic, and other natural and man-made disasters.

To provide adequate light, air and open space.

To ensure that the development of the Borough does not conflict with the development and general welfare of neighboring municipalities, the county, and the State as a whole.

To promote the establishment of appropriate population densities and concentrations that will contribute to the well being of persons, neighborhoods, communities, and regions and preservation of the environment.

To encourage an appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.

To provide sufficient space in appropriate locations for a variety of residential, recreational, commercial, and industrial uses, and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens.

To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which would result in congestion or blight.

To promote a desirable visual environment through creative development techniques and good civic design and arrangements.

To 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.

To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.

To promote the conservation of energy through the use of planning practices designed to reduce energy consumption and to provide for maximum utilization of renewable energy sources.

To regulate the location of buildings and establish standards of development; to establish building lines and the location of buildings designed for residential, commercial, office or other uses within such lines and to fix reasonable standards to which buildings or structures shall conform.

To prohibit incompatible uses; to prohibit uses, building or structures which are incompatible with the character of development of the permitted uses within specified zoning districts and surrounding area.

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To promote the conservation of historic sites and districts.

To regulate alterations of existing buildings; to prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.

To conserve the value of land and buildings throughout the Borough.

Within the community's resources, to meet the future housing needs of the citizens of the Borough and the region and to assure a full range of housing types to meet all income levels.

103 Purpose

The purpose of this code is to consolidate the zoning regulations and achieve substantial conformity with the primary elements of the Master Plan of the Borough of Palmyra and to make such regulations substantially consistent with the land use element of the Master Plan.

104 Intent

The intent of this code is to define the zoning regulations for, but not limited to, the use of land and structures, area of lots, bulk of buildings and other structures, the provision of on- and off-street parking, accessory uses, permitted uses, fences, signs and similar regulations for the borough of Palmyra, Burlington County, New Jersey, in accordance with the provisions of the New Jersey Municipal Land Use Law (N.J.S.A. 40:55 et seq.) and to prescribe penalties for violation of the provisions of this code.

105 Compliance

All applicable requirements shall be met at the first time of erection, enlargement, alteration, moving or change in use of a structure and shall apply to the entire structure or structures, whether or not the entire structure or structures were involved in the erection, enlargement, alteration, moving or change in use.

106 Interpretation of Standards

The provisions of this Code shall be held to be minimum requirements. Where this Code imposes a greater restriction than is imposed and required by other provisions of law or by other rules, regulations or resolutions, the provisions of this Code shall control. Where other laws, rules, regulations or resolutions require greater restrictions than are imposed by this Code, the provisions of such other laws, rules, regulation or restrictions shall control.

107 Prohibited Uses

All uses not expressly permitted in this Code are prohibited.

201 Standard Meanings

For the purposes of this Code, certain words and phrases shall have certain meanings, which for words of the singular number shall include the plural number, and vice versa, for words of the female gender shall include the male gender, and vice versa, and for words in the present tense shall include the future tense.

202 Mandatory and Permissive Words

For the purposes of this Code, the term "shall" indicates a mandatory requirement, and the term "may" indicates a permissive action.

203 Statutorily Defined Words

For the purposes of this Code, the meaning of words and phrases as defined in the Municipal Land Use Law shall have the meaning as defined therein, unless expressly defined to the contrary in this Code.

204 Definitions

For the purposes of this Code, the following words and phrases shall have the following definitions:

Accessory Building or Structure: A subordinate building or structure, the use of which is customarily associated with and is subordinate and incidental to a principal building or structure, and which is located on the same tax lot therewith, including but not limited to garages, carports, doghouses, sheds, free-standing air conditioning units, non-portable swimming pools, tennis courts, and other similar structures. Any accessory building or structure attached to the principal building or structure shall be considered part of that principal building or structure.

Accessory Residential Use: A use conducted on the same lot as a principal residential use to which it is related and located either within the same structure or in an accessory structure or as an accessory use of land such as a garage, shed, residential recreational equipment or swimming pool. It is a use that is clearly incidental to and customarily found in connection with a principal use.

Accessory Use or Accessory: A use conducted on the same lot as a principal residential use to which it is related and located either within the same structure or in an accessory structure or as an accessory use of land, except off-street parking lot when required. It is a use that is clearly incidental to and customarily found in connection with a principal use.

Adjacent Lots: Those lots contiguous to and immediately across a right-of-way street or road such that it would be adjacent but for the right-of-way street or road.

Adjacent Parking Lots: Those parking lots contiguous to and immediately across a right-of-way, street or road such that it would be adjacent but for the right-of-way, street or road.

Administrative Officer: The Zoning Officer of the Borough of Palmyra, or such other municipal officer as may hereafter be designated by This Code, who shall exercise all of the duties, responsibilities and authority granted to the Administrative Officer by the Municipal Land Use Law.

Alterations or Additions, Structural: Any change in or additions to the supporting members of a building or structure, such as walls, columns, beams, girders, joists, or posts.

Apartment: A single room, suite or set of rooms occupied as a dwelling.

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Applicant: The landowner or any other person holding an option or contract to purchase, or any other person authorized in writing to act for any of the foregoing persons in submitting an application under this Code.

Application for Development: The applicant form or appeal form, and all accompanying documents required by this Code or state law to be submitted for review of a subdivision plat, site plan, conditional use, zoning variance, or direction for issuance of a permit pursuant to the Municipal Land Use Law.

Approving Authority: The Planning Board of the Borough of Palmyra or the Board of Adjustment of the Borough of Palmyra, unless some other agency is designated by State, Federal or local law.

Arterial Road: A general term denoting a highway primarily for through traffic usually on a continuous route.

Automobile Sales Building: A building used for the sale of, hire of or remuneration from automotive and other vehicles and equipment. This shall be interpreted to include auto accessory sales rooms but not the sale of junked vehicles and equipment.

Automotive Service Facility: Any building in which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted.

Automotive and/or Trailer Sales Area: An open area, other than a public or private street or way, used for the display or sale of new and used vehicles, trailers, trucks or farm equipment and where no repair work is done except that which is minor and incidental to the sale.

Basement: That portion of a building below the ground floor.

Bedroom: A room planned and used primarily for sleeping, separable from other rooms by a door, and accessible to a bathroom without going through another bedroom.

Billboard: A sign other than one indicating a business conducted on the premises and a sign upon which advertising matter of any character is printed, posted or lettered by any means and is designed for such purposes. A billboard includes either freestanding or attached to a surface of a building or other structure.

Borough: The Borough of Palmyra, in the County of Burlington, and State of New Jersey.

Building: A structure or extension thereof or addition thereto having a roof supported by such things as columns, posts, piers or walls, and intended for the shelter, housing or enclosing of persons, animals or property.

Building Coverage: The area of a horizontal section of building at the foundation extremities.

Building Height: The vertical distance measured from the mean elevation of the finished grade at the foundation along the side(s) of the building facing the street, or at the street line if the street line is within ten (10) feet distance from the foundation, to the highest point on the roof surface. In all instances where this Code provides for a height limitation by reference to a specified height and a specified number of stories, the intent is to limit the height to the specified maximum height and the specified number of stories within that height.

Building Length: The horizontal measurement of any continuous building wall.

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Building Setback Line: An established line within a property defining the minimum required distance between the face of any structure to be erected and the specified right-of-way or property line. This face, as measured to the major portion of the structure, includes sun parlors, foyers, bay windows, porches, projecting eaves, dormers, gutters and any other solid projections and solid entrances.

Bulk: Describes the size of buildings or other structures and their relationship to each other, to open areas such as yards and to lot lines and includes the size, height and floor area of buildings or other structures and all other structures.

Business Office: The office of any legal enterprise, which is identified by a legal exterior sign, employs personnel who must come to the business, etc. but excluding retail uses, professional uses, personal service uses, and banks.

Carport: A protective roof structure, without sides, for automobiles.

Cartway: The width of the paved surface of any street or road.

Car Wash: A structure used for the purpose of cleaning the exterior and interior surfaces of automotive vehicles, but not including an incidental one-bay washing facility in a gasoline service station where washing facilities are purely incidental to the operation of said service station. A self-operated vehicular laundering facility not requiring attendants or employees, regardless of capacity, is also considered to be a car wash.

Center Line of Street: See "street, center line of."

Certificate of Occupancy: A statement signed by the Construction Official setting forth either that a building or structure does comply with this chapter, or that a building, structure or parcel of land may lawfully be used for specified uses, or both.

Child Care Center: An entity, organization or individual that operates a program for the care, maintenance and supervision of children who are not attended by their parents or guardians. Included in this definition are centers, which are not licensed by the State of New Jersey, and centers that offer educational, social, health and nutritional services and programs. This definition shall include but not be limited to; day-care centers, infant-care centers, drop-in centers, night-care centers/preschools, nurseries, child cooperatives, kindergartens, nursery schools, play schools, day camps overnight camps, and summer camps. Camps are considered to be programs operated only for a limited time period each year, generally during the nonacademic portion of each year; available to school age children and mostly oriented to outside recreation activities.

Church and House of Worship: A property which is actually and exclusively used for religious purposes, and which serves a place where an assemblage of people congregate to worship their God publicly in a manner most acceptable to them.

Club: An organization operated for social or fraternal purposes.

Collector Road: Conducts and distributes traffic between Local Streets and Arterial Streets.

Common Property: A parcel or parcels of land, or an area of water, or a combination thereof, together with the improvements thereon, intended for the ownership, use and enjoyment of the owners and residents of a development. Common property may contain such accessory structures and improvements as are necessary for

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the use or enjoyment of the owners and residents of a development.

Complete Application: An application form completed as specified by this Code and the rules and regulations of the Borough of Palmyra and all accompanying documents required by this Code for review of the application for development, including where applicable, but not limited to, a site plan or subdivision plat; provided that the municipal agency may require such additional information not specified in this Code or revisions to the accompanying documents as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met.

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 code, and upon the issuance of an authorization therefore by the planning board.

Condominium: A system of ownership of individual units in a multiunit structure or group of structures combined with joint ownership of commonly used property (sidewalks, hallways, stairs, etc.) and as defined by statute.

Construction Official: The Sub-code Official of the Borough of Palmyra.

Construction Trailer: A mobile unit used at construction sites for office and storage purposes. All such units shall be removed no later than 30 days following the issuance of the last certificate of occupancy in the project.

Coverage, Building: The square footage or other area measurement by which all buildings occupy a lot as measured in a horizontal plane around the periphery of the facades and including the area under the roof of any structure supported by columns, but not having walls, as measured around the outside of the outermost extremities of the roof above the columns and including decks and open porches.

Coverage, Hard Surface: The square footage or other area measurement by which all buildings, parking lots, masonry patios, driveways, sidewalks, etc. and impervious surfaces cover a lot as measured in a horizontal plane.

Curb Level: The elevation of the top of the curb or the curb grade approved by the Borough Engineer. Where the building does not adjoin the street, the average elevation of the proposed grade line of the ground immediately adjacent to the buildings as shown on the building plans shall be considered as the curb level.

Curbline: The line of the curb as presently existing or as may hereafter be established by the governing body of the borough.

Days: Means calendar days.

Density: The number of dwelling units permitted in development, expressed as units per acre.

Detached House: One that has yard areas on all sides.

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, the change in any site conditions, or the use or change in use of any building, structure or lot for which approval may be required under this Code.

Dish Antennas: A dish type antenna is defined as a saucer or circular shaped antenna functioning as an antenna

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for reception of television programming. Such objects are also known as satellite dishes, earth stations, and home video earth stations.

Dog Kennel: The keeping of more than three dogs that are more than six months old for breeding sale or boarding.

Drainage or Utility Right-of-Way: The lands required for the installation and maintenance of storm water and sanitary sewers, water pipes or drainage ditches and other utilities, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Driveway: The vehicular entrance and exit for a land use.

Dwelling: A room or series of connected rooms used for permanent or temporary residency and containing living, sleeping and sanitary facilities for one family. The dwelling unit shall be self-contained and shall not require the resident or occupant to move from one portion of the dwelling unit to another portion thereof by use of exterior stairs or routes, by passing through another dwelling unit or by use of indirect routes. A dwelling unit shall not share any interior facilities with another dwelling unit.

Dwelling, Multiple: A building containing three or more dwelling units, including units that are located one over the other.

Dwelling, Single-Family: A dwelling unit in a building physically detached from other buildings or portions of buildings.

Dwelling, Townhouse: A dwelling unit that is one of a series of dwelling units which is attached by a common fireproof and sound-resistant wall (which wall shall start at the lowest footing line and go to the underside of the highest roof sheathing or higher) to one or more similar adjacent dwelling units.

Dwelling, Two-Family Duplex or Twin: A building designed for and occupied exclusively as a residence for two families, with one family living wholly or partly over the other, or where the two residences are joined together by common party wall.

Easement: A use or burden imposed on real property to permit a specific use of land by anyone other than the landowner.

Employees or Number of Employees: The greatest number of persons to be employed in the building in question during any season of the year and any time of the day or night.

Enlargement: An addition to the floor area of an existing building, an increase in size of another structure or an increase in that portion of a tract of land occupied by an existing use.

Family: One or more individuals occupying a dwelling unit and living as a single household unit.

Family Member Suite: Portion of a single-family detached or attached structure established either within the footprint of the existing dwelling or by additions, thereto, permitting a semiprivate living condition for family members of the occupants, therein, provided the suite is accessible from the main entrance of the dwelling and is not segregated by a permanent barrier from other portions thereof; there is no separate kitchen nor splitting of utilities.

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Fence: An artificially constructed barrier of any non-living material or combination of such materials erected to enclose, screen or separate areas of land.

Fire Station: A building used primarily for the housing of fire-fighting equipment and related space.

Flood Plain: The relatively flat area adjoining a river or water course which has been or may be covered by flood water, including the following components:

Floodway: The channel of a natural stream and portions of the flood hazard area adjoining the channel, which are reasonably required to carry and discharge the flood water of any natural stream.

Flood Hazard Area: Land in the flood way and the Flood Fringe area.

Flood Fringe Area: That portion of the flood hazard area outside the floodway.

Floor Area (F.A.): The entire enclosed floor areas of a building or structure, measured from the outside of the exterior walls, including attics and basements having no less than six and one half (6.5) feet of headroom, except for attached garages used primarily for the storage of motor vehicles and all detached garages.

Floor Area Ratio (F.A.R.): The ratio of the total floor area to the area of the lot or tract.

Garage: Any structure having sides and a roof and in at least one of the sides of which is an aperture or opening through which a vehicle may enter and leave and that may be closed by means of a door or doors (overhead or otherwise) and being intended for the storing or sheltering of vehicles.

Garden Apartments: A group of multifamily dwelling units architecturally designed with some of the units placed on top of other units, two stories in height, designed for rental of the individual units, having common spaces.

Gasoline Station: Lands, buildings and structures providing for the sale of fuel, lubricants and automotive accessories. Maintenance and minor repairs for motor vehicles may be provided, but no body repairs, or painting, or extended storage of inoperable or wrecked motor vehicles shall be permitted. Additionally, motor vehicle rental service, parking for a fee, or other activity not specifically part of a gasoline station shall not be permitted.

Goods: A finished product.

Governing Body: The Mayor and Council of the Borough of Palmyra.

Grade: The slope of a road, path, driveway, swale or other surface; or the average finished ground elevation adjoining a building or structure at project completion.

Ground Floor: The main or first floor of a building, usually containing the most visually significant entrance to the building.

Highway Access Point: The distance between any vehicle entrance or exit to a street and the next adjoining vehicle entrance or exit on the same street

Home Occupation Use: Any legal craft, such as sewing, weaving, painting and other similar artistic activities, conducted in a resident's dwelling unit. A home occupation use shall not have any employees or signs, nor

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shall any commercial motor vehicles be regularly parked at the residence.

Home Office Use: Any legal use of a portion of a dwelling unit for an office by a resident. A home office use shall not have any employees, any signs, any customers, patients, clients, or similar categories of persons visiting the home, nor shall any commercial motor vehicles be regularly parked at the residence.

Impervious Coverage: Surface coverage not permitting the infiltration of surface water and causing surface drainage runoff.

Improved Open Space: That portion of a lot excluding areas set aside or used for buildings, parking, loading and streets, such area to be devoted to recreational uses and/or play areas with appropriate recreational equipment, park furniture and landscape plantings.

Improvements: Any type of structure, excavation or paved section, excluding driveway or curb.

Junkyard: An area of land, with or without buildings, used for the storage of used and discarded metal, building materials, including but not limited to wastepaper, rags, metal, building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage on a lot of two or more unlicensed, wrecked or disabled vehicles or the major part thereof shall be deemed to be a junkyard.

Landowners: The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner or other person(s) having a proprietary interest in land.

Landscape Screen: A completely planted visual barrier that complies with all of the standards and requirements set forth in the subdivision ordinance.

Loading Space: An off-street parking space or berth located on the same lot with a building or group of buildings, and used for the temporary parking of a commercial motor vehicle while loading or unloading.

Local Road: Provides access to lots and carries traffic with destinations or origin on the street itself. Designed to carry the least amount of traffic at the lowest speed.

Lot: Any parcel, tract or area of land established by a subdivision plat or deed of record, or otherwise as permitted by law, except that for the purposes of this Code, contiguous undersized lots under one ownership shall be considered to be one lot, and no portion of an existing public street or right-of-way shall be included in calculating a lot boundary or lot area.

Lot Area: The area contained within the lot lines of a lot and not including any portion of a street or right-of-way.

Lot Corner: A lot on the junction of land abutting two or more intersecting streets where the interior angle of intersection does not exceed 135 degrees. Each corner lot shall have one front yard and two side yards with the front yard being the side upon which the front of the building is located.

Lot Coverage: The aggregate of all impervious surfaces on a lot, including houses, sun parlors, foyers porches, breezeways, projecting eaves, gutters, awnings, pools, steps, patios, decks, driveways, walks and other impervious surfaces.

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Lot Depth: The shortest horizontal distance between the front lot line and a line drawn parallel to the front lot line through the midpoint of the rear lot line.

Lot Frontage: The horizontal distance between the side lot lines measured along the street line. In the case of a corner lot, either street frontage which meets the required minimum frontage for that zone may be considered the lot frontage. Frontage shall be determined by the address indicated as the property in the property identification portion of the tax records of the Borough of Palmyra at the time of passage of this Code.

Lot Interior: Any lot that is not a corner lot.

Lot, Through: An interior lot

Lot Width: The horizontal distance between the side lot lines at the required setback line. Where the side lot lines are not perpendicular to the street line, the minimum lot width shall be measured perpendicularly across the lot from the minimum required building setback line on the one side lot line that creates the larger front yard.

Maintenance Guarantee: Any security, other than cash, acceptable to the governing body to assure the maintenance of duly approved improvements installed by the developer after the final inspection of the improvements and acceptance of the improvements by the governing body, and in accordance with the requirements of statute and this Code.

Manufacture: A function involving either the processing or production of materials, goods or products.

Marquee: A combination signboard and protective covering from the elements supported solely by the building to which it is attached.

Master Plan: A composite of one or more written or graphic proposals for the development of the Borough of Palmyra pursuant to the Municipal Land Use Law.

Mean Elevation: The average of the ground level measurements of the four (4) extreme corner points of any proposed or existing building or structure.

Medical Clinic: A building constructed as a professional building for the offices of two or more medical practitioners.

Mixed Occupancy: Occupancy of a building or land for more than one use.

Multiple-Family Dwellings: See "dwelling, multiple."

Municipal Agency: The Planning Board, Governing Body, or any other municipal agency acting pursuant to the Municipal Land Use Law.

Municipal Land Use Law: N.J.S.A. 40:55D-1, et seq.

Municipal Use: The use of land, building or structures by the Borough or by any officially created authority or agency thereof.

Non-conforming Building or Structure: A building or structure which in its location upon the lot or in its size does not conform to the requirements of this Code for the zone in which is it located.

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Non-conforming Lot: A lot which does not have the minimum frontage, or width, or depth, or contain the minimum lot area required to conform to the requirements of this Code for the zone in which it is located.

Non-conforming Use: A use of a building, structure or lot which does not conform to the requirements of this Code for the zone in which it is located.

Off-site: Not located on the lot or property which is the subject of the development application, nor on a contiguous portion of a public right-of-way.

Off Street Parking Facility: A parking area, as hereinafter defined, for the parking of passenger vehicles of the occupants, employees, visitors and patrons of specified types of buildings which is not located on a municipal right-of-way.

On-site: Located on the lot or property which is the subject of the development application.

Parking Area: An open, off-street land area, including parking spaces and access and egress drives or aisles, used or required by this chapter for the parking of automobiles or other vehicles exclusively and in which no gasoline or automobile accessories are sold and no other business is conducted.

Parking Space: An area of not less than nine feet in width by eighteen feet in length (9' x 18'), either within a building or structure or in the open, for the parking of motor vehicles, and exclusive of driveways, access drives, fire lanes and public rights-of-way, except that nothing herein shall prohibit private and individual driveways for individual dwelling units from being considered off-street parking spaces, provided that no portion of such private driveway in front of the building setback line shall be considered to be a parking space. A parking space is intended to be sufficient to accommodate motor vehicles, whether or not wheel blocks are installed within this area to prevent the bumper from overhanging one end of the parking space. The width and length of each space shall be measured perpendicularly to each other, regardless of the angle of the parking space to the access drive or driveway.

Performance Guarantee: Any security, acceptable to the governing body to assure the construction of duly approved improvements installed by the developer in accordance with the approved development application, and in accordance with the requirements set forth in N.J.S.A. 40:55D-53.3 and this Code.

Permitted Use: Any use of land, buildings or structures that is permitted by this Code.

Person: Any individual, firm, partnership, agency or corporation.

Personal Service Use: The office or place of business of a member of one of the following legal occupations, maintained for the conduct of that occupation: cleaner, tailor, barber, beautician, manicurist, milliner and cobbler .

Porch: A roofed, open structure projecting from the front, side or rear wall of a building and having no enclosed features of glass, wood or other material more than 30 inches above the floor thereof, except the necessary columns to support the roof.

Premises: Any lot, area or tract of land, whether used in connection with a building or not.

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Principal Building or Structure: A building in which is conducted the principal use of the lot on which it is located.

Principal Use: The primary or predominant use of a lot.

Private Garage: An accessory structure for the storage of a maximum of three (3) vehicles owned or operated by the occupant(s) of the premises upon which the principal building, to which the garage is accessory, is situated.

Professional Office: The office of a member of a recognized and legal profession maintained for the conduct of that profession, including accounts, appraisers, attorneys, certified landscape architects, chiropractors, dentists, financial planners, insurance brokers, physicians, podiatrists, professional engineers, professional planners, psychoanalysts, real estate agent, registered architects, surveyors, veterinarian, and no others.

Property: A lot or plot with or without buildings or other improvements located thereon.

Public Garage: A building other than a private garage used exclusively for the storage of vehicles.

Recreational Area: A private or public space, including essential buildings and structures, used for play and recreational space for individuals or groups of individuals.

Rescue Squad and/or Ambulance Association: A service provided to the general public in emergence and non-emergency situations for the preservation of life and property.

Restaurant: Any establishment, however designated, at which food is sold primarily for consumption on the premises. A snack bar or refreshment stand at a facility such as a public or community park, playfield or playground, or at a swimming pool or swimming club, and operated solely by the agency or group running the facility for the convenience of the patrons thereof, shall not be deemed to be a restaurant.

Re-subdivision: The further division of a lot or the adjustment of a lot line or lot lines.

Retail Use: A place of business engaged in selling tangible goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods or merchandise. Real estate agencies and travel agencies are retail uses.

Right-of-Way: The lines upon which the width of the abutting street is established, i.e. the property lines, not the curb line.

Roof: The outside covering of the top of a building.

Satellite Dish Antenna: A saucer or circular shaped antenna functioning as an antenna for reception or transmission of television, radio, microwave or similar signals. Such antennas are also known as satellite dishes, satellite earth stations and home video earth stations.

Senior Citizen Housing: Housing especially designed and constructed for the use of elderly or handicapped families, which means families consisting of two (2) or more persons, one of whom is sixty-two (62) years of age or older or is handicapped, or means a single person who is sixty-two (62) years of age or older or is

handicapped. A person shall be considered handicapped if they have a physical impairment which is expected to be of long, continued and indefinite duration, which substantially impairs their ability to live independently, and which is of such a nature that such disability could be ameliorated by more suitable housing conditions.
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Setback Line: A line drawn parallel with the street line or the front lot line and drawn through the point of a building or structure nearest to the street line or front lot line.

Setback Line, Required: The setback line establishing the minimum front yard required by this Code for that zone.

Sight Easement at Intersection: The triangular area established in accordance with the requirements of this Code in which no grading, planting or structure shall be erected or maintained more than one (1) foot above the elevation of the adjacent curb (or if no curb, the street), except for street signs, fire hydrants or utility poles, and other similar structures erected by or with the permission of the Borough.

Sign: A lettered board or other display, or any portion thereof, on which any announcement, declaration, demonstration, logo, presentation, illumination or insignia is used to promote the interest of any person. ALSO SEE ADDITIONAL SIGN DEFINITIONS IN SECTION 1000 OF THIS CODE.

Sign Height: The vertical distance measured from ground level to the highest point on the sign and it's supporting structure.

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 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 determination concerning the adequacy of the development plan in accordance with the requirements of this Code.

Site Plan, Minor: Any site plan which is limited to the proposed construction of any permitted accessory use expressly permitted by this Code, or which consists of an expansion of or addition to an existing conforming structure and use, providing that such site plan does not involve the installation of any road improvements or the expansion of any public facilities.

Site Plan, Major: Any site plan which is not a minor site plan.

Soffit: The underside of a part or member of a building, such as an overhang.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the portion of the building included between the surface of any floor and the ceiling next above it. For the purpose of this Code, the interior of the roof having less than six and one half (6.5) feet of headroom shall not be considered to be a ceiling.

Street: Any street, avenue, boulevard, road, parkway, highway, drive or other way which (1) is an existing borough, county or state roadway, or (2) is shown on a plat heretofore approved pursuant to law; and which includes the land between the street lines, whether improved or unimproved, and all pavements, shoulders, curbs, gutters, sidewalks, parking areas, and utility lines.

Street, Center Line of: A line which is at an equal distance from both street lines.

Street Line: The edge of the existing or future street right-of-way, whichever may result in the wider street, as

shown on the adopted Master Plan or Official Map, and which forms the dividing line between the street and the adjacent lot.

(§204 Cont'd.)

Structural Alteration: Any change in or addition to the supporting members of a building or structure, such as bearing wall partitions, columns, beams or girders.

Structure: Anything constructed, assembled, or erected which requires location on the ground or attachment to something having such location on or in the ground, including but not limited to buildings, decks, fences, tennis courts, tanks, towers, signs, and swimming pools.

Subdivision: The division of a tract, lot 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 subdivisions within the meaning of this Code if no new streets are created: (1) divisions of property by testamentary or intestate provisions, (2) divisions of property upon court order, including but not limited to judgments of foreclosure, (3) consolidation of existing lots by deed or other recorded instrument, and (4) the conveyance 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 re-subdivision.

Subdivision, Minor: Any subdivision containing not more than three (3) lots (two new lots and the remaining lot), each fronting on an existing street and not requiring any new street or the extension of borough facilities. Any readjustment of lot lines resulting in no new lots shall be classified as a minor subdivision.

Subdivision, Major: Any subdivision which is not a minor subdivision.

Swimming Pool: Any body of water, whether located above ground, below ground, or both, having a depth of one and one half (1.5) feet, a water surface area of one hundred (100) square feet, or both, and designed and maintained for human swimming, and including all buildings, structures, equipment and appurtenances thereto. Any structure that contains water over 24 inches (610mm) in dept and which is used, or intended to be used, for swimming or recreational bathing in connection with an occupancy in Use Group R-3 and which is available only to the family and guests of the householder. This includes in-group, above and on-ground swimming pools, hot tubs and spas.

Testing: A function involved in the examination of the qualities, performances or capabilities of a product, goods or material.

Undertaking Establishment: The premises used by a licensed mortician concerned with the arrangement of cremation or burial of the dead and the overseeing of burials.

Use: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied or any activity occupation, business or operation carried on in a building or other structure on a tract of land.

Use, Primary: The main purpose or purposes for which land, a structure, building and/or sign, or use therefore, is designated, arranged or intended or for which they may be occupied or maintained under this code. All other structures, buildings, signs or uses on the same lot and incidental or supplementary thereto and permitted under this code shall be considered accessory use.

Used Car Lot: An area used for the storage and display of used automobiles advertised for sale, including

motorcycles, trucks and any other motorized vehicle.

Utility Shed: A separate structure, not for living purposes, used for the storage of materials and equipment.

(§ 204 Cont'd.)

Variance: A departure from the requirements of this Code authorized by the appropriate municipal agency pursuant to the Municipal Land Use Law.

Yard: An open space which lies between a building and the lot line.

Yard, Front: A yard measured from and at right angles from the front lot line to the nearest building.

Yard, Rear: A yard from and at right angles from the rear lot line to the primary building.

Yard, Side: A yard measured from the side lot line to a building or structure.

301 Zoning Districts

For the purposes of this Code, the Borough of Palmyra is hereby divided into districts as follows:

R-1	Residential Single-Family
R-2	Residential Multi-Family
TC	Town Center Commercial
NC	Neighborhood Commercial
HC	Highway Commercial
OC	Office Commercial
I	Industrial
P	Public and Institutional
OS	Conservation and Open Space

302 Zoning Map

The boundaries of these zoning districts are established on the map entitled "Zoning Map of the Borough of Palmyra", dated January, 2003, which accompanies and is hereby made a part of this Code.

303 Interpretation of Boundaries

A. Boundaries:

Zoning district boundary lines are intended to follow street centerlines, railroad rights-of-way, streams and lot or property lines as they exist on lots of record at the time of the enactment of this Code unless otherwise indicated by dimensions on the Zoning Map.

B. Dimensions:

Any distances or dimensions listed in this Code or shown on the Zoning Map are in feet (unless otherwise expressly so indicated) and are measured horizontally and, when measured from a street, are measured from the street right-of-way line even if the centerline of the street is the location of the zoning district line.

C. Disputes:

The exact location of any disputed zoning district boundary line shall be determined by the Board of Adjustment, pursuant to law.

D. Applicability:

The zoning standards, controls and designations apply to every structure, lot and use within each district and the district lines extend vertically in both directions from ground level.

304 General Provisions

A. Effect of Zoning:

No land may be used and no structure may be erected, raised, razed, moved, extended, enlarged, altered or used for any purpose other than the purposes permitted herein for the zone in which it is located, and all construction shall be in conformity with the regulations provided for the zone in which such construction is located.

B. Subdivision and Re-subdivision of Lots:

When a new lot or lots are formed from a parcel of land, or where two or more lots are combined into a single lot, the separation or combination must be effected in such a manner as not to impair any of the provisions of this Code. Moreover, when two or more lots are combined into a single lot for the purpose of an application for development, the lots shall be combined as one lot unless subsequently subdivided in accordance with the requirements of this Code.

C. Public Utilities:

Public utility distribution facilities required for direct local service may be located anywhere within the Borough of Palmyra wherever reasonably necessary, provided such facilities are placed within the rights-of-way of existing roads and streets or in utility easements.

D. Height Limitation Exceptions:

1. The height provisions of this Code shall not apply to spires of any church or house of worship.

2. The height provisions of this Code are not intended to supersede any applicable federal or state laws or regulations which preempt the height provisions.

E. Non-Conforming Lots:

A building or structure may be erected on any non-conforming lot provided the lot, at the effective date of the most recent applicable Code, complies with the provisions of the previous Land Development regulations.

F. Accessory Buildings:

Accessory buildings which are not an integral structural part of the principal building must comply with the requirements permitted for the zone in which they are located, and must also be situated not less than ten (10) feet farther back from the street line than the rear most portion of the principal building.

(§304 Cont'd.)

G. Prohibited Uses:

1. Any use which emits excessive or objectionable amounts of dust, fumes, noise, odor, smoke, vibrations, or waste products.

2. Junkyards.

3. The use of any portable building or structure, stationary vehicle or stand of any description for the purpose of displaying or selling of food, merchandise or commodities of any kind.

4. The use of a bar, building or structure of a temporary nature, garage, house trailer, outbuilding, shack or tent on any lot or parcel of land for living or sleeping purposes in any district on either a temporary or permanent basis.

H. Outdoor Storage:

1. The outdoor storage of goods, articles, appliances, and vehicles shall be prohibited in business and industrial districts unless items being stored are to be sold on the premises, are located to the rear of the front setback line and are screened in a manner which prevents their being viewed from any residential property. Visible storage of any kind shall not be permitted on the premises in any residential district.

305 R-1 Residential District

Purpose

The purpose of the R-1 district is to permit single-family residences at a density of approximately 5.80 dwelling units per acre.

A. Permitted Principal Uses:

1. Single-family detached dwelling.

2. Single-family attached dwelling (twin or semi-detached dwelling unit).

3. Publicly-owned park, playground, or recreational area.

4. Municipal building or use.

B. Permitted Accessory Uses:

Accessory structures and uses, including home occupation use and home office use, which are customary incidental to a permitted use but not including professional offices or business offices.

C. Conditional Uses:

1. Churches and houses of worship.

(§305 Cont'd.)

D. Area and Yard Requirements for R-1 Zone:

1. Lot Size:

a. Minimum area in square feet: 7,500.

b. Minimum width: 60.

c. Minimum depth: 125.

d. Minimum frontage: 60.

2. Yard Requirements for Principal Structures:

a. Minimum front yard: 30.

1. However, if a building exists on either side on the same street, such minimum front yard set back may be reduced to the distance of the largest front yard measurement of such adjacent building (i.e. if, for example, buildings adjacent to the side lot lines have been built with set backs of 15 feet and 18 feet, respectively, then the minimum front yard setback of the subject property would be 18 feet rather than 30 feet).

2. The 30 foot set back requirement does not apply to the reconstruction, replacement or repair of a current portion of the principal structure. If the entire principal structure is torn down and replaced, the minimum front yard setback requirement of 30 feet shall apply or comply with Section 305(D)(2)(a)(1), regardless of the setback of the original principal structure.

b. Minimum one side yard: 8.

c. Minimum both side yards: 20,
except for a pre-existing twin home within the district, which will be allowed a minimum side yard equivalent to the minimum one side yard set forth in Section 305 (D)(2)(b) above.

d. Minimum rear yard: 25.

3. Yard Requirements for Accessory Structures:

a. Minimum front yard: 30.

b. Minimum side yard: 3.

c. Minimum rear yard: 3.

(§305 Cont'd.)

4. Lot Coverage:

   a. Maximum building coverage: 35%.

   b. Maximum hard surface coverage: 50%.

   c. Minimum dwelling unit: 1,200 square feet.

5. Height Requirements (Principal Structure):

   a. Maximum number of stories: 2 1/2.

   b. Maximum height: 35.

6. Height Requirements (Accessory Structure):

   a. Maximum height: 18.

E. Unspecified Uses:

Any uses not specifically permitted in this zoning district are hereby specifically prohibited from this district.

306 R-2 Residential District

A. Permitted Principal Uses:

1. Multi-family residential dwellings, townhouses, garden apartments.

2. Publicly-owned park, playground, or recreational use.

3. Private community center, recreation centers, or recreation areas that are part of a residential development.

4. Municipal building or use.

5. Any use permitted in an R-1 district.

B. Permitted Accessory Uses:

Accessory structures and uses, including home occupation use and home office use, which are customarily incidental to a permitted use, but not including professional offices or business offices.

C. Conditional Uses:

1. Churches and houses of worship.

(§306 Cont'd.)

D. Area and Yard Requirements for R-2 Zone:

1. Lot Size:

a. Minimum area: 3 acres.

b. Minimum width: 200.

c. Minimum depth: 200.

d. Minimum frontage: 60.

2. Yard Requirements for Principal Structures:

a. Minimum front yard: 30.

1. However, if a building exists on either side on the same street, such minimum front yard set back may be reduced to the distance of the largest front yard measurement of such adjacent building (i.e., if, for example, buildings adjacent to the side lot lines have been built with setbacks of 15 feet and 18 feet, respectively, then the minimum front yard setback of the subject property would be 18 feet rather than 0 feet).

2. The 30 foot setback requirement does not apply to the reconstruction, replacement or repair of a current portion of the principal structure. If the entire principal structure is torn down and replaced, the minimum front yard setback requirement of 30 feet shall apply306(D)(2)(a)(1), regardless of the setback of the original principal structure

b. Minimum one side yard: 10.

c. Minimum both side yards: 20.

d. Minimum rear yard: 40.

3. Yard Requirements for Accessory Structures:

a. Minimum front yard: 30.

b. Minimum side yard: 5.

c. Minimum rear yard: 30.

(§ 306 Cont'd.)

4. Lot Coverage:

   a. Maximum building coverage: 40%.

   b. Maximum hard surface coverage: 50%.

   c. Minimum dwelling unit: 900 square feet.

5. Height Requirements (Principal Structure):

   a. Maximum number of stories: 3.

   b. Maximum height: 45.

6. Height Requirements (Accessory Structure):

   Maximum height: 18.

E. Unspecified Uses:

Any uses not specifically permitted in this zoning district are hereby specifically prohibited from this district.

307 TC Town Center Commercial

Purpose

The purpose of the TC Town Center Commercial Zone is to reinforce the retail commercial nature of the Broad Street shopping district while permitting residential uses on the second floor and above. Structures are strongly encouraged to be located on the front and/or side property line to reinforce the street line.

A. Permitted Principal Uses:

1. General retail merchandise stores, including variety stores, general merchandise discount stores, drugstores and sporting goods stores.
2. Retail apparel and accessories stores, including shoe stores, furriers and custom tailors.
3. Retail furniture, home furnishing and equipment, including household appliance stores; hardware, paint and glass stores; and radio and television stores including services.
4. Retail stores, including bakeries and confectionery shops.
5. Eating establishments, including restaurants, lunch counters, delicatessens, tearooms, confectioneries or similar establishments serving food or beverages.
6. Retail shops, including camera, book, stationery, antique, musical supply, cosmetic, candy, flower, hobby, jewelry and leather and luggage shops.
7. Offices for the conduct of medical and other professions, real estate and insurance, messenger or telegraph services and general and administrative offices.
8. Office business shops, with sales and services only.
9. Dry-cleaning, barber, beautician, shoe repair and tailor shops.
10. Government offices serving the public, including a post office or other public or semipublic offices.
11. Libraries and museums.

(§ 307 Cont'd.)

12. Job printing and newspaper sales.
13. Service and repair shops, including carpenter, cabinetmaking, furniture repair, plumbing or similar shop.
14. Office of a builder, carpenter, caterer, cleaner, contractor, decorator electrician, furrier, mason, painter, plumber, roofer, upholsterer and similar non-nuisance businesses, excluding open storage of materials and excluding open storage of motor vehicles.
15. Laboratory, dental and medical.
16. Catering establishment.
17. Business and instructional school, including trade school.
18. Dance studios.
19. Clubs and lodge halls for fraternal organizations and meeting places, public or private.
20. Rescue squads.
21. Social club and fraternal, social service, union or civic organizations.
22. Upper-level apartment(s) in those structure(s) having permitted principal uses set forth herein.

B. Permitted Accessory Uses:

Accessory uses on the same lot customarily incidental to primary permitted use.

C. Conditional Uses:

1. Banks and savings institutions.

D. Area and Yard Requirements for TC Zone:

1. Lot Size:

   a. Minimum area in square feet: 7,000.

   b. Minimum width: None.

   c. Minimum depth: None.

2. Yard Requirements for Principal Structures:

   a. Minimum front yard: None.

   b. Minimum one side yard: None.

   c. Minimum both side yards: None.

   d. Minimum rear yard: 20.

(§ 307 Cont'd.)

3. Yard Requirements for Accessory Structures:

   a. Minimum front yard: None.

   b. Minimum side yard: None.

   c. Minimum rear yard: 5.

4. Lot Coverage:

   a. Maximum building coverage: 70%.

   b. Maximum hard surface coverage: 80%.

5. Height Requirements (Principal Structure):

   a. Maximum number of stories: 3.

   b. Maximum height: 45.

6. Height Requirements (Accessory Structure):

   Maximum height: 18.

E. Unspecified Uses:

Any uses not specifically permitted in this zoning district are hereby specifically prohibited from this district.

308 NC Neighborhood Commercial District

A. Permitted Principal Uses:

1. Any permitted use in TC Zone.

2. Grocery store and supermarket.

3. Single-family dwellings.

B. Permitted Accessory Uses:

1. Accessory structures and uses which are customarily incidental to a permitted use.

C. Conditional Uses:

1. None.

(§ 308 Cont'd.)

D. Area and Yard Requirements for NC Zone:

1. Lot Size:

   a. Minimum area in square feet: 5,000.

   b. Minimum width: 50.

   c. Minimum depth: 100.

2. Yard Requirements for Principal Structures:

   a. Minimum front yard: None.

   b. Minimum one side yard: 5.

   c. Minimum both side yards: 10.

   d. Minimum rear yard: 20.

3. Yard Requirements for Accessory Structures:

   a. Minimum front yard: None.

   b. Minimum side yard: 3.

   c. Minimum rear yard: 5.

4. Lot Coverage:

   a. Maximum building coverage: 50%.

   b. Maximum hard surface coverage: 75%.

5. Height Requirements (Principal Structure):

   a. Maximum number of stories: 2 1/2.

   b. Maximum height: 35.

6. Height Requirements (Accessory Structure):

   Maximum height: 18.

E. Unspecified Uses:

Any uses not specifically permitted in this zoning district are hereby specifically prohibited from this district.

309 HC Highway Commercial District

A. Permitted Principal Uses:

1. Restaurants.
2. Movie theaters.
3. Retail and personal service establishments.
4. Office uses to include general, medical, and professional
5. Commerce parks, and high technology parks for advanced research and knowledge transfer relating to the fields of engineering, the sciences, computer science, and business.
6. Commercial recreation.
7. Hotels.
8. Conference centers.

B. Permitted Accessory Uses:

Accessory uses and structures which are customarily incidental to a permitted use.

C. Conditional Uses:

1. Automobile sales and dealerships.
2. Gasoline filling stations.
3. Car and truck washing facilities.
4. Automobile repair shops.
5. Boat and yacht sales and dealerships.
6. Truck sales.

D. Area and Yard Requirements for HC Zone:

1. Lot Size:
   a. Minimum area in square feet: 25,000.
   b. Minimum width: 125.
   c. Minimum depth: 100.

(§ 309 Cont'd.)

2. Yard Requirements for Principal Structures:

   a. Minimum front yard: 50.

   b. Minimum one side yard: 15.

   c. Minimum both side yards: 35.

   d. Minimum rear yard: 50.

3. Yard Requirements for Accessory Structures:

   a. Minimum front yard: 50: Accessory structures are not permitted forward of the building line, and not less than 50 feet from the front property line.

   b. Minimum side yard: 5.

   c. Minimum rear yard: 30.

4. Lot Coverage:

   a. Maximum building coverage: 50%.

   b. Maximum hard surface coverage: 70%.

5. Height Requirements (Principal Structure):

   a. Maximum number of stories: 3.

   b. Maximum height: 35.

6. Height Requirements (Accessory Structure):

   Maximum height: 20.

E. Unspecified Uses:

Any uses not specifically permitted in this zoning district are hereby specifically prohibited from this district.

309A OC Office Commercial District

This zoning district is established to create an area for the development of office uses and to encourage the protection of an important historic resource.

A. Permitted Principal Uses:

1. Professional and business offices.

(§ 309A Cont'd.)

B. Permitted Accessory Uses:

1. Accessory structures and uses which are customarily incidental to a permitted use.

C. Conditional Uses:

1. None.

D. Area & Yard Requirements for OC Zone:

1. Lot Size:

a. Minimum area in square feet: 25,000

b. Minimum width: 125

c. Minimum depth: 100

2. Yard Requirements for Principal Structures:

a. Minimum front yard: 10.

b. Minimum one-side yard: NA.

c. Minimum both side yards: NA.

d. Minimum rear yard: 25.

3. Yard Requirements for Accessory Structures:

a. Minimum front yard: 10.

b. Minimum rear yard: 5.

4. Lot Coverage:

a. Maximum building coverage: 50%.

b. Maximum hard surface coverage: 75%.

5. Height Requirements (Principal Structure):

a. Maximum height: 45.

6. Height Requirements (Accessory Structure):

a. Maximum height: 18.

(§ 309A Cont'd.)

E. Unspecified Uses: Any uses not specifically permitted in this zoning district are hereby specifically prohibited from this district.

310 I Industrial District

A. Permitted Industrial Uses:

1. Any manufacturing, processing or industrial use listed below, provided that the proposed industrial process meets the performance requirements listed in Section 310.E and does not have inherent characteristics which are noxious, injurious, offensive, or hazardous to the health, safety or general welfare of the community:

   a. Manufacturing of light machinery comprising any of the following: carburetors and small machine parts, cash registers, sewing machines, typewriters, calculators and other office machines.

   b. Fabrication of metal products comprising any of the following: baby carriages, bicycles and other similar vehicles; metal foil, aluminum, gold, etc.; metal furniture; musical instruments; sheet-metal products; and toys.

   c. Fabrication of paper products comprising any of the following: bags, bookbindings, boxes and packaging materials, office supplies and toys.

   d. Fabrication of wood products comprising any of the following: boats, boxes, cabinets and woodworking, furniture and toys.

   e. Food and associated industries comprising any of the following: bakeries, bottling of food and beverages, food and cereal mixing and milling, food processing, food sundry manufacturing and ice cream manufacturing.

   f. Office buildings for executive or administrative purposes.

   g. Laboratories comprising any of the following: biological, chemical, dental, pharmaceutical and general research.

   h. Other permissible industries comprising any of the following: brush and broom manufacturing; concrete and plastic products; electric light and power companies; electronic products; farm machinery sales and services; glass products manufacturing; jewelry manufacturing, including polishing; laundering and cleaning establishments; leather goods manufacturing, except curing, tanning and finishing of hides; motion-picture exchange; pharmaceutical products manufacturing, printing paper and cloth; sporting goods manufacturing; textile products manufacturing, thread and yarn manufacturing; and warehouses and storehouses.

   i. In addition to the above, any industry not inconsistent with the above and meeting the performance requirements listed herein may be conducted in this zone. All others are specifically excluded.

(§ 310 Cont'd.)

2. Wholesale establishments, warehouses and storehouses.

B. Permitted Accessory Uses:

Any accessory use customarily incidental to a permitted use.

C. Conditional Uses:

None.

D. Area and Yard Requirements for I Zone:

1. Lot Size:

a. Minimum area in square feet: 25,000.

b. Minimum width: 125.

c. Minimum depth: 100.

2. Yard Requirements for Principal Structures:

a. Minimum front yard: 50.

b. Minimum one side yard: 20.

c. Minimum both side yards: 45.

d. Minimum rear yard: 50.

3. Yard Requirements for Accessory Structures:

a. Minimum front yard: 50, with the provision that no accessory structures be permitted forward of the building line, and in no case, closer than 50 feet to the front property line.

b. Minimum side yard: 5.

c. Minimum rear yard: 10.

4. Lot Coverage:

a. Maximum building coverage: 50%.

b. Maximum hard surface coverage: 70%.

5. Height Requirements (Principal Structure):

a. Maximum number of stories: 3.

(§310 Cont'd.)

b. Maximum height: 35.

6. Height Requirements (Accessory Structure):

Maximum height: 20.

E. Performance Standards for Industrial Developments:

1. Fire and Explosive Hazards and Radioactivity:

a. All activities and all storage of flammable and explosive materials at any point shall be performed with adequate safety devices against the hazards of fire and explosion and adequate fire-suppression equipment shall be installed and maintained in an operable condition in accordance with the regulations of the Fire Marshal's office and the regulations of applicable local, county, state, and federal agencies.

b. No activities which emit radioactivity shall be permitted.

2. Electrical Disturbance:

No activity shall be permitted which results in an electrical disturbance adversely affecting the operation of any equipment beyond the building in which the disturbance is created.

3. Smoke, Ash, Dust, Fume, Vapor, Gases, and Other Forms of Air Pollution

a. There shall be no emission at any point from any chimney or otherwise which can cause any damage to human health, to animals or vegetation, or to other forms of property; or which will cause any excessive soiling at any point.

b. There shall be no emission at any point, from any chimney or otherwise, for longer than five (5) minutes in any hour of visible smoke of any color with a shade darker than No. 3 of the Standard Ringlemann Chart.

4. Liquid and Solid Wastes

There shall be no discharge at any point, into any private or public sewerage system, or into any stream, or into the ground of any materials in such a way, or of such temperature, as to contaminate or otherwise cause the emission of hazardous materials except as regulated by applicable local, state, or federal agencies.

5. Noise and Vibration

a. There shall be no vibration or noise level which is greater than the average noise level occurring on adjacent streets.

b. The measurement shall be taken at the property line or, in the case of multiple industrial buildings on the same lot, fifty (50) feet from the exterior wall of the building.

(§310 Cont'd.)

6. Glare

No direct or sky-reflected glare, whether from floodlights or from any high temperature process, shall be visible from adjoining public streets, or adjacent lots, or from adjacent buildings within an industrial park, when viewed by a person standing at ground level.

7. Odor

There shall be no emission of odorous gases or other matter in such quantities as to be offensive on adjoining public streets, on adjacent lots, or within adjacent buildings within an industrial park.

8. Operation

All operations shall be conducted entirely within enclosed buildings.

E. Unspecified Uses:

Any uses not specifically permitted in this zoning district are hereby specifically prohibited from this district.

311 P Public and Institutional District

A. Permitted Principal Uses:

1. Publicly-owned park, playground, recreational area, recreation building. or entertainment facility

2. Publicly-owned educational use or institution.

3. Municipal buildings and uses.

4. County buildings and uses.

B. Permitted Accessory Uses:

Accessory structures and uses customarily incidental to a permitted use.

C. Conditional Uses:

None.

D. Area and Yard Requirements:

None.

E. Unspecified Uses:

Any uses not specifically permitted in this zoning district are hereby specifically prohibited from this district.

312 OS Conservation and Open Space District

The purpose of this district is to recognize the environmental importance of the areas along the Delaware River and Pennsauken Creek as wildlife refuges and conservation areas (including greenways).

A. Permitted Uses:

1. Public and private conservation areas and wildlife refuges.

2. Passive recreational uses and facilities incidental thereto.

B. Accessory Uses:

Any accessory use customarily incidental to a permitted use.

C. Conditional Uses:

None.

D. Area and Yard Requirements of OS Zone:

None.

E. Unspecified Uses:

Any uses not specifically permitted in this zoning district are hereby specifically prohibited from this district.

313 Conditional Uses

A. Purpose and Scope:

The purpose of this section is to set forth the requirements and procedures applicable to Conditional Uses in accordance with N.J.S.A. 40:55D-67. A Conditional Use shall not be approved for any site unless the use is specifically approved as a Conditional Use in the zone for which it is proposed.

B. General Requirements:

The Planning Board shall not approve any Conditional Use application for any use under this Code unless the following general conditions have been met:

1. Notice of the application has been given, and publication made, pursuant to N.J.S.A. 40:55D-12.

2. A site plan application has been made for the lot, and the requirements of the site plan review have been met.

(§313 Cont'd.)

3. The parking required by this Code for the proposed Conditional Use is located on the lot for which the application is made, or on a contiguous lot which must be subject to a covenant running with the land reserving that parking for the proposed Conditional Use.

4. If any signs are to be located upon the lot, the requirements of the sign section of this Code have been met.

C. Specific Requirements:

The Planning Board shall not approve any Conditional Use application for any of the following uses under this Code unless all of the following enumerated specific conditions have been met:

1. Bank or Savings Institution:

   a. In TC district only, drive-up teller windows are prohibited.

   b. In TC district only, off-street parking may occupy only one-third of the linear street frontage on Broad Street.

   c. In NC district only, the minimum lot area shall be 10,000 square feet.

2. Service Stations:

   a. The minimum lot size shall be 30,000 square feet.

   b. The maximum lot coverage shall be thirty (30%) percent for buildings and/or structures and eighty (80%) percent for all impervious surfaces.

   c. Frontage of no less than one hundred fifty (150) feet shall exist on a county road or state highway.

   d. No retail sales other than of automotive related products or convenience shop retail foods or sundries, shall be permitted.

   e. Automatic fire safety systems shall be installed at all pumps.

   f. A traffic study shall be provided prior to approval as a conditional use showing the impact of the use, and the applicant shall be responsible for paying the proportional share of the cost of any off-site improvement which is reasonably required to handle the traffic generated by or using the facility.

   g. A planted area a minimum of five feet in width shall be provided along all frontages. It shall be continuously planted with evergreen shrubs at a minimum height of three (3') feet.

   h. No equipment for the service of gasoline or oil shall be placed closer to any property line or street line than fifteen (15') feet.

(§313 Cont'd.)

i. No portion of any structure or its equipment shall be located less than two hundred fifty (250') feet from the premises of a school, hospital, church, public recreation building, or public library.

3. Automobile Sales and Dealerships (New):

a. A structure shall be provided to permit the display of at least five automobiles.

b. Repair garages and service areas shall not be visible from Route 73.

c. Automobiles may not be displayed closer than ten (10) feet from any street line.

d. All lots shall be graded, surfaced with concrete, blacktop, or macadam.

e. All such lots shall be adequately illuminated from sunset to sunrise daily.

f. Visitor parking shall be established as set forth under Section 503.

g. No permit for use shall be issued until a plot plan shall have been furnished showing at least one (1) entrance or approach to such lot from the street adjoining same, and such entrance or approach shall not exceed a total of thirty (30) feet on any street frontage.

h. Every such lot shall have maintained on the premises an office and rest room with toilet accommodations, either on the lot or adjacent thereto, in accordance with the sanitary regulations of the Borough of Palmyra.

4. Automobile Sales and Dealerships (Used):

a. No repair facilities shall be maintained on such lot.

b. No equipment for the service of gasoline or oil shall be permitted on such lot.

c. No permit for use shall be issued until a plot plan shall have been furnished showing at least one (1) entrance or approach to such lot from the street adjoining same, and such entrance or approach shall not exceed a total of thirty (30) feet on any street frontage.

d. Every such lot shall have maintained on the premises an office and rest room with toilet accommodations, either on the lot or adjacent thereto, in accordance with the sanitary regulations of the Borough of Palmyra.

e. Automobiles may not be displayed closer than ten (10) feet from any street line.

f. All such lots shall be graded, surfaced with concrete, blacktop, or macadam.

g. All such lots shall be adequately illuminated from sunset to sunrise daily.

h. Automobile dealerships shall have indoor display areas for a minimum of five (5) automobiles.

i. Visitor parking shall be established as set forth under Section 503.

5. Car and Truck Washing Facilities:

a. The applicant must contain all water used in the washing of vehicles within the structure used to wash vehicles. Outdoor washing of vehicles is prohibited.

b. Each wash bay must provide a stacking aisle of at least forty (40) feet.

(§ 313 Cont'd.)

6. Automobile Repair Shops:

a. No more than six vehicles may be stored on site at any time.

b. An opaque fence and landscaping shall be provided at the side and rear lot lines of all lots.

7. Boat and Yacht Sales and Dealerships:

a. No boat, yacht, or other vehicles may be parked closer than ten (10) feet from a right-of-way.

b. All such lots shall be adequately illuminated from sunset to sunrise daily.

8. Contractor's Office, Equipment and Storage:

a. A maximum of six vehicles related to the contractor's business may be parked onsite.

b. The side and rear yards of the property are to be screened with an opaque fence and/or landscaping which restricts view into the site.

c. No contractor's business vehicles are to be parked or stored in the front yard or front of the building.

d. Lighting must be shielded from adjoining properties with a maximum height of 12 feet.

e. No processing of materials is permitted.

9. Churches and Places of Worship:

a. The proposed use is a bona fide nonprofit religious use.

b. The proposed use in the proposed location will not adversely affect the safe and comfortable enjoyment of property rights and otherwise adversely affect the value of adjacent properties; that the design of any structures to be erected in connection with such use is in keeping with the general character of the residential area; and that sufficient landscaping, including trees, shrubs and lawn, is provided to appropriately buffer said use from adjoining residential properties and to ensure an attractive appearance for the use.

c. The buildings will not occupy more that 25% of the lot area.

d. Minimum lot size: 15,000 square feet.

e. Minimum lot width: 100 feet

f. Minimum front yard: 20 feet

(§ 313 Cont'd.)

g. Minimum side yard: 20 feet

h. Minimum rear yard: 20 feet

i. Maximum building coverage: 50%

j. Maximum hard surface coverage: 70%

k. Parking requirements shall be in compliance with Section 503(E)(2)(b).

l. No parking shall be within 20 feet of any property line.

m. No freestanding sign shall exceed 10 feet in height.

401 Purpose

The purpose of this article is to establish the procedure for Planning Board review and action on application for subdivisions and/or site plans. The procedure is intended to provide orderly and expeditious processing of such applications.

402 Jurisdiction

A. Subdivision:

Approval of subdivision plats by resolution of the Planning Board is hereby required as a condition for the filing of such plats with the county recording officer.

B. Site Plans:

Approval of site plans by resolution of the Planning Board is hereby required as a condition for the issuance of a permit for any development.

C. Exceptions:

Individual lot applications for single family dwelling unit shall be exempt from site plan review.

403 Waivers

A. Site Plans:

The Planning Board may waive the requirements for site plan approval where there is a change in use or occupancy and minimal construction or improvements are proposed. The waiver may be granted only by a resolution finding that the use will not affect drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting, and other considerations specified in Section 500 of this Code.

An application for a site plan waiver shall be required and shall include a discussion of the prior use of the site, the proposed use, any proposed construction or improvements, and the impacts of the use.

B. Subdivision and Site Plan Application Requirements

Pursuant to Section 409C, the Administrative Officer may waive one or more of the application submission requirements specified in Section 409B of the Code.

C. Subdivision and Site Plan Regulations

1. The Planning Board, when acting upon applications for preliminary or minor subdivision approval, shall have the power to grant such exceptions from the requirements for subdivision approval as may be reasonable and within the general

(§403 Cont'd.)

purpose and intent of the provisions for subdivision review and approval of this Code if the literal enforcement of one or more of the provisions is impracticable or will exact an undue hardship because of particular conditions pertaining to the land in question.

2. The Planning Board, when acting upon applications for preliminary or minor site plan approval, shall have the power to grant such exceptions from the requirements for site plan approval under the same terms and conditions as specified in subsection 1 above.

404 Pre-Application

A. Purpose:

For the purpose of expediting applications and reducing subdivision and site plan design and development costs, the developer may request a pre-application conference and/or concept plan in accordance with the following requirements:

B. Pre-Application Conference:

1. At the request of the applicant, the Planning Board or its designated representative shall authorize a pre-application conference. The purpose of this conference is to:

   a. Acquaint the applicant with the substance and procedural requirements of the subdivision and site plan ordinance.

   b. Provide for an exchange of information regarding the proposed development plan and applicable elements of the master plan, zoning ordinance and other development requirements.

   c. Advise the applicant of any public sources of information that may aid the application.

   d. Otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development.

   e. Review any proposed concept plans and consider opportunities to increase development benefits and mitigate undesirable project consequences.

   f. Permit input into the general design of the project.

2. The pre-application conference allows the applicant to meet with appropriate municipal representatives. These individuals, who shall be designated by the Chairman of the Planning Board or his designated representative, may include:

   a. Municipal Engineer(s), Planner, Board Solicitor.
   b. Municipal Construction Official and Zoning Officer.
   c. Other municipal employees.
   d. Representative(s) from the Planning Board and the Board of Adjustment.
   e. Representatives from municipal environmental, historic preservation, and other commissions, as deemed appropriate.
   f.

(§404 Cont'd.)

f. Subdivision and Site Plan Committee or representative(s) if this committee is established.

g. Any other municipal representative(s) invited by the Planning Board chairperson or his designated representative.

3. Applicants seeking a pre-application conference shall submit the items stipulated in Section 409B of this Code. These items provide the subdivider or developer and Planning or Subdivision and Site Plan Committee with an opportunity to discuss the development proposal in its formative stages.

4. Fees, copies required and submission dates for these applications shall be as set forth in Section 800 of this Code. In addition, the applicant must reimburse the Borough for actual costs of engineering or legal expenses for review of the application and/or attendance by professionals at the meeting. The applicant may request a brief written summary of the concept plan review to be provided within 15 days after the final meeting.

5. The applicant shall not be bound by the determination of the pre-application conference nor shall the Planning Board or Subdivision and Site Plan Committee be bound by any such review.

C. Concept Plan:

1. In addition or as an alternative to the pre-application conference, at the request of the applicant, the Planning Board or the Subdivision and Site Plan Committee shall grant an informal review, at a public meeting, of a concept plan for a development for which the applicant intends to prepare and submit an application for development.

2. The purpose of the concept plan is to provide Planning Board or Subdivision and Site Plan Committee input in the formative stages of subdivision and site plan design.

3. Applicant seeking concept plan informal review shall submit the items stipulated in Section 409B of this Code. These items provide the subdivider or developer and Planning or Subdivision and Site Plan Committee with an opportunity to discuss the development proposal in its formative stages.

4. Fees, copies required and submission dates for these applications shall be as set forth in Section 800 of this Code. In addition, the applicant must reimburse the Borough for actual costs of engineering or legal expenses for review of the application and/or attendance by professionals at the meeting. The applicant may request a brief written summary of the concept plan review to be provided within 15 days after the final meeting.

5. The applicant shall not be bound by any concept plan for which review is requested, nor shall the Planning Board or Subdivision and Site Plan Committee be bound by any such review. The municipality may require notice of the concept plan meeting pursuant to N.J.S.A. 40:55D-12.

405 Application

A. Assignment:

1. The following applications may be filed:

   a. Minor subdivision.
   b. Major subdivision.
   c. Minor site plan.
   d. Major site plan.

   (Note: Certain applications may involve a combination of actions.)

2. The Administrative Officer will make the initial determination as to the types of applications that may be filed and the appropriate Board to hear the application based on the criteria in the definitions in Section 200 of this Code and current applicable State law.

3. If the applicant disagrees with the initial determination, he shall request that the decision of the Administrative Officer be provided in writing and may appeal the Administrative Officer's decision concerning the determinations above, to the Planning Board. This appeal shall be in writing putting forth the facts and arguments as to why the applicant disagrees with the Administrative Officer and what remedy is requested. Such appeal submittal must be provided to the Administrative Officer at least 14 days prior to the next scheduled Planning Board meeting. No fee or public notice is required. However, the development application itself cannot be scheduled to be heard at the same meeting.

B. Content, Fees, and Submission Dates:

An application for development shall include the items specified in Section 409B of this Code which constitutes a checklist of items to be submitted for subdivision and site plan review. A copy of this checklist shall be completed by the applicant, and submitted with the application form. Fees, copies required and submission dates for these applications shall be as set forth in Section 800 of this Code.

C. Payment of All Municipal Obligations Required:

No Municipal action will be taken as to any application for development unless verification is provided that all monetary payments legally due to the Borough for property taxes, water and/or sewer use charges, assessments, development review fees from this or any other application or any other municipal matter, are fully paid in accordance with law.

D. Notice:

An application for development for any of the approvals listed in Section 405.A.1 of this Code shall require a public hearing and notice before the Planning Board (or Board of Adjustment where appropriate). Notice of any such hearing shall be given by the applicant pursuant to N.J.S.A. 40:55D-10 through 12.

(§405 Cont'd.)

E. Complete Application:

1. A subdivision and site plan application shall be complete for purposes of commencing the applicable time period for action by the Planning Board when so certified by the Administrative Officer.

a. In the event that the Administrative Officer does not certify the application to be complete within 45 days of the date of its submission, the application shall be deemed complete upon the expiration of the 45 day period for purposes of commencing the applicable period of time unless:

(1) The application lacks information indicated on the checklist of items to be submitted specified in Section 409B and provided in writing to the applicant, and

(2) The Administrative Officer has notified the applicant, in writing, of the deficiencies in the application within 45 days of submission of the application.

b. The applicant may request that one or more of the submission requirements be waived, (beyond any already waived by the Administrative Officer per Sections 403A and 409C of this Code) in which event the Board or its authorized committee shall grant or deny the request within 45 days of the date of its submission.

c. Nothing herein shall be construed as diminishing the applicant's obligation to prove during the application process that the applicant is entitled to approval of the application. The Planning Board may subsequently require correction of any information found to be in error and submission of additional information not specified in the Code or any revisions in the accompanying document, as are reasonably necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the Planning Board.

2. An applicant may appeal the Administrative Officer's decision concerning the completeness of the application to the Board which has jurisdiction to hear the application. The Board shall have 45 days after receipt of a written request to schedule a public hearing at which time the Board will determine if the application is complete. The Board shall affirm, modify, or reverse the decision of the Administrative Officer.

406 Minor Subdivision and Minor Site Plan Procedure

A. Submission and Review:

1. Any applicant requesting approval of a proposed minor subdivision or minor site plan as defined in this Code shall submit to the Administrative Officer the appropriate number of copies of the items required in Section 409B of this Code, together with

(§406 Cont'd.)

an executed application form, the prescribed fee, and evidence that no taxes, Borough water or sewer charges, or Borough assessments of any kind are outstanding against the property.

2. The application shall be declared complete or incomplete within a 45 day period from the date of its submission according to the provisions of Section 405D of this Code.

3. The minor subdivision or site plan shall thereafter be referred to the Planning Board for a hearing in due course. The subdivision or site plan committee, as appropriate, shall review the application and shall comment and make written recommendations to the Planning Board.

B. Action and Approval:

1. The action of the Planning Board under this article must be taken within 45 days, or 120 if a variance pursuant to N.J.S.A. 40:55D-60.b or N.J.S.A. 40-55D-70 is involved, of a complete application as defined in Section 405D of this Code or within such further time as is agreed to by the applicant and the Board. Failure of the Planning Board or committee to act within the period prescribed shall constitute minor subdivision or minor site plan approval and a certificate of the Administrative Officer as to the failure of the Planning Board or committee to act shall be issued on request of the applicant; and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County Recording Officer for purposes of filing subdivision plats.

2. Approval of a minor subdivision shall expire 190 days from the date of municipal approval unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law, N.J.S.A. 46:23-9.9 et seq., or a deed clearly describing the approved minor subdivision is filed by the developer with the County Recording Officer, the Municipal Engineer, and the Municipal Tax Assessor as specified by N.J.S.A. 40:55D-1 et seq. Any such plat or deed accepted for such filing shall have been submitted to the Administrative Officer for review and for the signatures of the chairperson and secretary of the Planning Board.

C. Effect of Approval:

The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision and/or site plan approval was granted, shall not be changed for a period of two years after the date of the approval of the resolution of the minor subdivision and/or site plan.

407 Major Subdivision and Major Site Plan

A. Preliminary Approval of Major Subdivision and Major Site Plans:

1. The applicant seeking preliminary major subdivision or preliminary major site plan approval shall submit to the Administrative Officer of the Planning Board the appropriate number of copies of the materials stipulated in Section 409B of this Code.

2. The application shall be declared complete within a 45 day period from the date of its submission according to the provisions of Section 405D of this Code.

3. The subdivision or site plan committee, as appropriate, shall review the application and shall

(§ 407 Cont'd.)

comment and make recommendations to the Planning Board. The major subdivision or site plan shall thereafter be referred to the Planning Board for a hearing in due course.

4. A complete application for a subdivision of 10 or fewer lots, or for a site plan of 10 acres of land or less or 10 dwelling units or less, shall be acted upon within 45 days of the date of such submission, or 120 days if a variance is required, or within such further time as may be consented to by the developer. A subdivision of more than 10 lots, or a site plan that involves more than 10 acres of land or more than 10 dwelling units, shall be acted upon within 95 days of the date of such submission, or 120 days if a variance is required, or within such further time as may be consented to by the developer. Otherwise, the Planning Board shall be deemed to have granted preliminary subdivision or site plan approval.

B. Effect of Preliminary Approval of Major Subdivision and Major Site Plan:

1. Preliminary approval of a major subdivision and site plan shall, except as provided in subsection d. of this section, confer upon the applicant the following rights for a 3 year period from the date of the preliminary approval as specified by N.J.S.A. 40:55D-1 et seq.;

2. 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 sizes; yard dimensions and off-tract improvements; and in the case of a site plan, any requirements peculiar to site plan approval pursuant to N.J.S.A. 40:55D-41, except that nothing herein shall be construed to prevent the municipality from modifying by Code such general terms and conditions of preliminary approval as related to public health and safety.

3. That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary subdivision plat or site plan, as the case may be.

4. That the applicant may apply for and the Planning Board may grant extension on such preliminary approval for additional periods of at least 1 year but not to exceed a total extension of 2 years, provided that if the design and improvement standards have been revised to This Code, such revised standards may govern.

5. Where a developer plans to install the site improvements prior to final approval, the developer may submit the engineering plans and specifications for the improvements to the municipal engineer, who shall review and approve or deny them within 35 days. In the event of a denial, the specific reasons must be enumerated in a letter to the applicant. If revised plans are submitted in response to the denial letter, they shall be approved or denied within 20 days with the same requirement as previously imposed for a denial. After the plans are approved, the developer may install the site improvements prior to final approval. The developer shall be required to furnish a restoration bond for 120 percent of the maximum cost of restoring the site in the event that the improvements are not complete within two years from the commencement of the work on any section in the development or prior to the expiration of preliminary approval, whichever occurs first. The bond shall either be a security bond, a letter of credit, or an escrow account in accordance with Section 700 of this Code. The type, form, and amount of the bond are subject to the approval of the municipal engineer and the municipal attorney.

(§407 Cont'd.)

C. Final Approval of Major Subdivision and Major Site Plan:

1. An applicant requesting final approval of a proposed major subdivision and site plan shall submit to the Administrative Office of the Planning Board, the appropriate number of copies of the materials specified in Section 409B of this Code. In addition, one (1) original tracing, one (1) translucent cloth copy and two (2) cloth prints of subdivision plats shall be submitted. Unless the preliminary plat was approved without changes, the final plat shall have incorporated all changes or modifications required by the Planning Board. The final plat shall also be accompanied by a statement from the municipal engineer that the municipality is in receipt of as-built plans showing all streets and utilities and other improvements in exact location and elevation and identify those portions already installed and those to be installed, and/or certified in the amount of performance guarantees required to assure completion of those improvements not yet installed as stipulated in Section 700 of this Code.

2. The application for final subdivision or site plan approval shall be declared complete or incomplete within a 45 day period from the date of its submission according to the provisions of Section 405D of this Code.

3. Final approval shall be granted or denied within 45 days after submission of a complete application to the Administrative Officer or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute final approval and a certificate of the Administrative Officer as to the failure of the Planning Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the County Recording Officer for purposes of filing subdivision plats.

4. Final approval of a major subdivision shall expire 95 days from the date of signing of the plat by the chairperson and secretary of the Planning Board unless within such period the plat shall have been duly filed by the developer with the County Recording Officer. The Planning Board may for good cause shown, extend the period for recording for an additional period not to exceed 190 days from the date of signing of the plat.

5. No subdivision plat shall be accepted for filing by the county recording officer until it has been approved by the Planning Board as indicated on the instrument by the signature of the chairman and secretary of the Planning Board or a certificate has been issued. The signatures of the chairman and secretary of the Planning Board shall not be affixed until the developer has posted the guarantees required pursuant to Section 600 of this Code.

D. Effect of Final Approval of Major Subdivision and Major Site Plan:

1. The zoning requirements applicable to the preliminary approval granted and all other rights conferred upon the developer pursuant to preliminary approval whether conditionally or otherwise shall not be changed for a period of two years after the date of final approval; provided that in the case of major subdivision the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided in N.J.S.A. 40:55D-54. If the developer has followed the standards prescribed for final approval and in the case of subdivision has fully recorded the plat, the Planning Board may extend such period of protection for extensions of one year, but not to exceed three extensions.

408 Zoning Board Jurisdiction

A. Concurrent Jurisdiction:

The Board of Adjustment has concurrent jurisdiction to hear applications under this article when those applications involve an application for a use variance pursuant to N.J.S.A. 40:55D-70(d).

B. Exercise of Power:

The Board of Adjustment shall have all of the power awarded to the Planning Board under this article and shall follow all of the procedures set forth herein when reviewing applications for subdivisions and site plans pursuant to its concurrent jurisdiction, except that the Board of Adjustment shall not conduct a pre-application conference or consider a concept plan, as set forth in Section 402 of this Code.

409 Required Submission Documents

A. Purpose:

The documents to be submitted are intended to provide the Planning Board with sufficient information and data to assure compliance with all municipal codes and specifications and ensure that the proposed development meets the design and improvement standards contained in this Code. The specification of documents to be submitted is based on the type of development and particular stage of development application.

B. Required Documents:

The documents to be submitted are shown on Exhibit 409-1.

C. Waiver of Application Requirements:

In specific cases and for documented reasons, the Administrative Officer may waive the submission of a particular document. The Administrative Officer shall send notice of said waiver with the reasons, to the applicant, Borough Engineer, and any committee of the board designated to review said subdivision or site plan application.

EXHIBIT 409-1
REQUIRED SUBMISSION DOCUMENTS

Key: PA-Preliminary Application, CP-Conceptual Plan, App-Application, SD-Subdivision, SP-Site Plan, PR-Preliminary, FI-Final

*Denotes item required for application

Item No.	Item	PA CP	Minor App. SD	Minor App. SP	Major App. SD PR	Major App. SD FI	Major App. SP PR	Major App. SP FI
1.	Application form	*	*	*	*	*	*	*
2.	Affidavit of ownership or consent of owner	*	*	*	*	*	*	
3.	Variance application form, if necessary		*	*	*		*	
4.	List of required regulatory approvals		*	*	*		*	
5.	List of requested or obtained design waivers		*	*	*	*	*	*
6.	Application and escrow fees		*	*	*	*	*	*
7.	Proof that taxes, water & sewer & assessments, site plan fees are paid	*	*	*	*	*	*	*
8.	Name and address of owner and applicant	*	*	*	*	*	*	*
9.	Names and addresses of all property owners within 200 feet of the subject property	*	*	*	*	*	*	*
10.	Name, signature, seal and license number of engineer, land surveyor, architect, professional planner, and/or landscape architect, as appropriate	*	*	*	*	*	*	*
11.	Title block denoting type of application, tax map sheet, County, municipality, block and lot, and street address	*	*	*	*	*	*	*

EXHIBIT 409-1
REQUIRED SUBMISSION DOCUMENTS

Key: PA-Preliminary Application, CP-Conceptual Plan, App-Application, SD-Subdivision, SP-Site Plan, PR-Preliminary, FI-Final

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Item No.	Item	PA CP	Minor App. SD	Minor App. SP	Major App. SD PR	Major App. SD FI	Major App. SP PR	Major App. SP FI
12.	Key map not less than 1 inch equals 1,000 feet showing location of subject property relative to surrounding streets, municipal boundaries, features on official map and zoning district boundaries within 500 feet	* Gen.	*	*	*	*	*	*
13.	Schedule of all required and proposed zone requirements for lot area, yards, frontage, impervious coverage, buffering, etc.		*	*	*	*	*	*
14.	North arrow to top of sheet, scale and graphic scale	*	*	*	*	*	*	*
15.	Signature block for Board Chair, Secretary, Engineer, and Borough Clerk		*	*	*	*	*	*
16.	Certification block as required by Map Filing Law	*		*	*			
17.	Monumentation as required by Map Filing Law		*		*			
18.	Date of property survey	*	*	*	*	*	*	*
19.	One of four standardized sheets as required by Map Filing Law: -30 inches by 42 inches -24 inches by 36 inches -15 inches by 21 inches -8.5 inches by 13 inches	*		*	*			

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REQUIRED SUBMISSION DOCUMENTS

Key: PA-Preliminary Application, CP-Conceptual Plan, App-Application, SD-Subdivision, SP-Site Plan, PR-Preliminary, FI-Final

*Denotes item required for application

Item No.	Item	PA CP	Minor App. SD	Minor App. SP	Major App. SD PR	Major App. SD FI	Major App. SP PR	Major App. SP FI
20.	Metes and bounds description showing dimensions, bearings, curve data, length of tangents, radii, arcs, chords and central angles for all centerlines and rights-of-way, and centerline curves on streets		*	*		*		*
21.	Lot area of subject property to the nearest tenth in square feet	*	*	*	*	*	*	
22.	Date of original and all revisions	*	*	*	*	*	*	*
23.	Size and location of existing or proposed structures onsite and their dimensioned setbacks along with the size and location of existing buildings within 200 feet	*	* Gen.	*	*	*	*	*
24.	Location and dimensions of any existing or proposed streets	* Gen.	*	*	*	*	*	*
25.	All existing and proposed lot lines, area of lots in square feet and setback lines	*	*	*	*	*	*	*
26.	Copy of, and plan delineation of, any existing or proposed deed restrictions or covenants	* Exist Only	*	*	*	*	*	*
27.	Any existing or proposed easements on land reserved or dedicated for public use	*	*	*	*	*	*	*
28.	Plan delineation of any proposed development phasing				*	*	*	*

EXHIBIT 409-1
REQUIRED SUBMISSION DOCUMENTS

Key: PA-Preliminary Application, CP-Conceptual Plan, App-Application, SD-Subdivision, SP-Site Plan, PR-Preliminary, FI-Final

*Denotes item required for application

Item No.	Item	PA CP	Minor App. SD	Minor App. SP	Major App. SD PR	Major App. SD FI	Major App. SP PR	Major App. SP FI
29.	Lot lines, block and lot numbers within 200 feet of subject property in correct reference to subject	*	*	*	*	*	*	*
30.	All existing streets, rights-of-way, and easements on the subject property and within 200 feet	*	*	*	*	*	*	*
31.	All water courses, floodplains, wetlands, wooded areas or other natural features on the subject property and within 200 feet of any existing or proposed streets	*	*	*	*	*	*	*
32.	Nature, extent and boundary limits of wooded areas, drip line of all trees within 4 inch DBH and other significant features on the subject property	*	*	*	*	*	*	*
33.	Topographical features of subject property from USGS 7.5 minute map	*	*					
34.	Existing and proposed contours at one (1) foot intervals on subject property and within 200 feet	*			*	*	*	*
35.	Grading plan			*	*	*	*	*
36.	Existing drainage system on site and within 200 feet, including any larger tract on which the property is a part along with a drainage divide map				*	*	*	*
37.	Drainage calculations			*	*	*	*	*

EXHIBIT 409-1
REQUIRED SUBMISSION DOCUMENTS

Key: PA-Preliminary Application, CP-Conceptual Plan, App-Application, SD-Subdivision, SP-Site Plan, PR-Preliminary, FI-Final

*Denotes item required for application

Item No.	Item	Minor App.			Major App.			
		PA CP	SD	SP	SD PR	SD FI	SP PR	SP FI
38.	Location and design of proposed stormwater systems	*		*	*	*	*	*
39.	Existing and proposed utilities with details for sanitary sewer, water, telephone, cable TV, and electric onsite and within 200 feet				*	*	*	*
40.	Percolation tests for existing and proposed septic disposal areas		*	*	*	*	*	*
41.	Proposed septic system plans			*	*	*	*	*
42.	Soil borings to determine suitability to support construction			*	*	*	*	
43.	Soil erosion and sediment control plan			*	*	*	*	*
44.	Spot and finished elevations at all property corners, corners of all structures and existing or proposed first floor elevations			*	*	*	*	
45.	Road paving & sidewalk cross-sections & profiles				*	*	*	*
46.	Construction details as required by ordinance			*	*	*	*	*
47.	Proposed street names				*	*	*	*
48.	New block and lot numbers confirmed by Tax Assessor		*			*		

EXHIBIT 409-1
REQUIRED SUBMISSION DOCUMENTS

Key: PA-Preliminary Application, CP-Conceptual Plan, App-Application, SD-Subdivision, SP-Site Plan, PR-Preliminary, FI-Final

*Denotes item required for application

Item No.	Item	PA CP	Minor App. SD	Minor App. SP	Major App. SD PR	Major App. SD FI	Major App. SP PR	Major App. SP FI
49.	Landscape and buffer plans showing existing and proposed landscaping, fences, landscaping to be removed, common & botanical names, and maintenance program			*	*	*	*	*
50.	Lighting plan and details including the location, height, & type of standards, radius of light and intensity in foot-candles			*	*	*	*	*
51.	Solid waste storage and disposal plan			*			*	*
52.	Site identification signs, traffic control signs and directional signs including their location, lighting, dimensions and details			*	*	*	*	*
53.	Sight triangles		*	*	*	*	*	*
54.	Traffic study				*	*	*	*
55.	Vehicular and pedestrian circulation patterns	* Gen.		*	*	*	*	*
56.	Parking plan indicating loading/ unloading areas, parking spaces, size and type, aisle width, internal collectors, curb cuts, drives and driveways, and all ingress and egress areas with dimensions including compliance with barrier free codes			*	*	*	*	*
57.	Preliminary architectural floor plan and elevations (all sides)			*			*	*

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Item No.	Item	PA CP	Minor App. SD	Minor App. SP	Major App. SD PR	Major App. SD FI	Major App. SP PR	Major App. SP FI
58.	Building elevations along each street abutting the property showing all proposed and existing improvements on the subject property and all properties within 100 feet of street frontage on each side of the property						*	*
59.	Statement addressing the standards of conditional uses, as appropriate	*		*			*	*
60.	Letter on behalf of the Borough Council accepting maintenance guarantees					*		*
61.	Affidavit that final plat is exactly the same as the approved preliminary plat. Any changes shall be set forth in the affidavit as exceptions					*		
62.	Borough engineer's certification relative to improvements					*		*

501 Purpose

The purpose of this section is to ensure that the development and use of property are functional and attractive, are assets to the Borough, and minimize adverse impacts upon the site and surroundings. The statewide site improvements standards adopted pursuant to the authority of N.J.S.A. 40: 55D-40.1 et seq. Shall supersede any site improvement standards incorporated within Section 500 of the Code.

502 Applicability

The standards contained in this section apply to all developments undertaken and use of all lands in the Borough and are intended to be met as conditions to the issuance of subdivision and site plan approvals, construction and zoning permits, certificates of occupancy, and such other permits and approvals as may be required by this Code.

503 Site Design Standards

A. General:

1. Design of the development shall take into consideration all existing local and regional plans for the surrounding community.

2. Development of the site shall be based on an analysis of the site. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features.

3. The following specific areas shall be preserved as undeveloped open space to the extent consistent with reasonable utilization of land, and in accordance with applicable state or local regulation:

   a. Wetlands.

   b. Stream corridors.

   c. Flood plains.

   d. Trees over 6" in diameter at breast height (DBH).

   e. Steep slopes in excess of 15% as measured over a 10 foot interval.

4. The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse effects of shadow, lighting, noise, odor, traffic, drainage, and utilities.

5. The developer must comply with all technical standards and specifications stated in this Code. The Planning Board Engineer shall be the final authority regarding the interpretations of these standards and specifications and shall also approve the design and specifications of any items of construction that a developer is required to or wishes to construct, if not otherwise covered by this Code.

(§503 Cont'd.)

B. Blocks and Lots:

1. Block Length:

Blocks shall not be less than 400 feet nor more than 600 feet long. Crosswalks, ten (10) feet wide, may be required for blocks more than 600 feet.

2. Block Width:

Blocks shall be wide enough to accommodate two tiers of lots. Double frontage lots are to be avoided and generally will not be permitted except where rear yards abut collector streets and the lots are entirely served by a separate local street.

3. Lot Lines:

Lot lines shall be at right angles to street lines or radial thereto wherever practicable.

4. House Numbers:

House numbers shall be assigned to each lot by the appropriate governmental authority or agency.

5. Lot Sizes:

Minimum lot area and dimensions shall be governed by the zoning ordinance.

6. Frontage:

All lots shall have frontage on a street conforming with design standards contained herein, and improved in accordance with Borough specifications.

7. Residential lots should front only on local or collector streets. Direct access to arterial streets will not be permitted.

8. Every lot shall have sufficient access to it for emergency vehicles as well as for those needing access to the property in its intended use.

C. Street/Circulation:

1. General:

a. Road system and parking areas shall be designed to permit the safe, efficient and orderly movement of traffic; to meet, but not to exceed the needs of the present and future population served; to have a simple and logical pattern; to provide for safe, efficient and orderly off-street loading and unloading, including the movement of goods and vehicles; to respect natural features and topography; and to present an attractive streetscape. Existing street patterns should be extended when practical. New streets shall be laid out to continue existing streets at no reduction in width,

(§503 Cont'd.)

provided that such continuation is both reasonable and practical. Street layout shall make measurable provision for access to adjacent undeveloped areas.

b. In residential areas, the road system shall be designed to serve the needs of the neighborhood and to discourage use by through traffic.

c. The pedestrian system shall be located as required for safety. Sidewalks shall be placed parallel to the street.

d. Bikeways and walkways are encouraged as a means to facilitate circulation among and between buildings and other properties.

2. Classification of Streets:

Street Type	Right-of-Way Width	Cartway Width	Sidewalk Required
Arterial	80'	40'	Yes
Collector	60'	40'	Yes
Local	50'	30'	Yes
Cul-de-sac	*	*	Yes

* Refer to Section 503(c)(4)

3. Right-of-Way:

The right-of-way shall be measured from lot line to lot line and shall be sufficiently wide to contain cartway, curbs, sidewalks, utilities, and shade trees. The street right-of-way line shall be parallel to the curb line.

4. Cul-de-Sac Streets:

a. Cul-de-sacs serving five or fewer dwellings shall have a right-of-way width of 40 feet and cartway width of 28 feet. The cul-de-sac turnaround shall have a right-of-way radius of 50 feet and a cartway radius of 40 feet.

b. Cul-de-sacs serving six or more dwellings shall have a right-of-way width of 50 feet and cartway width of 28 feet. The cul-de-sac turnaround shall have a right-of-way radius of 60 feet and a cartway radius of 50 feet.

c. Cul-de-sac streets shall not exceed 500 feet in length.

5. Street Names:

Continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names for existing streets within the Borough and adjoining municipalities. Borough Council shall have the final authority for all street names.

(§503 Cont'd.)

6. Curbs and Sidewalks:

   a. Curbs shall be constructed pursuant to the requirements of the Borough for the full length of all streets and shall be designed to accommodate barrier-free ramps at intersections and driveways.

   b. Sidewalks shall be constructed pursuant to the requirements of the Borough on both sides of all streets and shall be designed to accommodate barrier-free ramps at intersections and driveways.

   c. Sidewalks shall be placed in the right-of-way, parallel to the street, unless an exception has been permitted to preserve topographical or natural features. In commercial areas, sidewalks may abut the curb.

   d. Sidewalks shall measure a minimum of four feet in width. Wider sidewalks may be required in commercial areas and in areas of heavy pedestrian traffic. Where sidewalks abut curbs and parked cars overhang the sidewalk, sidewalk width shall be six feet.

7. Construction of Improvements in the Right-of-Way:

   a. Curbs shall be constructed of concrete with dimensions of 6" x 8" x 18" and have a compressive strength of 4,000 p.s.i. after 28 days.

   b. Sidewalks shall be constructed of concrete with a thickness of 4", 6" at driveway crossings. Sidewalks shall have a compressive strength of 4,000 p.s.i. after 28 days.

   c. Streets shall be constructed according to the following specifications:

      1) The standard Borough street paving cross section shall consist of 2" FABC-1 (Mix I-5) on 4" bituminous stabilized base (Mix I-2) on 6" dense graded aggregate. A reduction in this specification may be permitted based on review of field C.B.R. by the Borough Engineer.

      2) The minimum street grade for all streets shall be .75 percent. The maximum street grade shall be 8 percent.

      3) The rate of change on vertical curves shall be no more than four (4) percent, or 100 feet of road, provided that proper sight distances are maintained.

      4) New intersections along one side of an existing street shall, if possible, coincide with any existing intersections on the opposite side of the street and in no case shall more than two streets cross at the same point. When new and existing streets cannot be aligned. the minimum offset shall be 200 feet.

(§503 Cont'd.)

5) Approaches to any intersection shall follow a straight course within 100 feet of the intersection.

6) Intersections shall be rounded at the curb line, with the street having the highest radius requirement determining the minimum standard for all curblines. Cul-de-sacs and local streets shall have a curb radius of 10' and collector and arterial streets shall have a 15' curb radius.

7) Intersections shall be designed with a flat grade wherever practicable. Maximum grade within intersections shall be 3 percent.

8) Minimum centerline radius and minimum tangent length between reverse curves shall be as follows:

	Cul-de-Sac	Local Street	Collector Street	Arterial Street
Minimum Centerline Radius	100'	100'	150'	300'
Minimum Tangent Length Between Reverse Curves	50'	100'	100'	150'

9) Sight triangle easements shall be required and shall include the area on each street corner that is bounded by the line which connects the sight or connecting points located on each of the right-of-way lines of the intersecting streets. No plantings or structures exceeding 30 inches in height will be permitted within sight triangles.

10) Clear sight distances along the centerlines of local and collector streets shall be a minimum of 200 feet. Minimum sight distance for arterial streets shall be 300 feet.

11) The slope of the crown on local service and feeder streets shall be more than 2% and less than 4% or as directed by the Borough Engineer.

12) Shade trees shall be planted along all streets. Trees shall be planted at a minimum caliper of 2-1/2" and 40 feet on-center and a minimum of three feet (3') from the curb and/or sidewalk. Shade tree species shall be approved by the Shade Tree Commission.

8. Parking Areas:

a. Parking Area Design Standards:

1) Off-street parking areas shall be oriented to and within a reasonable walking distance of the buildings they are designed to serve.

(§503 Cont'd.)

2) Access to parking areas shall be designed so as not to obstruct free flow of traffic. There shall be adequate provision for ingress to and egress from all parking spaces to ensure ease of mobility, ample clearance, and safety of vehicles and pedestrians.

3) The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements specified below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety degrees unless special circumstances make alternative designs desirable.

Parking Angle (degrees)	One-Way Aisle Width (feet)	Two Row/Two Way Aisle Width
0 (parallel)	12	18
45	15	20
60	18	20
75	20	22
90	22	24

4) Where sidewalks occur in parking areas, such sidewalks shall be raised six (6) inches above the parking area and parked vehicles shall not overhang the sidewalk unless an additional two and one-half (2 1/2) feet is provided in order to accommodate such overhang.

5) Parking areas shall be designed to provide, at a minimum, 5 stalls designated for visitor parking.

b. Parking Area Paving Standards:

1) All parking lots shall be paved to the standard of two (2) inches of F.A.B.C. over six (6) inches of quarry blend stone or equivalent.

2) All parking lots which include areas (aisles, loading, stalls) to be used by trucks shall be constructed to the standard two (2) inches F.A.B.C. on four (4) inches stabilized base on six (6) inches of quarry blend stone, or equivalent.

3) If substitutions of paving materials are proposed, the relative strength ratings will be evaluated by the Borough Engineer to ensure appropriate substitutions.

c. Parking Area Landscaping Standards:

1) Parking areas shall be suitably landscaped to minimize noise, glare, and other nuisance characteristics as well as to improve the environment of the site and surrounding area. Large parking lots shall be broken down into sections as appropriate for the type and size of the development. Sections

(§503 Cont'd.)

shall be separated by landscaped dividing strips, berms, and similar elements.

2) Curbed islands with a minimum radius of three (3) feet should be located at the end of each parking row and at an interval of every ten (10) spaces. These islands should contain one (1) shade tree, minimum 4" caliper, 14-16' high and shrubs not exceeding 36 inches in height, unless visual screening is necessary as contained in Section 3 below.

3) Parking lots shall have a minimum planted buffer of six (6) feet in width on all perimeter areas abutting lot lines or street rights-of-way. This buffer shall be a continuous visual screen which is five (5) feet in height at the time of planting and is 50% evergreen plant material or deciduous material which is demonstratively effective for screening purposes.

4) In parking lots, at least five percent (5%) of the interior parking area shall be landscaped with plantings, and one (1) tree for each ten (10) spaces shall be installed. Trees shall be spaced at intervals no greater than every forty (40) feet along the perimeter and on internal planting strips to reduce heat and glare. Planting required within the parking lot is exclusive of other planting requirements, such as for shade trees planted along the street.

5) Location:

The landscaping should be located in protected areas, such as along walkways, in center islands, at the ends of bays, or between parking stalls and must be protected by a curb or similar abutment. All landscaping in parking areas and on the street frontage shall be placed so that it will not obstruct sight distance.

6) Plant type shall be a mixture of hardy flowering and/or decorative evergreen and deciduous trees. The evergreens should be used along the perimeter of the lot for screening, and the deciduous trees for shade within the lot. The area between trees shall be mulched, planted with shrubs or ground cover, or covered with paving material. Any area that will be under the overhang of vehicles shall be mulched or covered with paving material.

D. Lighting:

1. Walkways and Public Areas:

a. Walkways, including sidewalks and trails, should be lighted with NJ DOT approved standards, preferably no higher than thirteen (13) feet.

b. Lighting of all areas frequented by the public shall be operated automatically.

(§503 Cont'd.)

2. Intensity:

a. An average of 0.6 maintained foot-candles throughout parking lots should be provided. Pedestrian walkways and steps should have a minimum of 3-5 foot-candles.

b. Street illumination should be as follows:

	Commercial Areas	Mixed Use Areas	Residential Areas
Connector Streets	0.8	0.6	0.4
Any other street	0.6	0.5	0.3

c. The intensity at property lines should not exceed 1.0 foot-candles; however, adjacent to residential uses, intensity should not exceed 0.25 foot-candles.

d. Height:

The maximum height of standards shall be sixteen (16) feet where tractor-trailers or similar vehicles will be using the lot and thirteen (13) feet in all other cases.

e. Shielding:

1) All lights shall be glare shielded to restrict view of the light source. All lights shall be focused downwards.

2) Shielding shall provide proper lighting without hazard to drivers or nuisance to adjacent or nearby residences.

f. Spotlights, if used, should be placed on standards pointing toward the building and positioned so as not to blind residents rather than on building and directed outwards which creates dark shadows adjacent to the buildings and which can create a nuisance for adjacent or nearby properties.

g. Design:

The style of light and light fixture or standard shall be consistent with the principal building, use, and surrounding area.

E. Off Street Parking:

1. General:

An adequate number of off street parking spaces shall be required in all zones, and in association with every residential, office, business, institutional or other use of property. All businesses and commercial properties must provide a suitable location for loading and unloading of materials or passengers from vehicles. Such location shall not interfere with

the public street and its uses.

(§503 Cont'd.)

2. Number of Spaces:

a. For residential uses, off street parking shall be provided as set forth below:

Housing Unit Type and Size	Off-Street Parking Requirement
Single Family Detached	
4 or fewer bedrooms	2 spaces
5 or more bedrooms	3 spaces
Townhouses or Attached	
Up to 4 bedrooms	2 spaces
More than 4 bedrooms	3 spaces
Apartments	
Per housing unit	2 spaces

b. For non-residential uses, off street parking shall be provided as set forth below. For uses not listed, the Planning Board shall evaluate the applicant's parking plan in relation to requirements for similar uses.

Use	Parking Requirement
Church and other places of worship	1 space for every 4 fixed seats in the main sanctuary plus 1 space per 200 sq. ft. of Floor Area (FA)
Offices other than medical or dental	
1) Where customer or clients visits are generally not expected	1 space per 400 sq. ft. of FA
2) Other non-medical or non-dental	1 space per 200 sq. ft. of FA
Laboratory and research uses	1 space per 300 sq. ft. of FA
Manufacturing, Industrial	1 space per 1,000 FA plus 1 space per 3 employees in the maximum working shift
Medical and Dental Offices	4 spaces for each doctor plus 1 space per 100 sq. ft. of FA

(§503 Cont'd.)

Use		Parking Requirement
Nursing Homes		1 space per bed
Retail Stores		
1)	Convenience	1 space per 150 sq. ft. of FA
2)	Other	1 space per 200 sq. ft. of FA
Restaurants and Catering Halls		
1)	Quick food	1 space per 30 sq. ft. of FA
2)	Other	1 space per 100 sq. ft. of FA
Schools		
1)	Nursery	1 space for each employee plus 1 space per 200 sq. ft. of FA
2)	Secondary	5 spaces per classroom
3)	Primary or Intermediate	2 spaces per classroom
Service Stations		
1)	Gasoline Sales	1 space per 200 sq. ft. of FA of enclosed sales space plus vehicle parking area at pumps adequate for a minimum of 3 vehicles to wait on each side of each set of pumps at any one time
2)	Repair & Service	4 spaces for each service bay and each other vehicle work area
Swimming Pools and Clubs		1 space per 200 sq. ft. of FA of enclosed area plus 1 space for each 3 people at maximum rated capacity
Tennis Courts		4 spaces per court
Theaters		1 space for every 3 seats
Wholesale Establishments And Warehouses		1 space per 2 employees in and maximum shift

(§503 Cont'd.)

F. Off-Street Loading:

In connection with every building or building group erected which is to be occupied by manufacturing or commercial uses which will require the distribution by vehicles of material or merchandise, off-street loading berths shall be provided and maintained on the same lot or property in accordance with the following requirements:

1. Size and Location:

Each loading space shall be not less than ten (10) feet in width, thirty-five (35) feet in length, have a minimum clearance of fourteen (14) feet and may occupy all or any part of any required yard.

2. The number of off-street loading spaces required shall be determined by the following schedule.

Use	Total Floor Area (square feet)	Number Off-Street Berths
Schools	13,000 or more	1
Undertakers and funeral parlors	5,000 For each additional 5,000 or major fraction thereof	1 1 additional
Offices	From 10,000 to 25,000	1
Retail, commercial	From 15,000 to 30,000	1
Wholesale	From 5,000 to 20,000	1
Manufacturing and storage	From 10,000 to 50,000 For each additional 50,000 or fraction thereof	1 1 additional

3. No off-street loading area or part thereof shall be closer than one hundred (100) feet to any dwelling, school, hospital or other institutions for human care located on an adjoining lot.

601. Definition.

A. Approving Authority - The Borough of Palmyra Planning Board.

B. Municipality - The Borough of Palmyra.

602. Performance and Maintenance Guarantees.

A. The provisions of N.J.S.A. 70: 55D-53 entitled Guarantees required; surety; release are hereby adopted in its entirety

B. Requirements for application to release any guarantees or portions thereof.

1. Before releasing any guarantees or portions thereof, the following items shall be submitted to the governing body.

a. An as-built plan and profiles of all utilities and roads with a certification as to the actual construction, the same to be approved by the Borough Engineer. One (1) copy of each shall be sent to the Clerk and the Borough Public Works Department and a mylar or similar copy to the Borough Engineer.

b. A statement or affidavit from the developer that there are no liens or other legal encumbrances on any of the improvements or utilities proposed to be deeded to the Borough.

c. A statement from the Borough Engineer that all utilities and improvements required by the Planning Board have been installed and completed in accordance with applicable Borough ordinances.

d. A maintenance bond as provided herein.

e. Deeds, free and clear of all encumbrances, for all streets, public easements, drainage and conservation easements, on

(§ 602 Cont'd.)

the lands dedicated to public use and any improvements to be dedicated or deeded to the Borough or other public agency.

f. A certification from the applicant's engineer that improvements relating to water supply, sanitary sewers, stormwater management, soil erosion and sediment control have been constructed, installed and are operating in accordance with approved plans.

C. The provisions of N.J.S.A. 40: 55D - 53.1 entitled Disposition of required deposits are hereby adopted in its entirety.

D. The provisions of N.J.S.A. 40: 55D - 53.2 entitled Payments to professionals serving municipality; deposits toward expenses are hereby adopted in its entirety.

E. The provisions of N.J.S.A. 40: 55D - 53.3 Limits on cash requirements for performance and maintenance guarantees are hereby adopted in its entirety.

F. The provisions of N.J.S.A. 40: 55D - 53.4 Estimate of cost for installation of improvements; appeal are hereby adopted in its entirely.

603. Completion and acceptance of improvements.

A. Building Permits:

A building permit shall not be issued until all on-site improvements have been installed, except for the finish course of the road and monuments and trees, provided that the Borough Engineer warrants that it is in the Borough's interest to delay completion of the road, monuments and trees until after the subdivider has completed construction of dwellings and structures. The maintenance guarantee required hereafter shall not begin until the finish course of road, monuments and trees have been installed.

B. Certificates of Occupancy:

No certificate of occupancy shall be issued unless all inspection and other fees due to the Borough have been paid and an approved water meter has been installed where applicable. In addition, no certificate of occupancy shall be issued unless all other improvements required by this Section have been installed, unless one of the exceptions below is applicable:

(§ 603 Cont'd.)

1. A certificate of occupancy may be issued if all improvements have been installed except the finish course of the road and the Borough Engineer warrants that completion of the road is in the Borough's interest after the subdivider has completed construction of dwellings and structures. The maintenance guarantee required hereafter shall not begin until the finish course has been installed.

2. The Planning Board may also authorize the issuance of a temporary certificate of occupancy if the following improvements have been bonded but not yet installed: landscaping, sidewalks, other similar improvements. Prior to the issuance of more than fifty percent (50%) of the certificates of occupancy for a subdivision, all improvements shall have been constructed or installed.

C. Borough Acceptance:

1. The governing body shall not accept any road or other improvement into the municipal road system or for municipal ownership until the maintenance bond has been posted and all deficiencies are corrected or repaired. The Borough may, however, undertake to remove snow and perform other municipal services as may be required on the roads prior to final acceptance if the developer presents a written request to the governing body and agrees in said request to hold the Borough harmless for any damages to the roads or public improvements caused by snow removal or other municipal activities.

2. The governing body need not accept any roads or other improvements if the roads or other improvements will be used by the developer to complete other portions of the development.

3. If the Planning Board includes as a condition of approval of an application for development the installation of street lighting on a dedicated public street connected to a public utility, then upon notification in writing by the developer to the Planning Board and Borough Council that the street lighting on a dedicated public street has been installed and accepted for service by the public utility and that certificates of occupancy have been issued for at least 50 percent of the dwelling units and 50 percent of the floor area of the nonresidential uses on the dedicated public street or portion thereof indicated by section pursuant to Section 29 of P.L. 1975, c.291 (C.40:55D-38), the Borough shall, within 30 days following receipt of the notification, make appropriate arrangements with the public utility for, and assume the payment of, the costs of the street lighting on the dedicated public street on a continuing basis. Compliance by the Borough of Palmyra with the provisions of this section shall not be deemed to constitute acceptance of the street by the Borough of Palmyra.

604 Performance and Maintenance Mechanisms

Performance and maintenance guarantees shall be provided by a variety of means including, but not limited to, the following:

A. Security Bond:

The applicant may obtain a security bond from a surety bonding company authorized to do business in the State of New Jersey.

(§ 604 Cont'd.)

B. Letter of Credit:

The applicant may provide an irrevocable letter of credit pursuant to NJSA 40:55D-53.5 from a bank or savings institution authorized to do and doing business in the State of New Jersey.

C. Escrow Account:

The applicant shall deposit cash, or other instruments readily convertible into cash at face value, either with the Borough or in escrow with a bank.

D. Property:

The applicant may provide as a guarantee land or other property under an agreement approved by the Borough Solicitor.

E. Subdivision Improvement Guarantee:

An applicant may provide as a guarantee a subdivision improvement agreement between the applicant, lender, and Borough.

605 Off-Tract Improvements

Developers shall be required, as a condition for approval of a subdivision or site plan, to pay their pro rata share of the cost of providing reasonable and necessary street improvement 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 said development. The following criteria shall be utilized in determining a developer's proportionate or pro rata share of necessary off-tract improvements.

A. Improvements to be Constructed at Sole Expense of Applicant:

In cases where the reasonable and necessary need for an off-tract improvement or improvements is necessitated or required by the proposed development application and where no other property owner receives a special benefit thereby, the applicant may be required, as a condition of approval, at the applicant's sole expense, to provide for and construct such improvement as if such were a non-tract improvement, in the manner provided hereafter and otherwise provided by law.

B. Other Improvements:

In cases where the need for any off-tract improvement is necessitated by the proposed development application and where it is determined that properties outside the development will also be benefited by the improvement, the following criteria shall be utilized in determining the developer's proportionate share of such improvements:

1. Sanitary Sewers:

For distribution facilities, including the installation, relocation or replacement of collector, trunk and interceptor sewers and the installation, relocation and replacement of other appurtenances associated therewith, the applicant's proportionate share shall be computed as follows:

(§ 605 Cont'd.)

a. The capacity and the design of the sanitary sewer system shall be based on Rules and Regulations for the Preparation and Submission of Plans for Sewage Systems, New Jersey Department of Environmental Protection & Energy and all Borough sewer design standards, including infiltration standards, and all other stormwater drain standards.

b. Developer's pro rata share.

(1) The capacity of the existing system to service the entire improved drainage area shall be computed. If the system is able to carry the total developed drainage basin, no improvement or enlargement cost will be assigned to the developer. If the existing system does not have adequate capacity for the total developed drainage basin, the prorated enlargement or improvement share shall be computed as follows (where gpd means gallons per day):

$$\frac{\text{Total enlargement or improvement cost}}{\text{Developer's cost}} = \frac{\text{Total tributary gpd}}{\text{Development gpd}}$$

(2) If it is necessary to construct a new system in order to service the development, the prorated enlargement share to the developer shall be computed as follows:

$$\frac{\text{Total project cost}}{\text{Developer's cost}} = \frac{\text{Total tributary gpd}}{\text{Development tributary gpd}}$$

(3) The plans for the improved system or extended system shall be prepared by developer's engineer. All work shall be calculated by the developer and approved by the Sewer Engineer, or in lieu thereof, the Borough Engineer.

2. Water Supply:

The applicant's proportionate share of water distribution facilities including the installation, relocation or replacement of water mains, hydrants, valves, and associated appurtenances shall be computed as follows:

a. The capacity and the design of the water supply system shall be based on the standards specified in Section 500 of this Code.

b. The Borough Engineer shall provide the applicant with the existing and reasonably anticipated capacity limits of the affected water supply system in terms of average demand, peak demand, and fire demand.

c. If the existing system does not have adequate capacity as defined above to accommodate the applicant's needs, the pro rata shares shall be computed as follows:

(§ 605 Cont'd.)

$$\frac{\text{Total cost of enlargement or improvement}}{\text{Developer's cost}} = \frac{\text{Capacity of enlargement or improvement (gpd)}}{\text{Development-generated gallons per day to be accommodated by the enlargement or improvement}}$$

3. Roadways:

For street widening, alignment, channelization of intersections, construction of barriers, new or improved traffic signalization, signs, curbs, sidewalks, trees, and utility improvements uncovered elsewhere, the construction or reconstruction of new or existing streets and other associated streets or traffic improvements, the applicant's proportionate cost shall be determined as follows:

a. The Borough Engineer shall provide the applicant's engineer with the existing and anticipated peak-hour flows for the off-tract improvement.

b. The applicant shall furnish a plan for the proposed off-tract improvement, which shall include the estimated peak-hour traffic generated by the proposed development. The ratio of the peak-hour traffic generated by the proposed development to the future peak-hour traffic shall form the basis of the proportionate share. The prorated share shall be computed as follows:

$$\frac{\text{Total cost of the roadway improvement and/or}}{\text{Developer's cost}} = \frac{\text{Future peak-hour traffic}}{\text{Future peak-hour traffic generated by the development}}$$

4. Drainage Improvements:

For stormwater and drainage improvements, including the installation, relocation or replacement of storm drains, culverts, catch basins, manholes, rip rap or improved drainage ditches and appurtenances thereto and the relocation or replacement of other storm drainage facilities or appurtenances associated therewith, the applicant's proportionate share shall be determined as follows:

a. The capacity and the design of the drainage system to accommodate stormwater runoff shall be based on the standards of Section 500 of this Code and shall be computed by the developer's engineer and approved by the Borough Engineer.

c. The capacity of the enlarged, extended or improved system required for the development and areas outside of the developer's tributary to the drainage system shall be determined by the developer's engineer, subject to approval to the Borough Engineer. The plans for the improved system shall be prepared by the developer's engineer and the estimated cost of the enlarged system calculated by the Borough Engineer. The prorated share for the proposed improvement shall be computed as

(§ 605 Cont'd.)

follows (where cfs stands for cubic feet per second):

$$\frac{\text{Total enlargement or improvement cost of drainage facilities}}{\text{Developer's cost}} = \frac{\text{Total tributary cfs}}{\text{Development cfs}}$$

5. Other Improvements:

The applicant's proportionate share of other capital improvements shall be computed as follows:

$$\frac{\text{Total cost of enlargement or improvement}}{\text{Developer's cost}} = \frac{\text{Capacity of enlargement or improvement}}{\text{Development share of enlargement or improvement}}$$

C. Escrow Accounts:

Where the proposed off-tract improvement is to be undertaken at some future date, the monies required for the improvement shall be deposited to the credit of the Borough in a separate account until such time as the improvement is constructed. If the off-tract improvement is not begun within ten (10) years of deposit, all monies and interest shall be returned to the applicant.

D. Computation of Pro Rata Share:

In any case in which an applicant shall not provide the approving authority with the estimates of a traffic consultant and/or consulting engineer with regard to estimated improvement costs and all other information necessary to proportion costs, the approving authority may rely on the estimates of the Borough Engineer in order to prorate costs.

606 Improvement Standards

A. General Provisions:

Prior to the granting of final approval, the developer shall have installed improvements required by the Planning Board or have posted a performance guarantee or surety sufficient to cover the cost of said improvements. The Planning Board may solicit local, county, state, federal, public or semi-public agencies and knowledgeable individuals on what improvements shall be required. Improvements recommended by other agencies, such as a utilities authority, county, state or other governmental agencies, may be required by the Planning Board as a condition of final approval. The following construction standards and improvements are necessary to protect the health, safety, welfare and convenience of the residents and public, as well as needed to meet local, county, regional, state and national goals and objectives. It is recognized however, that in peculiar situations, all of the improvements listed below may not be appropriate or needed.

1. Borough Standards:

a. All standards and specifications of the Borough as now or hereafter adopted and

(§ 606 Cont'd.)

applicable ordinances shall govern the design, construction and installation of all improvements.

b. Failure of the developer, his contractor or agent to conform to said specifications shall be just cause for the suspension of the work being performed. No developer shall have the right to demand or claim damages from the Borough, its officers, agents or servants by reason of said suspension.

2. Other Standards:

a. In the event that the Borough has not adopted standards for a specific type of improvement, then generally accepted engineering standards as set forth in engineering and construction manuals, as may be approved and modified by the Borough Engineer for a specific situation, shall be used.

b. Gas, electric, telephone and similar utilities shall be installed in accordance with applicable company, state and federal requirements.

3. Grades:

All construction stakes and grades shall be set by a licensed land surveyor in the employ of the subdivider, developer or contractor. One (1) copy of all cut sheets, signed by a land surveyor or professional engineer, shall be filed with the Borough Engineer forty-eight (48) hours prior to the commencement of any construction.

4. Inspection:

Prior to the start of the construction or installation of such improvements, the developer shall advise the Borough Engineer forty-eight (48) hours prior to the commencement of such work. No underground installation shall be covered until inspected and approved by the appropriate official. If, during installation of any of the required improvements, the developer fails to meet specification requirements or to correct unacceptable work, the developer shall be notified in writing, by certified mail, that the developer has failed to comply with specifications or to correct unacceptable work properly and said notice shall set forth in detail what has not been properly installed. If within ten (10) days after mailing of such notice the developer has failed to perform in accordance with the notice, the Borough shall then cause the notice of failure to comply to be served upon the developer and a copy shall be sent to the governing body and the Planning Board.

B. Site Conditions:

1. During construction, the site shall be maintained and left each day in a safe and sanitary manner, and any condition which could lead to personal injury or property damage shall be immediately corrected by the developer upon an order by the Construction Official, Administrative Officer or other authorized personnel.

2. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon the request of and to the satisfaction of the Construction Official and Administrative Officer prior to issuing an occupancy permit.

(§ 606 Cont'd.)

3. No topsoil shall be removed from the site or used as spoil unless approved by the Borough Engineer. At least six (6) inches of topsoil shall be provided within twenty-five (25) feet of the structure or paved areas and appropriately landscaped. All non-hard-surfaced areas of the site or those portions without structures shall be stabilized by seeding or planting to prevent soil erosion. Areas where vegetation has been removed or the surface has been disturbed and which constitute a potential soil erosion problem shall be appropriately stabilized to the satisfaction of the Borough Engineer.

4. Changes in Elevation:

   a. No change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on an approved preliminary plat.

   b. Minimal changes in elevations or contours necessitated by field conditions may be made only after approval by the Borough Engineer. All said changes necessitated by field conditions shall be shown on the final plat and indicated as a change from the preliminary or if final approval has been granted, said changes shall be shown on the as-built plans.

5. Temporary Improvements:

   Prior to or during construction, the Borough Engineer may require the installation or construction of improvements to prevent or correct temporary conditions on the site which could cause personal injury, damage to property or constitute a health hazard. These conditions may result from erosion and landslide, flooding, heavy construction, traffic, creation of steep grades and pollution. Improvements may include berms, mulching, sediment traps, detention and retention basins, grading, plantings, retaining walls, culverts, pipes, guard rails, temporary roads and others appropriate to the specific condition. All temporary improvements shall remain in place and in operation until otherwise directed by the Borough Engineer.

701. Establishment; Composition.

There is hereby established pursuant to P.L. 1975, c. 291, in the Borough of Palmyra a Planning Board of nine members consisting of the following four classes:

A. Class I: the Mayor

B. Class II: one of the officials of the municipality other than a member of the governing body to be appointed by the Mayor.

C. Class III: a member of the governing body to be appointed by it.

D. Class IV: six other citizens of the municipality to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, position or employment. One Class IV member may be a member of the board of education.

702. Terms.

A. The term of the member composing Class I shall correspond with his official tenure. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of the office, whichever occurs first.

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

703. Alternates.

The governing body may appoint two alternate members for Class IV members who shall meet the qualifications of Class IV members. Alternate members shall be designated by the Mayor at the time of their appointment as "Alternate No. 1" and "Alternate No. 2." The terms of the alternate members shall be for two years commencing from January 1 of the year of their appointment, except that the terms of the alternate members shall be such that the terms of not more than one alternate member shall expire in any one year; provided, however, that in no instance shall the terms of the alternate member first appointed exceed two years. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

704. Vacancies.

If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above (§ 704 Cont'd.)

provided for the un-expired term.

705. Planning Board To Exercise Powers Of Zoning Board Of Adjustment.

Pursuant to the authority granted by P.L. 1975, c. 291, commonly cited and referred to as the "Municipal Land Use Law," N.J.S.A. 40: 55D-1 et seq., as amended by P.L. 1994, c. 186, the Planning Board of the Borough of Palmyra shall consist of nine members and shall exercise to the same extent and subject to the same restrictions all of the power of the Zoning Board of Adjustment. See Ordinance 1996 - 17.

706. Consideration Of Applications For Variances Restricted To Certain Members.

Pursuant to N.J.S.A. 40: 55D-25c(1), the Class I and III members of such Planning Board shall not participate in the consideration of applications for development which involve relief pursuant to Subsection d of Section 57 of P.L. 1975, c.291 (N.J.S.A. 40: 55D-70d).

707. Powers And Duties Generally.

The Planning Board is authorized to adopt bylaws governing its procedural operation. It shall also have the following powers and duties.

A. To make and adopt and from time to time amend a Master Plan for the physical development of the township, including any areas outside its boundaries which in the Board's judgment bear essential relation to the planning of the township, in accordance with the provisions of N.J.S.A. 40: 55D-28, and to adopt an official map pursuant to N.J.S.A. 40: 55D-32.

B. To administer the land subdivision provisions of this Code, those portions dealing with condominium projects and the design and site plan review provisions of this Code in accordance with the provisions of said Code and the Municipal Land Use Law of 1975 (N.J.S.A. 40: 55D-1 et seq.).

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

D. To assemble data on a continuing basis as part of a continuous planning process.

E. To annually prepare a program of municipal capital improvement projects projected over a term of six years, and amendments thereto, and recommend same to the governing body.

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

G. When reviewing applications for approval of subdivision plats, site plans or conditional uses, to grant variances pursuant to Section 57c of c. 291, Laws of New Jersey 1975 from lot area, lot dimensional, setback and yard requirements. Whenever relief is requested pursuant to this subsection, 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.

(§ 707 Cont'd.)

H. To hear and decide applications for a conditional use. The terms "conditional use" shall mean a use permitted in a particular zoning district only upon the showing that such use in a specified location will comply

(§ 707 Cont'd.)

with the conditions and standards for the location or operation of such use as contained in this Code. All uses contained in this Code designated as special exceptions shall be considered to be conditional uses.

I. 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.

J. Additional powers.

The Planning Board shall have such powers as are granted by N.J.S.A. 40: 55D-70 to a board of adjustment and by law, including but not limited to, the power to:

(a) Hear and decide, by majority vote, appeals where it is alleged by the appellant that there is error in any other requirement, decision or refusal made by an administrative officer based on or made in the enforcement of this chapter.

(b) Hear and decide, by majority vote, requests for interpretation of the Zoning Map or this Code, or for decisions upon other special questions upon which such Board is authorized by this Code to pass.

(c) Grant, by majority vote, a variance from the strict application of the zoning regulations where by reasons of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation in this Code would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property, except that if the applicant requires subdivision, site plan or conditional use approval by the Planning Board, the request for a variance under these circumstances shall be acted on by the Planning Board in conjunction with the subdivision, site plan or conditional use application, provided that not more than one lot is involved in the variance request. In no case shall a variance be granted under this subsection to allow a structure or use in a district restricted against such structure or use.

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

No variance or other relief may be granted under the provisions of this subsection 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 this Code.

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 Board shall act.

708. Expiration of variance.

Any variance from the terms of this chapter hereafter granted by the Planning Board permitting the erection

(§ 708 Cont'd.)

or alteration of any structures, or permitting a specified use of any premises, shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance, or unless such permitted use has actually been commenced within 12 months from the date of publication of notice of the decision; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Planning Board to the governing body, or to a court of competent jurisdiction, until the termination in any manner of such appeal or proceeding.

709. Time limits.

A. Minor subdivisions.

Minor subdivision approval shall be granted or denied within 45 days of the date of submission of a complete application to the Planning Board or within such further time as may be consented to by the applicant. Approval of a minor subdivision shall expire 190 days from the date of Planning Board approval unless within such period a plat in conformity with such 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 Recording Officer, the Municipal Engineer and the Municipal Tax Assessor. Any such plat or deed must be signed by the Chairman and Secretary of the Planning Board before it will be accepted for filing by the County Recording Officer.

B. Preliminary approval of major subdivisions and site plans.

Upon submission of a complete application for subdivision of 10 or fewer lots or a complete application for a site plan of 10 or fewer acres, the Planning Board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time a may be consented to by the developer. Upon submission of a complete application for a subdivision of more than 10 lots or submission of a complete application of a site plan of more than 10 acres, the Planning Board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the developer; otherwise, the Planning Board shall be deemed to have granted preliminary approval for the subdivision or site plan.

A public hearing shall be held at the preliminary approval stage for subdivision. Applicants shall be guided by the Notice and Hearing requirements as set forth in the Municipal Land Use Law, N.J.S.A. 40: 55D-1 et seq. No hearings will be held with respect to minor subdivisions or site plans at either the preliminary or final approval stages.

C. Ancillary powers.

Whenever the Planning Board is called upon to exercise its ancillary powers before the granting of a variance, the Planning Board shall grant or deny approval of the application within 95 days after submission by the developer of a complete application or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed application shall constitute approval of the application, and a certificate of the administrative officer as to the failure of the Planning Board to act shall be issued on the request of the applicant.

All applications to the Planning Board for a hearing and decision on a conditional use shall be in accordance with the procedures, fee structure, forms and evidentiary requirements set forth in this Code with respect to special exceptions.

(§ 709 Cont'd.)

D. Final approval.

Application for final subdivision approval and final site plan approval shall be granted or denied within 45 days of submission of a complete application or within such further time as may be consented to by the applicant.

Final approval of a major subdivision shall expire 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 Recording Officer. The Planning Board may, for good cause shown, extend the period for recording for an additional period not to exceed 190 days from the date of the signing of the plat.

710. Procedure for filing applications.

A. Applications for development within the jurisdiction of the Planning Board pursuant to the provisions of c. 291, P.L. 1975, shall be filed with the Secretary of the Planning Board. For the purpose of all filings or other communications pertaining to the Planning Board of the Borough of Palmyra, the Secretary of the Planning Board shall be the administrative officer of said Board with the sole exception being the obligation to furnish a list of property owners. The submission of all applications shall be in accordance with the procedures set forth in the existing developmental ordinances. The only changes in procedure with respect to said ordinances will be as required under the provisions c. 291, P.L. 1975.

B. The design and site plan requirements of this Code of the Borough of Palmyra shall be interpreted to pertain to preliminary approval of site plans only. When the applicant has obtained a preliminary approval of his site plan or preliminary approval with conditions of the site plan, the applicant shall file an application for final site plan approval. A fee of $25 shall be paid, together with this application. The applicant's plan shall be in accordance with the criteria set forth in the Design and Site Plan Review requirements of this Code and shall set forth those conditions and requirements imposed by the Planning Board at the time of preliminary approval.

711. Organization.

The Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV. The Board shall select a Secretary and Assistant Secretary who may be members of the Board or municipal employees.

712. Attorney.

There is hereby created the office of Planning Board Attorney. The Board may annually appoint and fix the compensation of or agree upon the rate of compensation of the Board Attorney, who shall be an attorney other than the Municipal Attorney.

713. Experts and Staff.

A. The Planning Board may annually employ or contract for the services of experts and other staff and services as it may deem necessary. The staff of the Board may include, but shall not be limited to, a Clerk or Administrative Clerk. The Board shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

B. Board Engineer.

The Planning Board shall have the power, right and responsibility to employ a licensed professional

(§ 713 Cont'd.)

engineer, who may but need not be the Borough Engineer, to advise the Board as to engineering matters. Said appointee shall be answerable and responsible to the Board. The term of such appointment shall be an annual appointment. The Board Engineer shall be the advisor on engineering matters to the Board he represents. The review, inspection and approval of all construction made pursuant to any plats or plans approved by the Board shall be the sole responsibility and duty of the Borough Engineer or Consultant as designated by the Borough.

714. Rules and Regulations.

The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A: 67A-1 et seq.) shall apply.

715. Conflicts of Interest.

No member or alternate member of the Planning 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 matters nor participate in any discussion or decision relating thereto.

716. Meetings.

A. Meetings of the Planning 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.

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

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

D. All actions shall be taken by majority vote of a quorum except as otherwise required by any provision of N.J.S.A. 40: 55D-1 et. seq.

E. 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 Act, c. 231, P.L. 1975.

717. Minutes.

Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and the reasons
therefor. The minutes shall thereafter be made available for public inspection during
normal business hours at the office of the Borough 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 her as provided for in the rules of the Board.

718. Rules And Regulations.

A. Rules.

The Planning 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 this chapter.

B. Oaths.

The officer presiding at the hearing or such person as he may designate shall have power to administer oaths or issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witness and documents presented by the parties, and the provisions of the County and Municipal Investigations Law. P.L. 1953, c.
38 (N.J.S.A. 2A: 67A-1 et seq.), shall apply.

C. Testimony.

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

D. Evidence.

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

E. Records.

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

719. Notice Requirements for Hearings.

Hearings shall be required with respect to submission of a preliminary plat for major subdivision and all applications to the Planning Board. Whenever a hearing is required on an application for development the applicant shall give notice thereof as follows:

A. Public notice shall be given by publication in the official newspaper of the
municipality or in a newspaper of general circulation in the municipality at least 10 days prior to the date of the hearing.

B. Notice shall be given to the owners of al real property as shown on the current tax duplicate or duplicates located with 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 serving a copy thereof on the owner as shown on the current tax duplicate or his agent in charge of the property or by mailing a copy thereof, by certified mail, to the property owner at the address as shown on the 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

(§ 719 Cont'd.)

on behalf of the corporation.

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

D. Notice shall be given by personal service or certified mail to the County Planning Board of al 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 situate within 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 Direction 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 the Borough Clerk pursuant to Section 6b of c. 291, P.L. 1975.

G. All notices hereinabove specified in this section shall be given at least 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 complete upon mailing in accordance with the provisions of N.J.S.A. 40: 55D-14.

I. Form of notice.

All notices required to be given pursuant to the terms of this chapter 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.

720. List of Property Owners Furnished.

Pursuant to the provisions of N.J.S.A. 40: 55D-12c, the Borough Tax Collector shall, within seven days after receipt of a request therefor and upon receipt of payment of a fee in a sum not to exceed $0.25 per name or $10, whichever is greater, make and certify a list from the current tax duplicate of name and addresses of owners of lands within this Borough to whom the applicant is required to give notice pursuant to Article II, Section 19B, of this chapter.

721. Decisions.

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

B. A copy of the decision shall be mailed by the Board within 10 days of the date of decision to the

(§ 721 Cont'd.)

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 Borough Clerk who shall make a copy of such filed decisions available to any interested party upon payment of a fee calculated in the same manner as those established for copies of other public document in the municipality.

722. Publication of Decisions.

A brief notice of every final decision shall be published in the official newspaper of the municipality. Such publication shall be arranged by the Secretary of the Planning Board. The applicant shall pay an additional fee of $10 at the time of submission of his initial application to cover this cost. Said notice shall be sent to the official newspaper for publication within 10 days of the date of any such decision.

723. Payment of Taxes.

Pursuant to the provisions of N.J.S.A. 40: 55D-39 and 40: 55D-65, every application for development submitted to the Planning Board 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 of assessments are delinquent on said property, any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment of such taxes or assessments or the making of adequate provision for the payment thereof in such manner that the municipality will be adequately protected.

724. Fees and Escrows.

The fees as required shall be continued until amended, with the addition of those fees contained in this Code. In the event that an application contains a request for subdivision, variance and/or site plan approval, the appropriate fee for each application made and approval requested shall be submitted. Any charges made against any escrow account by any professional on behalf of the Borough shall be charged against the escrow at the same rate that said employee charges the Borough or as specified by ordinance, whichever is lower. In no event shall any charge against an applicant's escrow exceed the rate of billing which that particular Borough professional charges the Borough or the rate at which said person receives remuneration from the Borough. Said charges shall be made in accordance with a statement of fees and billing filed by each such professional employee with the Borough. A statement setting the rate for Borough filling when the professional employee is engaged will be adequate. Said statement shall be held to be operative and in effect until supplanted by a new statement of fees and charges filed by the professional and accepted by the Borough. A copy of said statement or schedule shall be available to each applicant upon request.

725. Development Approvals.

A. Expiration of approvals.

Any approval from the terms of any developmental ordinance of the Borough of Palmyra, including but not limited to this Code, those ordinances dealing with excavation and flood plain regulation and the Soil Removal ordinance, shall expire unless construction shall have been actually commenced or completed in accordance with the provisions set forth below.

Any variance, conditional use permit, special exception, special use permits interpretation of this Code, decision with respect to appeal from a decision of the Construction Official or other appropriate official or any other

(§ 725 Cont'd.)

construction official or other appropriate official, or any other approval or decision under the land development ordinances of this Borough other than subdivision and site plan approvals shall expire unless construction or alteration shall have been actually commenced on each and every structure permitted by said approval or unless such permitted use has actually been commenced within one year from the date of approval by the approving authority.

Any subdivision or site plan approval shall expire within three years from the date of preliminary plat approval if no application has been filed for final approval or extension of the preliminary plat approval granted by the approving authority in accordance with the provisions of this chapter set forth below. If final plat approval has been granted, this provision with respect to preliminary plat approval shall be inapplicable, and the expiration of approval shall be governed as is set forth below with respect to final plats.

Any subdivision or site plan approval shall expire within two years from the date of final plat approval unless construction shall have been actually commenced on those improvements, whether on-tract, off-tract, on-site or off-site, required as part of the approval, as a condition of the approval or shown on the plan presented for approval or plan revised in accordance with the approval. Said improvements shall include but not be limited to streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyors' monuments as required by the Map Filing Law, 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 plan only, other on-site improvements and landscaping. If the performance bond covering any of the above improvements expires prior to the two-year period following final plat approval without completion of the aforesaid improvements covered by the bond, the approval shall expire with the expiration of the bond.

B. Extension of time period for approval.

Any approval requiring an improvement as is set forth above shall last for the life of the performance bond and any extension of said bond. All improvements must be completed during the effective life of the performance bond or the approval shall expire. Any approval may be extended by resolution of the approving authority. Any extension of preliminary or final approval of a site plan or subdivision by the approving authority, pursuant to the Municipal Land Use Law, shall automatically extend those time periods for expiration of approvals as are set forth above.

C. Completion of construction. All improvements set forth above must be completed during the effective life of the performance bond guaranteeing that improvements or the approval shall expire. Those improvements which must be commenced during a period of time following approval as is set forth above shall be completed in accordance with the building permit or construction permit issued by the state or municipality, within the time period set forth by such permit or the law authorizing such permit, requiring continuation of work upon the premises, building or use. A cessation of construction for a six-month period shall be prima facie evidence of intent to abandon, at which time the approval shall expire without hearing or notice unless the permit has been renewed.

D. Previously approved applications, uses and plans. Any previous approval granted by the Zoning Board of Adjustment, the Planning Board or the governing body of the Borough of Palmyra, wherein no construction of the use approved or the improvements required by the approval has commenced, shall expire on July 2, 1980, unless an extension is granted by the interpretation of one of the provisions set forth in this section.

726. Appeals from Planning Board to Governing Body.

An appeal authorized under the provision of N.J.S.A. 40: 55D-17 from any final decision of the Planning Board may be taken to the governing body, provided that such appeal shall be made within 10 days of the date of publication of such final decision of the Planning Board. Such appeal shall be made in

(§ 726 Cont'd.)

accordance with the provisions of N.J.S.A. 40:55D-17.

727. Escrow Deposit Required To Cover Appeal Expenses.

Immediately upon filing the notice of appeal with the Borough Clerk the entity taking the appeal to the governing body pursuant to Section 26 above shall deposit in escrow the sum of $50. The amount placed in escrow shall be up in an escrow fund to be placed with the Borough Treasurer. Said fund shall be used to pay the fees of any professional personnel employed to process, review, inspect or make recommendations with respect to the appeal and the documents submitted therewith. Services to be paid out of the escrow fund shall include but not be limited to legal, engineering, planning, accounting and processing fees. The fees to be charged shall be made in accordance with a statement of fees filed by each professional employee with the Borough Clerk. If at any time the escrow fund shall be deemed by the Borough Treasurer to be insufficient to cover the actual or anticipated expenses with respect to the professional review, said funds shall be subject to increase on demand. If at any time it becomes evident that the escrow is or will be insufficient to cover the expenses of the Borough's professional personnel, the appellant shall increase the fund as required by the Borough. Sums not utilized in the review process shall be returned to the appellant. No decision shall be rendered by the governing body with respect to an appeal unless the escrow fund is sufficient to cover the actual or anticipated expenses with respect to the professional review.

801 Fees

A. Every application for development shall be accompanied by a check payable to the Borough of Palmyra in an amount required by the following schedule along with the number of copies of applications and plans per the following schedule, and by the deadlines listed in the following schedule:

Type of Application	Fee	Professional Escrow	# of Copies	Submission Deadline
1. Subdivisions			13	14 days before Planning Board mtg.
a. Conceptual	$25	$150.00		
b. Minor	$100	$300.00/lot		
c. Prelim. Major	$100 + $25/lot	$750.00 + 100/lot		
d Final Major	$100 + $25/lot	$750.00 + 50/lot		
2. Site Plan Minor	$200.00 $100.00 additional For each 500 S.F. of New construction or Portion thereof	$800.00	13	14 days before Planning Board mtg.
a. Site Plan Waiver	$100	$400.00	13	14 days before Planing Board mtg.
b. Site Plan Major, Preliminary	$100	$1,250.00	13	
c. Site Plan Major, Final	$150	$750.00 +$100.00 per acre	13	14 days before Planning Board mtg.
d. Amended Final	$100	$1,000.00	13	14 days before Planning Board mtg.
3. Concept Plan Review	$25	$150	13	14 days before the Planning Board meeting.
4. Variances				
a. Appeals (40:55D-70a)	$100	N/A	13	14 days before Planing Board mtg.

(§ 801 Cont'd.)

Type of Application	Fee	Escrow	Copies	Submission Deadline
b. Interpretation (40:55D-70c)	$50	N/A	13	14 days before Planning Board mtg.
c. Bulk (40:55D-70c)	$50	200	13	14 days before Planning Board meeting.
d. Use (40:55D-70d)	$50	200	20	14 days before Planning Board mtg.
e. Permit (40:55D-34&35)	$200	N/A	20	14 days before Council mtg.
5. Conditional Use Permit	$200	N/A	13	14 days before Planning Board mtg.
6. Appeals to Council of Approved Use Variances	$50	N/A	10	Within 30 days of Notice of Decision published in Legal newspaper.
7. Signs	$25	N/A	13	28 days before Planning Board mtg.
8. Swimming Pools	$50	N/A	5	14 days before issuance of construction permit.
9. Fences	$46	N/A	5	5 days before issuance of construction permit.
10. Certified List of Property Owners	$0.25/name $10 whichever is greater	N/A	N/A	7 days before list is needed (minimum 17 days before hearing).
11. Copy of Transcript	cost of transcript and copying including $50 deposit at time of request	N/A		Full payment required before release of transcript to applicant

(§801 Cont'd.)

B. The application fees above are flat fees to cover administrative expenses. In addition to this application fee, an applicant for Site Plan review is responsible for all review fees to cover the costs of professional services including engineering, legal, and other expenses connected with the submitted materials. An escrow deposit pursuant to Section 801.A must accompany the application along with the application fee. Within 14 days of the submission of the application, an additional review fee may be required if recommended by the Borough Engineer, up to a maximum total pre-application deposit of $500.00. Any additional required deposit must be received by the Borough by the end of the business day prior to the Planning Board meeting in order for the application to be heard. Sums not utilized in the review process shall be returned to the applicant. Sums required for review that exceeds the deposit must be paid to the Borough before a construction permit will be issued.

C. Where one application for development includes several approval requests, the sum of the individual application fees listed in A above, shall be paid.

D. If an applicant desires a court reporter, the cost of taking testimony and transcribing the Board hearing as well as providing a copy of the transcript to the Borough shall be solely at the expense of the applicant who shall arrange for the reporter's attendance.

E. No municipal action will be taken as to any application required to be approved by the Planning Board, unless verification is provided that all monetary payments legally due to the Borough for property taxes, water and/or sewer use charges, assessments, development review fees from this or any other application or any other municipal matter, are fully paid in accordance with law.

901 Amendments

The governing body reserves the right to amend, change, modify, or repeal any regulations, limitations and restrictions of this Code, including the Zoning Map. No such amendment, change, modification, or repeal shall be adopted until after a public hearing is held thereon by the Borough Council at which parties in interest and citizens shall have an opportunity to be heard.

A. No amendment or change shall become effective unless the Code proposing such amendment or change shall first have been submitted to the Planning Board for approval, disapproval, or suggestions, and the Planning Board shall have a reasonable time, not less than thirty-five (35) days, for consideration and report. In the case of an unfavorable report by the Planning Board, such amendment or change shall not become effective except by a favorable vote of two-thirds (2/3) of the membership of Borough Council.

B. In case of a protest against such proposed change signed by the owners of twenty (20) percent or more either of the area of the lots or land included in such proposed change, or of the lots or land on either side thereof or directly opposite thereto extending two hundred (200) feet therefrom (exclusive of street space), such change shall not become effective except by the favorable vote of two-thirds (2/3) of all the members of the Borough Council.

902 Remedies

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

903 Penalties

Any person that shall violate any section of this Code where no specific penalty is stated for that section, or do any act or thing prohibited, or refuse or fail to do any act or thing required to be done, or refuse or fail to comply with an order of the zoning administrative officer, or an order of the Board of Adjustment, shall, upon conviction thereof before any judicial officer authorized to hear and determine the matter, forfeit and pay such fine not exceeding the sum of two hundred dollars ($200.00) as shall be imposed by such judicial officer in his discretion or, if the party so convicted be a natural person, be imprisoned for such term not exceeding ninety (90) days as such judicial officer, in his discretion, shall determine, provided, however, that if the party so convicted be a natural person, such judicial officer shall have the power, in his discretion, to impose sentence of both fine and imprisonment not exceeding the maximum limits hereinbefore fixed. Whenever such person shall have been officially notified by the building inspector or by service of a summons in a prosecution, or in any other official manner, that he is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense punishable by a like fine or penalty.

1001 Applicability

The limitations on signs prescribed in this Code shall not apply to any sign or additional device erected by any recognized local, county, state or federal governmental agency.

1002 Permits Required

All signs within the Borough of Palmyra shall be erected, constructed and maintained in accordance with the provisions of this section and the Building Code.

1003 General Regulations

A. No sign shall be erected, enlarged, rebuilt, structurally altered or relocated until a permit has been issued by the Zoning Enforcement Officer and the Construction Code Official, except as hereinafter permitted. The issuance of a permit shall not relieve the owner or lessee of the premises from the duty of maintaining safety of any such structure. No sign of any description shall be installed, erected, constructed or maintained in such a manner as to block the exit from any fire escape, window or door, nor shall any sign be attached in any manner to a fire escape, nor shall any sign block access to the roof. Every sign constructed or maintained shall be plainly marked with the name of the person, firm or corporation erecting or maintaining such sign.

B. No sign shall be erected in the Borough of Palmyra that would tend, by its location, color, shape, message or nature, to be confused with or obstruct the view of traffic signs or traffic signals by motorists or pedestrians.

C. No sign other than official traffic control devices or street signs shall be erected within or encroach upon the right-of-way lines of any street unless specifically authorized by other ordinances or regulations of local, county, state and federal agencies.

D. No sign shall contain flashers, animators, movable reflectors, mechanical movements or contrivances of any kind. No intermittent or flashing signs shall be permitted. No statuary, sculpted or molded figures used for promotional or advertising purposes are permitted.

E. Sign illumination devices, such as but not limited to flood or spotlights, shall be so placed and so shielded as to prevent illumination of neighboring properties and shall be situated so as not to interfere with or pose a threat to traffic safety.

F. Any sign located within or suspended over a pedestrian walk shall have a ten foot vertical clearance above the walkway.

G. The area of a permitted sign shall be determined by multiplying the greatest horizontal dimensions by the greatest vertical dimensions, including spaces between open-type letters and figures and the background structure or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign unless they contribute directly to either the overall height or width of the sign.

H. Any sign, billboard, signboard or advertising device existing at the time of the passage of this Code that does not conform in use, location, height or size with the regulations of the zone in which such sign is located shall be considered a nonconforming use and may be continued and maintained in such use in its present location until replacement or rebuilding becomes necessary, at which time a permit will be required and the sign brought into conformity with this Code.

(§1003 Cont'd.)

I. The area of signs painted on buildings shall be computed the same as fabricated signs and shall be subject to the same sign restrictions and fees as hereinafter provided.

J. Signs located on roofs are prohibited.

K. The limitations on sign area prescribed in this Code shall not apply to parking lot markers, directional signs or entrance and exit signs erected on the premises, which shall not exceed two (2) square feet in area.

L. Billboards, outdoor portable or mobile advertising signs and off-premises advertising signs are not permitted.

M. Permit Requirements

1. The Zoning Enforcement Officer shall only issue a zoning permit for the erection or construction of a sign which meets the requirements of this Code.

2. After a zoning permit has been granted, the Construction Code Official shall only issue a building permit for the erection or construction of a sign which meets the requirements of the Uniform Construction Code. Application for permits to erect, hang or place a sign shall be submitted on forms obtained from the Construction Code Official. Each application shall be accompanied by plans showing the area of the sign; the size and character; the method of illumination, if any; the exact location proposed for such sign; and, in the case of a projecting sign, the proposed method of fastening such sign to the building structure, the vertical distance between such sign and the right-of-way line and such other information as may be requested.

1004 Signs Not Requiring Permits

The following signs may be erected, constructed, placed and maintained without a permit from the Zoning Enforcement Officer. They must comply with the general provisions of this Code and with the Uniform Construction Code. All other signs require permits from the Zoning Enforcement Office and Construction Code Official.

A. Temporary real estate signs shall not be illuminated or exceed twelve (12) square feet and shall be permitted to remain until the property is sold and then removed within two (2) weeks after date of sale.

B. Temporary construction site signs for single structures may be erected on the site during the period of construction to announce the name of the owner or developer, contractor, architect, landscape architect or engineer. Such signs shall not exceed twelve (12) square feet and shall be removed prior to a certificate of occupancy being issued.

C. Temporary signs of mechanics, painters and other artisans, provided that such sign shall be erected on the property where such work is being performed and do not exceed twelve (12) square feet. They shall be removed promptly upon completion of the work.

D. Signs incident to the legal process of law, such as building permits, quarantines, condemnations, legal notices and the like.

(§1004 Cont'd.)

E. Customary warning and/or trespassing signs and signs indicating the private nature of a driveway or property, provided that the size and the sign does not exceed three (3) square feet and provided that the sign is not illuminated and is maintained in a proper condition.

F. Signs of a public or semipublic nature shall not exceed twenty (20) square feet in area. Not more than one (1) such sign shall be placed on each property unless such property fronts on more than one (1) street, in which case, one (1) such sign may be erected on each street frontage. Such signs shall only be used for the purpose of stating or calling attention to:

1. The name or location of a town, village, hospital, community center, public or private school, church, synagogue or other place of worship.

2. The name and place of meeting of an officia civic body, such as a Chamber of Commerce, Board of Trade, or service club.

3. An event of public interest, such a public or general election, church or public meeting local, county or state fair, volunteer fire department fair and other similar community activities and campaigns. Such signs have to be taken down within one (1) week following the occurrence of the event related to the sign.

G. Political signs, which shall be removed within one (1) week after an election.

1005 Signs Permitted in Residence Districts

The following types of signs are permitted in residence districts:

A. Signs permitted in Section 1004 of this Code.

B. Signs are permitted that advertise the sale or development of the property when erected in connection with the development of the property by a builder, developer, contractor or other person interested in such sale or development, provided that:

1. The size of such sign is not in excess of thirty-two (32) square feet for major subdivisions or twelve (12) square feet for minor subdivisions or single dwellings.

2. The sign shall be at least fifteen (15) feet from the curbline of a public road.

3. Each property shall have no more than one (1) such sign on each street bordering the property.

4. The sign shall be removed prior to issuance of the last certificate of occupancy for the subdivided properties.

5. Signs of alarm and security companies with a maximum of one (1) square foot.

C. Professional signs are permitted that identify the name of the person and his or her profession and specialty, as defined in this Code, provided that:

1. The size of such sign is not in excess of one and five-tenths (1.5) square feet for a single-faced sign and three (3) square feet for a double-faced sign.

(§1005 Cont'd.)

2. Not more than one (1) such sign shall be placed on any property and may be freestanding or attached.

3. The sign shall be at least five (5) feet from the property lines.

1006 Signs Permitted in Commercial and Industrial Districts

The following signs shall be permitted in the Commercial and Industrial Districts.

A. Signs permitted in Section 1004 of this Code.

B. Signs advertising the sale or development of the premises when erected in connection with the development of the premises by a builder, developer, contractor or other person interested in such sale or development, provided that:

1. The size is not in excess of thirty-two (32) square feet.

2. It shall be at least twenty-five (25) feet from a street or property line.

3. Not more than one (1) such sign shall be placed on any property unless the property fronts on more than one (1) street, in which event not more than one (1) sign may be erected on each street frontage.

4. The sign is removed prior to the issuance of the last certificate of occupancy.

C. Permanent freestanding signs, which shall be subject to the following regulations:

1. Site plan review is required for all new or altered freestanding signs. The Planning Board shall evaluate the sign for appearances, aesthetics, orientation, area impact, and obstruction of vision affecting safety.

2. Supporting frames for all such signs shall be of permanent materials, such as steel, concrete or masonry.

3. Unless otherwise specified herein, the maximum height and area of any freestanding sign shall not exceed the following for lots with lineal front footage on one street frontage as listed:

Lineal Front Frontage	Maximum Sign Area (square feet)	Maximum Height (feet)
Up to 150	40	20
151 to 200	50	20
201 to 300	80	20
301 to 400	100	20
401 to 500	120	20
500 and over	120	20

(§1006 Cont'd.)

4. Not more than one (1) freestanding sign per business premises shall be permitted on any one (1) street frontage.

5. Such sign may be interior lighted with non-glaring lights or may be illuminated by shielded floodlights.

6. Such sign shall be at least fifteen (15) feet from the property line.

D. Automobile and gasoline service stations may display the following signs, which are deemed customary and necessary to their respective businesses:

1. One (1) freestanding sign advertising the name of the station or garage and the principal products sold on the premises, including any special company or brand name, insignia or emblem, provided that each such sign shall not exceed forty (40) square feet in area on a side and shall be no closer than fifteen (15) feet to the property line. The bottom of the sign shall not be less than ten (10) feet above the ground, and the top shall not exceed twenty-five (25) feet.

2. One (1) temporary sign for special advertising located inside the property line along each street frontage, provided that said sign does not exceed twenty (20) square feet in area on one (1) side and shall be placed no closer than ten (10) feet to the property line.

E. Each permitted use may have a sign located on or attached to the principal facade of said use.

1. Said signs shall not exceed two (2) square feet in area for each one (1) foot of width of the principal building facade to which the sign must be attached, and in no case shall such sign exceed two hundred (200) square feet in area on one (1) side.

2. Such sign shall not project more than twelve (12) inches from the building facade to which it is attached; provided, however, that where a sign extends more than three (3) inches from the face of said wall, the bottom of said sign shall not be closer than ten (10) feet to the ground level.

3. Such sign shall not have a vertical dimension in excess of five (5) feet and shall project neither above the roof, cornice, parapet wall, or roofline when there is no cornice or parapet wall, nor beyond the ends of the building.

F. Window signs are permitted on the first floor of the building only. All window signs shall be attached to the inside of the store window and shall not have a total gross advertising area greater than ten percent (10%) of the principal facade of the ground floor or one hundred (100) square feet, whichever is less.

1007 Fees

A. Billboards:

The permit fee for any billboard shall be one dollar ($1.00) per square foot.

B. Signs:

The permit fee for any sign attached to a building shall be fifty cents ($0.50) per square foot.

C. Marquee Signs:

The permit for a marquee sign shall be fifty dollars ($50.00).

D. Canopy Signs:

The fee for a canopy sign shall be twenty dollars ($20.00).

1101 Regulation of satellite dish-type Antennas.

A. Satellite dish antennas are hereby permitted only as an accessory use to an otherwise permitted use in the borough subject to the requirements of all state and local requirements, building codes and the following:

1. Maximum number per lot: one.

2. Minimum setback from all property lines of lots shall be the same as for other accessory buildings and structures in accordance with other sections of the Borough Zoning Code.

3. Multifamily or multi-tenant properties or complexes: One per multifamily or multi-tenant residential or nonresidential property or complex.

B. Antenna use shall not interfere with any police or fire department transmission or reception of any other borough resident.

1102 Satellite dish antenna; permit required.

No satellite dish antenna shall be constructed, erected or installed except in conformance with all provisions of this chapter and only after a permit is obtained from the Borough Zoning Officer. The application of said permit shall be on such form as prepared by the Zoning Officer and shall include the following:

A. The owner and address of the property where the satellite dish is to be constructed.

B. The name and address of the company or person installing the dish.

C. A sketch or plan of the satellite dish antenna showing its dimensions and mounting details.

D. A plot plan or survey of the property showing the proposed location.

1201 Construction Standards:

A. MATERIALS – Fences shall be fabricated, constructed or built of wood, wire (No.11 gauge or heavier), brick, stone, masonry, aluminum, vinyl, steel, iron, wrought iron, growing plants or trees.

B. MATERIALS AND FENCING PROHIBITED – Barbwire, sharp point fences, electrically-charged fences, snow fences used as permanent fences, expandable fences and collapsible fences on any location on the lot upon which a dwelling or structure is situated are prohibited.

C. SUPPORT – All fences and walls shall be secured, fastened or constructed in such a manner as to prevent the fence or wall from sagging or falling. It shall be kept in good repair, including painting where applicable, and in accordance with the approved plan on file with the Construction Code Official.

1202 Permit fees:

A. It shall be unlawful to construct, reconstruct, enlarge or alter any fence unless and until a permit for such purpose has first been secured from the Construction Code Official and approval has been obtained from the Zoning Officer of the borough.

B. A permit may be granted, provided that the provisions of this chapter are complied with and provided that the showing the proposed location of the fence and a description of the type of fence to be erected.

C. A permit fee shall be paid to the Borough by the permit applicant, which fee shall be calculated in accordance with the construction fee schedule set forth in this Borough.

1203 Location.

A. Fences and/or shrubbery shall not be constructed or permitted at or near an intersection of two or more streets which would obstruct the view of motorists traveling on either intersecting street regardless of the regulations contained in this chapter and the Code of the Borough of Palmyra.

B. All fences and/or shrubbery must be erected within property lines. No fence and/or shrubbery shall be erected so as to encroach on a public right-of-way.

C. Fences (except for corner properties) shall not be erected, installed, placed or permitted beyond the front foundation line of the main house structure or beyond the front setback, as defined in the Code of the Borough, whichever gives the greatest setback.

D. Fences for rear yards or corner properties are permitted at the property line shared with a neighboring property, from the front set back to the rear property line. Fences shall not project beyond the side building line of the property main structure, on the street side of the corner property.

1204 Height and Condition:

A. Fences may be erected, altered or reconstructed to a height not to exceed six feet above ground level.

B. The foregoing regulations shall not be applied as to prevent the erection of an open-wire fence anywhere within a public park, pubic playground or school premises. Open-wire fences not exceeding eight feet may be erected around a utility operation or in the rear or side of a business or industrial zone.

(§1204 Cont'd.)

C. If any finish, painting, or other coating is placed on one side of a fence, or if one side of the fence has rough or unfinished condition, the finished side of the fencing shall face outward, i.e. away from the area being enclosed by the fencing.

1205 Exceptions.

A. Any fence lawfully in existence on the effective date of the adoption date of this chapter may continue in existence without compliance with the provisions of this section, except that the fence shall be kept painted, where applicable, and in good repair. However, if any fence or portion thereof, is destroyed or removed, it shall not be replaced except in compliance with the provisions of this chapter. For purposes of this section the act of removing and replacing pieces of fence with materials of like kind and quality in the same location shall not constitute destruction and removal of a fence, provided that such action is completed within 90 days. In the event that all pieces of a fence are replaced, such fence must comply with the current height restrictions.

B. Any fence that has received approval from the borough for recreational purposes or in order to provide proper security of Borough property shall be exempt from these regulations.

C. Any fence approved and erected by the Board of Education shall be exempt from these regulations.

D. These regulations shall not be applied so as to restrict the erection of a wall for the purpose of retaining earth if it poses a danger to the public safety.

Borough of Palmyra
Ordinance 2004-16

AN ORDINANCE OF THE BOROUGH OF PALMYRA AMENDING SECTION 1205A OF THE BOROUGH OF PALMYRA LAND DEVELOPMENT ORDINANCE

WHEREAS, by Ordinance No. 2003-13 adopted as of August 11, 2003 the Borough of Palmyra revised its Land Development Ordinance ("LDO"): and

WHEREAS, Section 1205 of the LDO, revised the standards to be used to regulate fences within the Borough; and

WHEREAS, the governing body has determined to amend Section 1205 of the LDO, Paragraph A to avoid unnecessary applications to the Planning Board for variances.

NOW, THEREFORE BE IT RESOLVED by the governing body of the Borough of Palmyra, in the county of Burlington and State of New Jersey as follows:

1. Section 1205 of the LDO, shall be amended to read as follows:

   A. Any fence lawfully in existence on the effective date of the adoption date of this chapter may continue in existence without compliance with the provisions of this section, except that the fence shall be kept painted, where applicable, and in good repair. However, if any fence or portion thereof, is destroyed or removed, it shall not be replaced except in compliance with the provisions of this chapter. For purposes of this section the act of removing and replacing pieces of fence with any Materials as set forth in Section 1201in the same location shall not constitute destruction and removal of a fence, provided that such action is completed within 120 days. In the event that all pieces of a fence are replaced, such fence must comply with the current height restrictions.

2. Repealer, Severability and Effective Date.

   A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

   B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Borough of Palmyra hereby declares it intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Borough to meet the goals of the Ordinance.

   C. Effective Date. This Ordinance shall take effect immediately upon final passage and publication of notice in accordance with the law.

CERTIFICATE OF CLERK

I, Pamela Scott, Acting Borough Clerk of the Borough of Palmyra, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true a correct copy of ordinance 2004-16 introduced by the Borough Council at a Regular meeting of said Council held on October 12, 2004, a public hearing was held on November 8, 2004 at a regular council meeting. Final adoption took place on November 23, 2004 at a duly called meeting.

Pamela Scott

Pamela Scott, Acting Municipal Clerk

published 12/2/04 BCT
effective 12/22/04

1301. Severability.

If any section, sentence, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other section, sentence, clause, provision or portion of this ordinance.

1302. Repealer.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

1303. When Effective.

This ordinance shall take effect immediately after final passage and publication thereof according to law.

1304. Pending Applications.

All applications for development filed prior to the effective date of this chapter may be continued, but any appeals arising out of decisions made on any such application shall be governed by the provisions of Section 726 and 727 of this Code.

1305 Effect of preliminary Approval of Major Subdivision or Site Plan

Preliminary approval of a major subdivision pursuant to this Ordinance and N.J.S.A. 40: 55D-48 or of a site plan pursuant to this ordinance and N.J.S.A. 40: 55D-46 shall confer upon the applicant the obligations and rights to proceed within the time periods and subject to the conditions set forth in N.J.S.A. 40: 55D-49.

1306 Effect of Approval of a Minor Subdivision

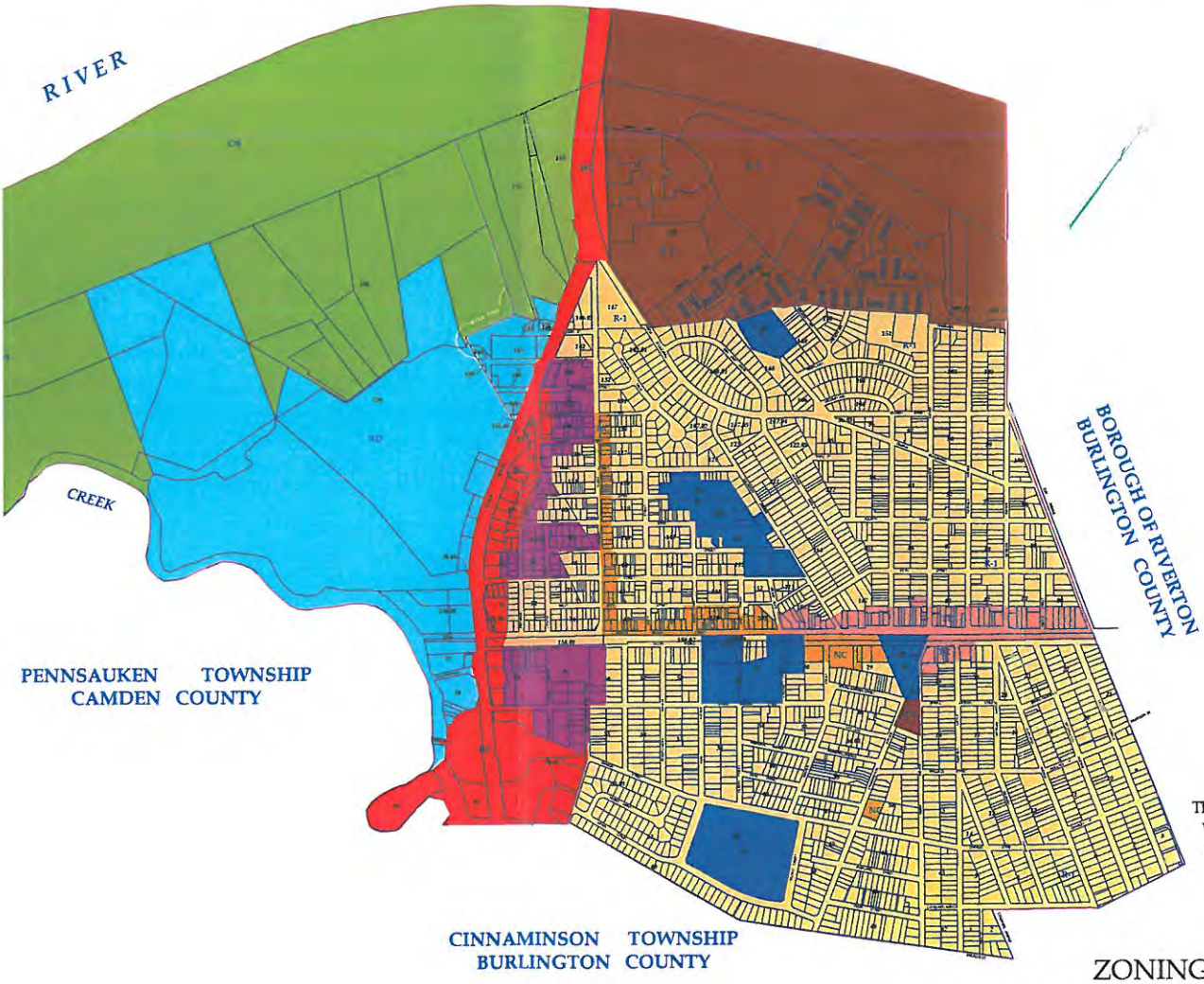
Approval of a minor subdivision pursuant to this Ordinance and N.J.S.A. 40: 55D-46.1 shall confer upon the applicant the obligations and rights to proceed within the time periods and subject to the conditions set forth in N.J.S.A. 40: 55D-47.

1307 Effect of Final Approval of a Major Subdivision or Site Plan

Final approval of a major subdivision or site plan shall confer upon the applicant the obligations and rights to proceed within the time periods and subject to the conditions set forth in N.J.S.A. 40: 55D-52.

1308 Expiration of Variance

Any variance hereinafter granted by the Planning Board pertaining to the erection or alteration of any structure and structures or permitting a specified use of any premises shall expire unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance or unless such permitted use has actually been commenced within one (1) year from the date of publication of the notice of the judgment or determination of the Board.



THIS IS NOT
AN OFFICAL ZONING MAP

The approved Redevelopment Zone Plan will take precedence over this design.

Borough of Palmyra Zoning Offical
Matthew J. O'Hara

ZONING MAP
BOROUGH OF PALMYRA

BURLINGTON COUNTY NEW JERSEY
SEPTEMBER 2005 SCALE: 1" = 500'

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