

## CHAPTER XXVIII

### SITE PLAN REVIEW

#### 28-1 SHORT TITLE.

This chapter shall be known as the Borough of Surf City Site Plan Chapter. (Ord. No. 78-5 § 1)

#### 28-2 DEFINITIONS.

**28-2.1 General.** Whenever a word or phrase used in this chapter is defined in N.J.S.A. 40:55D-1 et seq., the Municipal Land Use Law, such term shall be intended to have the meaning set forth in the definition of such term in that statute unless a contrary intention is clearly and explicitly expressed from the context of this chapter. (Ord. No. 78-5 § 2)

##### **28-2.2 Specific Definitions.** As used in this section:

*Approving authority* shall mean the Borough Planning Board unless a different agency is acting pursuant to the authority of the Municipal Land Use Law, as amended and supplemented.

*Exempt site plan* shall mean site plan approval by the approving authority shall not be required on subdivision or individual lot applications for detached one (1) or two (2)-dwelling unit buildings nor shall site plan approval by the approving authority be required for modifications to commercial structures nor changes in commercial use where the following criteria are met:

- a. There is no change in the exterior of the structure other than purely cosmetic changes.

- b. There is no change in the use of the structure or any portion thereof which will create intensified parking.
- c. There is no change in the use of the structure which will increase or create increased congestion in the streets surrounding the structure.
- d. There is no change of use in the commercial use from one permitted commercial use to a different permitted commercial use which permitted commercial use has stricter regulations and requirements imposed upon it by the Zoning Ordinance than the use which is being abandoned.
- e. There is no change in on-site parking design or construction, landscaping, exterior lighting or the like.
- f. There is no increase in the size nor number of exterior advertising signs located on the site.

The Zoning Official shall determine whether any applicant is exempt from the requirements of this chapter in accordance with the terms of this section.

*Land Use Procedure Ordinance.* Chapter XXVII of the Revised General Ordinances of the Borough of Surf City, entitled "The Land Use Procedure Regulations of the Borough of Surf City," as amended and supplemented.  
(Ord. No. 78-5 § 2; Ord. No. 81-11 § 2)

### 28-3 APPLICABILITY.

**28-3.1 Site Plan Review and Approval Required.** Site plan approval shall be required prior to the issuance of a building permit, zoning permit, or Certificate of Occupancy for all development in the Borough which does not meet the definition of exempt site plan as set forth in subsection 28-2.2.

The requirement for site plan approval shall not limit the requirements for submission of an application to the

approving authority for variance or subdivision approval as otherwise required by Borough ordinance or other applicable law. (Ord. No. 78-5 § 3)

**28-3.2 Performance Standards.** Site development plans shall be so designed to enhance the general appearance of the Borough, to promote the harmonious use of land, to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health, morals and general welfare, to provide adequate light or air, to prevent the overcrowding of land and buildings, and to encourage development and designs consistent with the purpose of the Zoning and Subdivision Ordinances of the Borough. (Ord. No. 78-5 § 3)

**28-3.3 Compliance with Zoning and Subdivision Chapters.** All development resulting from site plan approval shall comply with the zoning and subdivision requirements of the Borough, as well as all Borough design and performance standards, including conditions imposed by the approving authority, as shown on the approved plat, and as included in the resolution adopted by the approving authority. (Ord. No. 78-5 § 3)

## **28-4 PROCEDURE.**

### **28-4.1 Submission of Preliminary Site Plan; Approval.**

- a. The applicant shall file with the Borough Clerk at least twenty-one (21) days prior to the next public meeting of the approving authority:
  1. Fifteen (15) copies of the completed preliminary site plan.
  2. Fifteen (15) copies of the completed application for preliminary site plan approval.
  3. A certification from the Borough Tax Collector that no taxes or assessments for local

improvements are due or delinquent on the property which is the subject of the application.

4. Fifteen (15) copies of list of all permits required for development of the site plan, including a notation as to those permits which have been applied for and received.
5. The appropriate review fee as determined in Section 28-8 for preliminary site plan approval.
- b. The approving authority shall review the application for its completeness and accept or reject the submission as a complete application in accordance with the provisions of the Land Use Procedure Ordinance.
- c. If the submission is accepted as complete, the approving authority shall grant or deny preliminary site plan approval in accordance with the provisions of this chapter, the Land Use Procedure Chapter and all other applicable laws and ordinances.
- d. All preliminary site plans shall be submitted in accordance with the provisions and details set forth in Section 28-5.

(Ord. No. 78-5 § 4; Ord. No. 81-11 § 2; Ord. No. 84-8)

#### **28-4.2 Submission of Final Site Plan; Approval.**

- a. The applicant shall file with the Borough Clerk at least fourteen (14) days prior to the next public meeting of the approving authority:
  1. Six (6) copies of a completed application for final site plan approval.
  2. Six (6) copies of a completed final site plan, one (1) of which shall consist of an original mylar for signature by the approving authority.
  3. The appropriate review fee as determined in Section 28-8 for final site plan approval.



4. The appropriate inspection fee as determined by the Borough Engineer in accordance with subsection 28-7.4.
  5. Certification from the Borough Tax Collector that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of the application.
  6. Six (6) copies of a list of all permits required for development of the site plan, including a notation as to those permits which have been applied for and received.
  7. All required performance and maintenance guaranties.
- b. The approving authority shall review the application for its completeness and accept or reject the submission as a complete application in accordance with the provisions of the Land Use Procedure Chapter.
  - c. If the submission is accepted as complete, the approving authority shall grant or deny final site plan approval in accordance with the provisions of this chapter, the Land Use Procedure Ordinance and all other applicable laws and ordinances.
- (Ord. No. 78-5 § 4)

**28-4.3 Signature Upon Final Approval.** Upon final approval of a site plan, the Chairman and Secretary of the approving authority shall sign the mylar original and the one paper print. The signed mylar original shall be filed with the Borough Clerk and the paper print shall be retained by the approving authority for its files. Immediately upon final approval, the Secretary of the approving authority shall forward a copy of the approved final site plan to the Borough Tax Assessor, Tax Collector and Zoning Officer, respectively. (Ord. No. 78-5 § 4)

**28-5 SITE PLAN DETAILS.**

**28-5.1 Preliminary Site Plan Requirements.** All site plans and supporting documents shall comply with the requirements hereinafter set forth and shall contain the following information and data:

- a. Site plans shall be of a size no more than thirty inches by forty-eight (30" x 48") inches.
- b. Site plans shall be drawn to a scale of not less than fifty (50') feet to one (1") inch. All distances shall be in feet and decimals of a foot and all bearings shall be given to the nearest ten (10) seconds. The error of closing shall not exceed one (1) to ten thousand (10,000).
- c. The names of all owners of record of all adjacent properties and the lot and block numbers of the property as shown on the current tax map of the Borough.
- d. Existing school, zoning and special district boundaries. Such features shall be shown on a separate map or as a key map on a special detailed map itself.
- e. Boundaries of the property, building or setback lines, the lines of existing streets, lot reservations, easements and areas dedicated to public use.
- f. A copy of any covenants of deed restrictions that are intended to cover all or any part of the tract.
- g. Location of existing buildings which shall remain and all other structures such as walls, fences, culverts, bridges, roadways, electric, telephone or cable T.V. lines, with spot elevations of such structures. The outline of such structures shall be indicated by a dash line and those that shall remain shall be shaded.
- h. Location of all storm drainage structures and utility lines, whether publicly or privately owned, with pipe sizes, grades, and direction of flow. If any existing

utility lines are underground, the estimated location of shown.

- i. Existing contours with intervals of two (2') feet where slopes are less than five (5%) percent and five (5') feet when five (5%) percent or more, refer to as a datum as provided by the approving authority engineer to be indicated by a dash line. Where any change in contours is proposed, finish grades should be shown as solid lines.
- j. Location of existing high points, watercourses, depressions, ponds, marshes, single trees with a diameter of six (6") inches or more as measured three (3') feet above the base of the trunk and other significant existing features, including previous flood elevations of watercourses, pond and marsh areas as determined by survey.
- k. Title of development, north point, scale, name and address of record owner, engineer, architect, land planner or surveyor preparing the site development plan.
- l. A survey prepared by a licensed surveyor of the State of New Jersey shall accompany the site plan and shall show the boundaries of the parcel and the limits of all proposed streets, recreation areas, and other property to be dedicated to public use. The site plan may be accompanied by such other exhibits of an architectural or planning nature submitted by the applicant or as may be required by the approving authority pursuant to any ordinances now in existence or any ordinance hereinafter enacted in the Borough.
- m. All proposed easements, and public and community areas. All proposed streets with Subsection A profiles indicating grade, and B cross sections showing width of roadways, location and width of sidewalks and location and size of utility lines, according to the standards and specifications of the Borough.

- n. The proposed use or uses of land and buildings and proposed location of building, including proposed grades. Such features should be indicated on a separate drawing where deemed desirable and necessary by the approving authority.
- o. All means of vehicular access and egress to and from the site onto public streets showing size and location of driveways, curb cuts and sidewalks.
- p. The location and design of any off-street parking areas or loading areas showing size and location of bays, isles and barriers.
- q. The location of all proposed waterlines, valves and hydrants and of all sewer lines or alternative means of water supply or sewerage disposal and treatment in conformance with the applicable standards of the Borough.
- r. The proposed location, direction of illumination, amount of illumination expressed in average horizontal foot candles, hour and time of proposed outdoor lighting in conformance with applicable standards of the Borough and as may be applied by the approving authority.
- s. The proposed screening and landscaping, including planting plan, in conformance with the applicable standards of the Borough and the approving authority.
- t. Proposed storm water drainage system in conformance with the applicable standards of the Borough and the approving authority.
- u. Such other information or data as may be required by the approving authority in order to determine that the details of the site plan are in accordance with the standards of the ordinances of the Borough and all other general law.  
(Ord. No. 78-5 § 7)



**28-5.2 Final Site Plan Requirements.** The final site plan plat shall include all data required on the preliminary site plan drawn to incorporate all changes required as a condition of preliminary approval. The information and design on the final site plan plat shall be in final design condition. (Ord. No. 78-5 § 8)

## **28-6 APPROVAL OF SITE PLANS.**

**28-6.1 Conformance with Design Standards Required.** Approving authority approval of a site plan shall be guided by the fact that the site plan conforms with the following standards and regulations:

- a. The applicant has submitted a site plan containing all of the information and data as provided for in this chapter.
- b. The details of the site plan are in accordance with the standards of the Zoning Chapter, Subdivision Chapter and any and all other ordinances of the Borough which may be in existence at the time of the application, and in harmony with the officially adopted comprehensive Master Plan of the Borough.
- c. All parking and traffic problems shall be kept at a minimum by the use of engineering design features such as acceleration and deceleration lanes, jug handles, and marginal access streets.
- d. Adequate provisions shall be made to prevent drainage problems and to provide adequate water supply, drainage, shade trees, sewerage facilities and other utilities necessary for essential services to residents and occupants of the property subject to the application.
- e. All playgrounds, parking and service areas shall be reasonably screened from view of adjacent properties and streets at all seasons of the year where necessary

for the purpose of protecting the health, safety, general welfare, comfort and convenience of the public.

- f. The location, power, directions and time of any proposed outdoor lighting shall not have an adverse effect upon any properties in any adjoining residential districts by impairing the established character or potential use of the properties in such districts.
- g. The details of the site plan for the authorized use will be such that the operation shall not offend the public interest.

(Ord. No. 78-5 § 10)

**28-6.2 Exceptions.** The approving authority when acting upon an application for preliminary site plan approval may grant such exceptions from the preliminary site plan details and design and performance standards set forth in this chapter or any other ordinance of the Borough as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval, if the literal enforcement of one (1) or more of such provisions will result in exceptional practical difficulties to or exceptional and undue hardship to the applicant because of peculiar conditions pertaining to the land in question. (Ord. No. 78-5 § 9)

## **28-7 GUARANTEES; INSPECTIONS.**

**28-7.1 Inspection and Acceptance of Improvements.** No final plat shall be approved by the approving authority until all required on-site and off-site improvements, including, but not limited to those improvements set forth in Section 29-7 of this Revision, have been installed, inspected, certified and approved by the Borough Engineer and accepted by the Borough Council and a maintenance guaranty, if required, has been filed and accepted by the Council in accordance with the requirements of this chapter or their installation shall have

been provided for by a performance guaranty, if required, as accepted and approved by the Council in accordance with the requirements of this chapter. (Ord. No. 78-5 § 11; Ord. No. 2016-01)

**28-7.2 Performance Guarantee.** The performance guaranty, if required, shall consist of a performance bond in a form approved by the Borough Attorney, in which the applicant shall be principal and an acceptable surety company licensed to do business in the State of New Jersey shall be surety, or cash or certified check which shall be deposited within the Borough by payment to the Borough Treasurer.

The total performance guaranty, if required, shall be an amount not to exceed one hundred twenty (120%) percent of the estimated cost of the necessary improvements as determined by the Borough Engineer. Ninety (90%) percent of this total shall be in either cash, certified check or surety bond of a bonding company approved by the Council. The remaining ten (10%) percent shall be in cash and shall be paid in a like manner and under the same conditions as is the security aforesaid.

Performance guaranties, if required, shall run for a term not to exceed eighteen (18) months; except that such guaranties with the consent of the principal and surety, if any, may be extended by the Borough Council by resolution for an additional period not to exceed eighteen (18) months. (Ord. No. 78-5 § 11; Ord. No. 2016-01)

**28-7.3 Commencement of Work; Notice Required; Inspection.** At least one (1) week prior to the beginning of construction or installation of any required improvements, the developer shall notify the Borough Engineer in writing of the developer's intention to commence such work. All improvements and utility installations shall be inspected during the time of their installation by the Borough Engineer or his designee to insure satisfactory completion and no underground installation shall be covered until inspected by the Borough Engineer or his designee. (Ord. No. 78-5 § 11)



**28-7.4 Inspection Fees.** The cost of all inspections shall be the responsibility of the developer and he shall deposit the necessary inspection fee with the Borough Clerk upon making application for final approval under this chapter or prior to the start of any construction, whichever shall first occur. The inspection fee shall be in addition to the amount of any required performance or maintenance guaranty and shall consist of six (6%) percent of the estimated cost of the improvements to be constructed as determined by the Borough Engineer. This fee shall be held in reserve by the Borough and used to pay the cost of inspecting the construction. It shall be the obligation of the developer to pay for the actual cost of inspecting the construction. Any excess money shall be remitted to the developer upon approval of all improvements as provided herein. Any additional inspection costs shall be paid by the developer prior to the approval of the improvements by the Borough Council, as provided for herein. (Ord. No. 78-5 § 11)

**28-7.5 Completion of Improvements; Acceptance.**

- a. After completing the construction of the improvements covered by the performance guaranty, the developer shall make application to the Borough Council in writing by certified mail addressed to the Borough Clerk, with a copy sent by certified mail to the Borough Engineer for final inspection or such improvements. The Borough Engineer shall, within thirty (30) days after his receipt of such application, inspect the improvements in question and report in writing to the Council indicating either approval, partial approval or rejection of the improvements with a statement of reasons for any rejection. If partial approval is indicated, the cost of improvements rejected shall be set forth.
- b. The Borough Council shall either approve, partially approve or reject the improvements on the basis of the report of the Borough Engineer and shall notify the developer in writing, by certified mail, of the contents of such report and the action of the approving authority



not later than sixty-five (65) days after receipt of the notice from the developer of the completion of the improvements.

(Ord. No. 78-5 § 11)

**28-7.6 Liability of Obligor.** Where partial approval is granted, the obligor shall be released from all liability pursuant to its performance guaranty, except for that portion adequately sufficient to secure provision of the improvements not yet approved. Failure of the Borough Council to send or provide such notification to the obligor within sixty-five (65) days shall be deemed to constitute approval of the improvements, and the obligor and surety shall be released from all liability, pursuant to such performance guaranty.

If any portion of the required improvements are rejected, the approving authority may require the obligor to complete such improvements and, upon completion, the same procedure of notification, as set forth in this section shall be followed.  
(Ord. No. 78-5 § 11)

**28-7.7 Maintenance Guaranty.** No improvement shall be accepted, approved or partially approved by the Borough Council unless and until all of the following conditions have been met:

- a. The Borough Engineer shall have certified in writing that the improvement is complete and that it complies fully with the requirements of this chapter and all other applicable laws and ordinances.
- b. The maintenance guaranty is posted with the Borough Council for a period of two (2) years before final acceptance of the improvement, in an amount equivalent to fifteen (15%) percent of the cost of the improvement, as determined by the Borough Engineer. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed where the improvements are covered by performance or maintenance guaranty to another

governmental agency, no performance or maintenance guaranty, as the case may be, shall be required by the Borough for such utilities or improvements.

(Ord. No. 78-5 § 12)

**28-7.8 Effect of Final Approval; Borough Obligation.** The approval of any plat under this chapter by the approving authority shall in no way be construed as an acceptance of any street, drainage system or other improvement required by this chapter nor shall such plat approval obligate the Borough in any way to maintain or exercise jurisdiction over such street and drainage system or other improvement. Acceptance of any street, drainage system or other improvement shall be implemented only by favorable action of the Borough Council. (Ord. No. 78-5 § 11)

#### **28-8 REVIEW FEES.**

The applicant shall, at the time of filing an application for site plan approval, pay the following nonrefundable fee to the Borough by certified check, cash or bank money order.

Preliminary site plan approval, one hundred (\$100.00) dollars up to three (3) lots; twenty-five (\$25.00) dollars per additional lot.

Final site plan approval, one hundred (\$100.00) dollars up to three (3) lots; twenty-five (\$25.00) dollars per additional lot. (Ord. No. 78-5 § 13; Ord. No. 81-11 § 3)

#### **28-9 VIOLATIONS AND PENALTIES.**

In addition to any liability or penalty imposed by law or this chapter, any person violating any provision of this chapter shall, upon conviction thereof, be subject to penalties as set forth in Chapter I, Section 1-5.

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Each and every day in which a violation of any of the provisions of this chapter exists shall constitute a separate violation. (Ord. No. 78-5 § 17)