

**CHAPTER 300**

**LAND MANAGEMENT CODE**

**CITY OF PLEASANTVILLE**

**Chapter 300**  
**LAND MANAGEMENT CODE**  
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**ARTICLE I**  
**Title, Purpose & Applicability**

**§300-1 Establishment**

- A. This instant Chapter is adopted by the City of Pleasantville, County of Atlantic, State of New Jersey, as a comprehensive ordinance for the purposes of supporting and advancing the Principles, Objectives and recommendations contained in the City's 2008 Comprehensive Master Plan Update by;
- (1) establishing the regulatory powers to guide and regulate the orderly growth, development and redevelopment of the City of Pleasantville in accordance with a well-considered plan and to manage the use and development of lands and buildings in the City;
  - (2) establishing standards for the regulation of building envelopes and yard areas in the various sections of the City;
  - (3) establishing standards for the density and distribution of population within the City;
  - (4) dividing the various sections of the City into Zoning Districts of such number, shape and area and of such different classes according to use of land and buildings, height and bulk of buildings, intensity of use of lot areas, area of open spaces and other classifications as best suited to regulate development;
  - (5) adopting a Zoning Map for the City, depicting the boundaries and classifications of such Zoning Districts;
  - (6) establishing rules, regulations and standards governing the subdivision of lands within the City;
  - (7) providing for procedures for the grant of variances from such regulations, standards, restrictions and limitations;
  - (8) establishing a Planning Board and a Zoning Board of Adjustment for the City;
  - (9) establishing regulations pertaining to preexisting lots, structures and uses which do not conform to the regulations, standards, restrictions and limitations established by this Chapter; and
  - (10) prescribing penalties for the violation of any provisions of this Chapter.

**§300-2 Short title**

The short form by which this Chapter may be known shall be "The Land Management Code of the City of Pleasantville".

**§300-3 Conformance with the *Municipal Land Use Law***

- A. The New Jersey *Municipal Land Use Law* (N.J.S.A. 40:55d-1 et seq.) grants municipalities the power to manage the physical development of the lands within their corporate boundaries and provides the following guiding purposes to be achieved by their land use / development regulations:
- (1) To encourage municipal action to guide the appropriate uses or development of all lands in this State, in a manner which will promote that public health, safety, morals, and general welfare;
  - (2) To secure safety from fire, flood, panic, and other natural and man-made disasters;

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- (3) To provide adequate light, air and open space;
  - (4) To ensure that the development of the City does not conflict with the development and general welfare of neighboring municipalities, the county and state as a whole;
  - (5) 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;
  - (6) To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
  - (7) To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational and 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;
  - (8) To encourage the location and design of transportation routes which will permit the free flow of traffic while discouraging location of such facilities and routes which will result in congestion or blight;
  - (9) To provide a desirable visual environment through creative development techniques and good civic design and arrangements;
  - (10) To promote the conservation of historic sites and districts, open space, energy resources, and valuable natural resources in the state and to prevent urban sprawl and degradation of the environment through improper use of land;
  - (11) To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development of the particular site.
  - (12) To encourage senior citizen community housing construction;
  - (13) 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;
  - (14) To promote utilization of renewable energy resources; and
  - (15) To promote the maximum practicable recovery and recycling of recyclable materials from municipal waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to compliment municipal recycling programs.
- B. The City of Pleasantville affirms its commitment to these purposes and adopts same as general guidelines for this Chapter.

**§300-4 Interpretation of Standards**

- A. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements for the promotion of the public health, safety, comfort, morals and general welfare in the City.
- B. Where the provisions of this Chapter impose greater restriction than those of any provision of law, statute, rule or regulation, the provisions of this Chapter shall control. Where the provisions of any law, statute, rule or regulation impose greater restrictions than this Chapter, the provisions of such law, statute, rule or regulation shall control.

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- C. In the event of any conflict in terminology of any section or part of this Chapter, the more restrictive provision shall control.
- D. This Chapter, being necessary for the welfare of the City and its inhabitants, shall be construed liberally to effect the purposes thereof.

**§300-5 General Applicability**

- A. Jurisdiction: The provisions of this Chapter shall apply to all structures, lands and land uses within the corporate limits of the City of Pleasantville, Atlantic County, New Jersey.
- B. General Application: All buildings and structures erected hereafter, all uses of land or buildings established hereafter, all structural alterations or relocations of existing buildings occurring hereafter and all enlargements of, additions to, changes in and relocations of existing uses occurring hereafter shall be subject to the regulations of this Chapter. Existing buildings, structures and uses which do not comply with the regulations of this Chapter shall be allowed to continue, subject to the provisions of §300-20 addressing pre-existing nonconformities.

All applicable requirements of this Chapter shall be met prior to any 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 the subject of the erection, enlargement, alteration, moving or change in use.

- C. General Prohibition: No building or structure; no use of any building, structure or land; and no Lot of Record or other Lot now existing shall, after the adoption of this Chapter, be created, erected, altered, moved, added to, enlarged, divided, used or maintained for or in any manner or purpose except as authorized by and in conformance with the provisions of this Chapter.

**D. Utility Uses**

- (1) The following utility uses are permitted in all Zoning Districts, subject to the provisions of this Chapter: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar equipment, but not including substations located on or above the surface of the ground for the distribution to consumers of telephone, cable, television or other communications, electricity, gas or water or for the collection of sewage or surface water.
- (2) The provisions of this Chapter shall not apply to a development proposed by a public utility for installation in more than one (1) municipality for the furnishing of service if, upon a petition of the public utility pursuant to N.J.S.A. 40:55D-19, the Board of Public Utility Commissioners shall, after a hearing of which the City of Pleasantville shall have been given notice, decides that the proposed installation is reasonably necessary for the service, convenience or welfare of the public, nor shall it apply to any public utility use to the extent authorized by a decision of the Board of Public Utility Commissioners as follows:

**E. General Exemptions**

- (1) Private Agreements. Nothing in this Chapter shall be construed to repeal, abrogate, annul or otherwise impair or interfere with any easement, covenant or other private agreement or legal relationship; provided, however, that where the regulations of this Chapter are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements or legal relationships, the regulations of this Chapter shall govern.

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(2) Preexisting Approvals

(a) Any variance or land use approval lawfully issued prior to the Effective Date of this Chapter, or any amendment to such variance or land use approval which was lawfully issued pursuant to the provisions in effect after the Effective Date of this Chapter, shall be deemed to be and continue valid after such Effective Date. Any structure or use lawfully authorized by any such variance or land use approval which could not be so issued after such Effective Date shall be allowed to continue, subject to the provisions of §300-20 addressing pre-existing nonconformities.

(b) Nothing in this Chapter shall be deemed to require any change in the plans, construction or designated use of any structure in the event that:

[1] A building permit for such structure was lawfully issued prior to the Effective Date of this Chapter or any amendment thereof;

[2] Such permit had not by its own terms expired prior to such Effective Date;

[3] Such permit was lawfully and properly issued in accordance with the law prior to such Effective Date;

[4] There has been a substantial change of position, substantial expenditures or incurrence of substantial obligations by the permit holder in good faith and justifiable reliance on such permit;

[5] Such change of position, expenditures or incurrence of obligations occurred prior to the time the permit holder had actual or constructive knowledge of any proposed amendment to this Chapter which would upon adoption, make the issuance of such permit illegal;

[6] Construction pursuant to such permit commenced prior to the expiration of such permit and within 90 days following the Effective Date and is thereafter diligently pursued to completion.

(3) Occupancy as a Nonconformity: Upon completion of a structure which does not comply with the regulations made applicable to it by this Chapter pursuant to a preexisting building permit as authorized by §300-5E.(2)(b) above, such structure may be occupied by and a Certificate of Occupancy or Occupancy Permit shall be issued for the use designated on such permit, subject thereafter to the provisions of §300-20 addressing pre-existing nonconformities.

F. Pending Applications

(1) Applicability: This Chapter and any amendment thereof to which this section is expressly made applicable shall apply to all applications pending and not yet finally decided on the Effective Date of this Chapter. Applications pending on the date of any amendment of this Chapter to which this section is not expressly made applicable by the terms of the Ordinance adopting such amendment shall be decided in accordance with the law in effect on the date such application was filed.

(2) Duty of City Officials:

(a) Within 20 days following the effective date of this Chapter or any amendment thereof to which this section is expressly made applicable, any City official, agency, board or department then having pending before it any application to which this Chapter or such amendment applies shall transmit a copy of such application to the Zoning Officer.

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(b) Within 30 days following the Effective Date of this Chapter or any amendment thereof to which this section is expressly made applicable, or such shorter time as may be necessary to comply with time limits for processing applications imposed by other provisions of this Chapter, the Zoning Officer shall inform each applicant named on each application referred pursuant to subsection F.(2)(a) above that such application is subject to amended regulations, and will be processed in accordance such amended regulations; that the applicant may, within 30 days following the mailing of such notice, refile such application without additional Application Fee, but with any such additional Escrow Fees as may be required for any third-party professional to process such application on behalf of the City official, agency, board or department; and that if he/she does not so refile, the application may be denied for noncompliance with the provisions of this Chapter, as amended.

(3) Duty of Applicant: Notwithstanding the foregoing provisions, it shall be the responsibility of each applicant having an application pending on the Effective Date of this Chapter, or any amendment thereof to which this section is expressly made applicable, to modify such application in accordance with the terms and provisions of this Chapter, as amended, and the failure to do so may result in denial of such application for failure to comply with this Chapter, as amended.

Any modification or refiling of an application pending on such effective date in order to comply with the provisions of this Chapter, as amended, shall be permitted at any time prior to the final disposition of such application and shall be permitted without payment of any additional application fee, but shall require such additional escrow fees as may be necessary for any third-party professional to process such application on behalf of the City official, agency, board or department. Such refiling shall start anew any time limits imposed by this Chapter on the processing of such application.

(4) Processing: Upon the refiling of any pending application as provided for herein, or upon notification from the applicant that he/she will not refile or modify the application or to prosecute the application in accordance with the time limits otherwise applicable to the processing of such application, whichever occurs first, such pending application shall be processed in accordance with the terms of this Chapter, as amended.

**§300-6 Continuance of Authority**

- A. Notwithstanding any other provisions of this Chapter, the authority of the Zoning Officer, Planning Board, Board of Adjustment and City Council to regulate development in the City of Pleasantville is hereby authorized to continue pursuant to this Chapter.
- B. Members of the Pleasantville Planning Board and Pleasantville Zoning Board of Adjustment serving on such Boards on the Effective Date of this Chapter shall continue in office until the completion of their terms as provided by law immediately prior to the Effective Date of this Chapter. Any new appointments or reappointments to said Boards shall be governed by the provisions of this Chapter.

**§300-7 Effect of Judgments of Invalidity**

- A. Severability: The several provisions and sections of this Chapter shall be severable in accordance with the following rules:
  - (1) Should any provision of any article, section, subsection, paragraph, subdivision or clause of this Chapter be judged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Chapter and, to this end, the provisions of each article, section, paragraph, subdivision or clause of this Chapter are hereby declared to be severable.



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- (2) Should any court of competent jurisdiction adjudge invalid the application of any provision of this Chapter to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure.

**§300-8 Enforcement, Penalties**

A. Civil and Administrative Enforcement: Should any building or structure be erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure or land be used; or any work be done in violation of this Chapter, the City and its designated agents or any interested party may, in addition to other remedies:

- 1) Institute any appropriate action or proceeding 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; and/or
- 2) Revoke any permit or approval issued or granted pursuant to this Chapter without regard to whether work has begun or a use has been commenced pursuant to such permit or approval.

B. Violations and Penalties:

- (1) In addition to the civil remedies provided herein, the owner, general agent or contractor, lessee or tenant of any part of a building or premises in which a violation of the provisions of this Chapter has been committed or found to exist, and the general agent, architect, builder, contractor or any other person who commits, takes part in or assists in such violation shall, upon conviction in the Municipal Court of the City of Pleasantville, be punished for each offense by a fine of not less than \$250.00 and not more than \$2,000.00, by imprisonment for a term not exceeding 90 days in the county jail or in any place provided by the City of Pleasantville for the detention of prisoners, by a period of community service not exceeding 90 days, or by any combination thereof.
- (2) Each separate provision of this Chapter violated and each and every day on which any such violation continues shall be considered a separate offense. The Municipal Judge before whom any such person may be convicted of violating any provision of this Chapter shall have power to impose any fine or term of imprisonment not exceeding the maximum fixed herein.
- (3) Any person convicted of any such violation under this section shall pay all costs and expenses incurred by the City in determining such violation.
- (4) Penalties for such violations shall be collected and violations of this Chapter shall be prosecuted in the manner prescribed by law or ordinance effective in the City of Pleasantville.
- (5) Nothing in this Chapter shall be construed as depriving the City of Pleasantville of the City Council thereof of any other available remedy.

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**ARTICLE II**  
**Fees**

**§300-9 Fees, Enumerated**

- A. Every application for Land Use Approval shall be accompanied by a check or money order, made payable to the City of Pleasantville in accordance with the Fee Schedule contained in §300-9J. Applicant(s) shall submit separate checks or money orders for the Application Fee(s) and the Escrow Deposit(s).
- B. The Application Fees and the sum stated for the Escrow Deposit are minimums which must accompany the application.
- C. Application Fees are due *at time of* submission of the Application. Escrow Deposits are required before the Application is deemed Complete in accordance with this section and §300-27.
- D. Every approval granted and every permit issued pursuant to this Chapter shall, whether or not expressly so conditioned, be deemed to be conditioned upon payment of Fees and Escrows as required. Failure to fully pay any such Fee or Escrow, when due, shall be grounds for denying or revoking any permit or approval sought or issued with respect to the land or development to which the unpaid Fee or Escrow relates, including the delay or denial of a Certificate of Occupancy if outstanding fees are due and owing.
- E. Fees Cumulative: Where a single application includes several approval requests, the sum of the individual fees are required.
- F. Application Fees: Application Fees shall be used to compensate the City for the actual costs incurred for time spent by City employees for the administrative processing of applications. Such Fees shall be deposited into the general account of the City upon receipt and are nonrefundable.
- G. Escrow Deposits: Escrow Deposits shall be used to pay for the actual costs incurred by the Planning Board or Zoning Board of Adjustment, as the case may be, for professional services connected with the review of an application for Land Use Approval, including, but not limited to, engineering, planning, legal, traffic, environmental or other special analyses related to the Board's review of the application, or any necessary studies regarding off-tract improvements. Such review shall include, but need not be limited to:
  - (1) Review of applications, plans and accompanying documents;
  - (2) Issuance of reports setting forth recommendations resulting from the review of any documents submitted by the applicant;
  - (3) Charges for any telephone conference or meeting requested or initiated by the applicant, applicant's attorney or any applicant's experts or representatives;
  - (4) Review of additional documents submitted by the applicant and issuance of reports relating thereto;
  - (5) Review or preparation of easements, developer's agreements, deeds, approval resolutions or the like;
  - (6) Preparation for and attendance at all meetings by professionals serving the subject Board; and
  - (7) The cost of expert advice or testimony obtained by the Board for the purpose of corroborating testimony of applicant's experts.

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- H. The Tax Map Update Escrow Deposit is designed to compensate the City for the actual third-party costs incurred by the municipality for revisions to the City's Tax Maps and associated G.I.S. database(s) necessitated by the lot subdivision and consolidation process, resulting in the creation of new lot(s), the revision of any existing lot(s) and/or the alterations to the Tax Maps and/or G.I.S. database(s).

Such third-party costs include, but need not be limited to, revisions to existing tax map plates, creation / additions of new tax map plates, appropriate revisions to the City's Key Map(s), updates to the G.I.S. database, reprographic services for applicable Municipal, County and State submission copies, as well as any reasonable shipping and handling fees involved.

I. Escrow Accounts

- (1) Escrow Deposits in connection with an application for Land Use Approval shall be made via separate check or money order from the check or money order paying the Application Fee; made payable to the City of Pleasantville, with the words Escrow Deposit in the memo field. Such check or money order shall be deposited as a separate, project-related account by the City's Chief Financial Officer at the direction of the Board Secretary.
- (2) Similarly, the Tax Map Update Escrow Deposit shall be made via separate check or money order from the check or money order paying the Application Fee or Escrow Deposit referenced in subsection I. (1) above; made payable to the City of Pleasantville, with the words Tax Map Update Fee in the memo field. Such check or money order shall be deposited as a separate, project-related account by the City's Chief Financial Officer at the direction of the Board Secretary.

Should the Subject subdivision or consolidation be approved, the Tax Map Escrow Deposit shall be used for its stated purpose. Should the Subject subdivision or consolidation be denied, the Tax Map Escrow Deposit shall be returned to the Applicant in accordance with the following procedures.

- (3) All professional charges shall be paid from such account, and detailed records of such charges, along with a detailed accounting of each applicant's deposit(s) shall be maintained by the Board Secretary. A copy of said accounting shall be available to the applicant upon request.
- (4) If, at any time during the review process, the amount in the Escrow Fund has been reduced to 40% of the original amount placed in Escrow and the Zoning Officer determines that additional escrow funds are needed to complete review of the application, the Board Secretary shall communicate to the applicant, in writing, the status of the account and shall require such applicant to replenish the account with such additional sums as may be required to cover actual professional costs;
- (5) No plans, plats, deeds, Construction Permits, Certificates of Occupancy or other similar document requiring final signature by a Board official shall be processed until a final accounting of all professional service fees has been undertaken and it has been determined that no additional Escrow funds are required.
- (6) Any moneys not expended for professional services may be returned to the applicant upon written request by the applicant and upon certification by the Zoning Officer that no activities requiring the use of such funds shall be required.
- (7) All payments charged to the deposit shall be pursuant to invoices and/or vouchers from the professionals detailing the hours spent, the hourly rate and the expenses incurred;
- (8) No professional submitting charges to the City for any review of an application for development shall charge for such services at any higher rate or in any different manner than would normally be charged to the City for similar work;

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- (9) Upon written request by the applicant, the City shall render a written final accounting as to the uses to which the Escrow Fees were employed and shall, if requested, provide copies of the vouchers to the applicant.

**J. Application Fee & Escrow Deposit Schedule**

The following schedule of fees shall pertain to the applications for development presented to the Planning Board and/or Zoning Board of Adjustment and for the administrative review of Zoning Permits. Fees pursuant to this Schedule are minimums which must accompany every application:

**APPLICATION FEE &  
ESCROW DEPOSIT SCHEDULE**

<b><u>Application Type</u></b>	<b><u>Application Fee</u></b>	<b><u>Escrow Deposit</u></b>
Preapplication Conference	\$100.00	\$300.00
Extension of Approval		
without Additional Review	\$200.00	\$0.00
with Additional Review	\$200.00	As if new Application
Subdivisions		
Minor	\$250.00	\$800.00
Preliminary Major		
10 Lots or Fewer	\$300.00 + \$20.00 per Lot	\$2,500.00
11 to 24 Lots	\$300.00 + \$20.00 per Lot	\$3,000.00
25 Lots or More	\$400.00 + \$20.00 per Lot	\$3,500.00
Final Major		
10 Lots or Fewer	\$200.00 + \$15.00 per Lot	\$1,000.00
11 to 24 Lots	\$250.00 + \$15.00 per Lot	\$1,500.00
25 Lots or More	\$300.00 + \$15.00 per Lot	\$2,000.00
Tax Map Update Escrow Deposit (subdivision or Consolidation)	N/A	\$65.00 per lot affected
Site Plans		
Minor	\$550.00	\$2,000.00
Preliminary Major		
1 to 3 stories <sup>1</sup>	\$800.00	\$4,000.00
4 stories & above	Fee Applicable to Preliminary Major Site Plans + \$50.00 for each story above 3 stories. <sup>1</sup>	Escrow Applicable to Preliminary Major Site Plans + \$1,000.00 for each story above 3 stories. <sup>1</sup>
Final Major		
1 to 3 stories	\$650.00	\$3,000.00
4 stories & above	Fee Applicable to Final Major Site Plans + \$25.00 for each story above 3 stories. <sup>1</sup>	Escrow Applicable to Final Major Site Plans + \$500.00 for each story above 3 stories. <sup>1</sup>

<sup>1</sup> For Fee and Escrow calculation purposes only, every 10' of building height shall equal a story. Standard rules of rounding shall apply (i.e., 40.01' to 44.99' shall equal 4 stories and 45' to 49.99' shall equal 5 stories.

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**APPLICATION FEE &  
ESCROW DEPOSIT SCHEDULE**

<u><b>Application Type</b></u>	<u><b>Application Fee</b></u>	<u><b>Escrow Deposit</b></u>
Site Plan Amendment to Minor Site Plan to Major Site Plan	50% of Minor Application 50% of Final Major Application	
Site Plan Waiver	\$300.00	\$1,000.00
Appeal of Decision of Zoning Officer ( <u>N.J.S.A. 40:55D-70(a)</u> )	\$250.00	\$300.00
Interpretation or Special Question ( <u>N.J.S.A. 40:55D-70(b)</u> )	\$250.00	\$500.00
Variance ( <u>N.J.S.A. 40:55D-70(c)</u> )	\$250.00 for first Variance + 50% of such Fee / Escrow for each additional variance	\$300.00
Technical ‘c’ Variance <sup>2</sup>	\$0.00	\$0.00
Variance ( <u>N.J.S.A. 40:55D-70(d)</u> )	\$550.00	\$600.00
Certificate of Non-Conformity Within one (1) year from ordinance change (Administrative review)	\$250.00	N/A
After one (1) year from ordinance change (Zoning Board review)	\$250.00	\$1,000.00
Zoning Permit		
Commercial	\$60	Landscape Plan Review, where required by Zoning Officer: \$150.00
Residential	\$40	
Certified List of Property Owners for Notification Purposes	\$0.25 for each name, \$10.00 minimum <sup>3</sup>	N/A
Transcript or recordings of proceedings held pursuant to this Chapter	Actual cost to the City + 10% to defray administrative expenses. <sup>4</sup>	N/A

<sup>2</sup> Defined as variances for pre-existing nonconformities not being caused or exacerbated by the actions proposed under the Subject Application.

<sup>3</sup> Payable to the City Tax Assessor upon applicant’s request of such list.

<sup>4</sup> Payable by deposit of \$300.00 upon ordering of the transcript, with the balance upon receipt.

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**APPLICATION FEE &  
ESCROW DEPOSIT SCHEDULE**

<b><u>Application Type</u></b>	<b><u>Application Fee</u></b>	<b><u>Escrow Deposit</u></b>
Documents	As per <u>N.J.S.A.</u> 47:1A-2	N/A
Publication of Notice of Final Decision	\$40.00 <sup>5</sup>	N/A
Request for Amendment to Land Management Code	\$800.00	\$5,000.00

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<sup>5</sup> Due upon the Filing of an application.

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**ARTICLE III**  
**Definitions & Descriptions**

**§300-10 Definitions and word usage.**

For the purposes of this Chapter, and in addition to any terms defined within the body of this document, the following terms shall have the meaning as set forth in this section, except when the context clearly requires otherwise. Terms presented as singular or plural, masculine or feminine, or present or past tense shall be construed within the context in which they occur. In addition to specific definitions, the following general terms shall have the following meanings:

- “abut” shall include the terms “directly across from”, “adjacent to”, “next to”;
- "building" shall include the terms "structure," "dwelling" or "residence";
- "lot" shall include the terms "plot" and "premises";
- “may” shall indicate a permissive and discretionary action;
- “occupied” shall include the word “designed” and “intended to be occupied”;
- "person" shall include individuals, firms, corporations, associations, trusts and similar entities.
- "shall" shall indicate a mandatory and non-discretionary action;
- “such as” or “i.e.,” is intended to introduce a typical or illustrative item rather than an entirely exclusive or inclusive designation of permitted or prohibited uses, activities, establishments or structures.
- "used" shall include the terms “arranged”, “designed”, “constructed”, “altered”, “converted”, “rented”, “leased” or “intended to be used”; and
- “zone” shall include the term “district”.

Any words or terms not defined herein shall have the meaning as defined in Merriam-Webster's Collegiate Dictionary (latest edition) and at Merriam-Webster's On-Line Dictionary (<http://www.merriam-webster.com>).

Whenever a term used in the Chapter is defined in the *Municipal Land Use Law* or in the Uniform Construction Code<sup>6</sup>, such term is intended to have the meaning as defined in the *MLUL* or the UBC, unless specified to the contrary in this Chapter.

Terms describing uses, structures or issues which are similar to but not exactly the same as terms included herein may be interpreted by the City, its officials and its Boards, in their sole discretion, within the common parlance context in which the term is employed. For example, “Fast-Food Service Establishment”, “Fast-Food Establishment” and “Fast Food Restaurant” may be construed to describe the same use, and “Four-plex” and “Quad” may be construed to describe the same structural type.

In case of any difference of meaning, interpretation or implication between the text of this Chapter and any caption, illustration, table or appendix, the text shall control.

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<sup>6</sup> N.J.A.C. 5:23 (“UCC”)

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**ACCESSORY BUILDING [STRUCTURE]:** A building or structure ~ whether permanently anchored to the ground or not, but not to be construed to include small storage boxes which are otherwise portable without the use of additional equipment ~ which is customarily associated with, subordinate in area, extend and purpose to, incidental to and designed to support or contribute to the comfort, convenience or necessity of the occupants, business or industry of a Principal Building or Structure served. Accessory buildings or structures shall be non-habitable; have a gross floor area of not more than 500 s.f.; and, except as otherwise expressly authorized by the provisions of this Chapter, shall be located on the same lot as the principal use, building or structure served.

An otherwise Accessory Building or Structure which is attached to a Principal Building or Structure shall be considered part of the Principal Building or Structure.

**ACCESSORY USE:** A use which is customarily associated with, subordinate in area, extend and purpose to, incidental to and designed to support or contribute to the comfort, convenience or necessity of the occupants, business or industry of a Principal Building or Structure. Except as otherwise expressly authorized by the provisions of this Chapter, Accessory Uses shall be located on the same lot as the Principal Use served.

**ADA:** The Americans with Disabilities Act (42 U.S.C.A. ~ 12101 et. seq.)

**ADMINISTRATIVE OFFICE:** An establishment primarily engaged in overall management and general supervisory functions, performed in a single location or building for third-party clients or divisions of the same company. Examples include, management, personnel, finance and sales.

**ADMINISTRATIVE OFFICER:**

- A. For matters pertaining to the Pleasantville City Council: the Pleasantville City Clerk;
- B. For matters pertaining to applications, minutes, records maintenance or other administrative issues matters relating to the Pleasantville Planning Board or Zoning Board of Adjustment: the Planning Board or Zoning Board Secretary, as applicable;
- C. For matters pertaining to the official list of adjacent property owners for required notices: the Pleasantville Tax Assessor;
- D. For matters pertaining to the Certification of Completeness for a land use application, the issuance of a development permit, enforcement of this Chapter or actions taken pursuant to complaints regarding the enforcement of this Chapter: the Pleasantville Zoning Officer;

**ADULT ESTABLISHMENT:** A facility devoted to the presentation and exploitation of illicit sex, lust, passion, depravity, violence, brutality, nudity, immorality and other obscene subjects, etc., used in connection with the aforementioned activities or purposes; which may be in the form of a live presentation in private or semiprivate viewing areas, or the sale, rental or distribution of books, magazines, pamphlets, photographs, motion pictures, records, video and audio tapes depicting such activities or purposes.

**ADVERSE EFFECT:** Conditions or situations created by a proposed development that impose, aggravate or lead to impractical, unsafe or unsatisfactory conditions on properties such as, but not limited to, inadequate drainage facilities, unsuitable street grades, street locations that fail to compose a convenient system, and failure to provide or make future allowances for access to the interior portion of adjoining lots or for other facilities required by this Chapter.

**ADVERTISING SIGN:** See “Sign, Advertising”.



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**AGE-RESTRICTED HOUSING:** (Subject to the requirements of any State or Federal regulations) A residential community in a single building or group of buildings, designed for three (3) or more individuals over the age of 55 who are not related by blood or marriage to the operator, which shall contain residential dwelling units, open space and social, cultural and recreational facilities. Age-Restricted Housing may include provisions for food service, housekeeping and maintenance services, health care and social services which may be normal and customary for such facilities. Examples of Age-Restricted Housing are Independent or Assisted Living Facilities, Congregate Senior Residences, Adult Retirement Communities and Adult Intermediate Care Facilities. Age-Restricted Housing may include provision of Adult Day Care<sup>7</sup> to qualified nonresidents.

**AGRICULTURAL DEVELOPMENT:** Land uses normally associated with the production of food and fiber for sale. For the purposes of this Chapter, such uses shall not include the development of land for the processing or sale of food and the manufacture of agriculturally-related products.

**ALLEY:** A secondary public thoroughfare of less than 30' in width serving vehicular and pedestrian traffic and affording access to an abutting property. Regardless of the size (length or width) or extent of paving, if at all, all Alleys in the City of Pleasantville shall be considered streets.

**ALTERATION:** As applied to a building or a structure, a change or rearrangement in the structural members, means of egress or other component of an existing facility, or an enlargement, whether by extension of a side or by increasing in height, or by moving from one location or position to another. Aesthetic changes to the exterior of a building or structure which do not impact the aforementioned shall not be considered an Alteration.

**AMENDMENT:** A means for making changes to this Chapter or the Zoning Map.

**AMUSEMENT ARCADE:** Any building, structure or premises which has for its primary or Accessory purpose or function the offering Amusement Devices for the entertainment of participants.

**AMUSEMENT DEVICE:** Any coin- or non-coin-operated machine, ride, game of skill or chance, contrivance or devise, which upon activation by any means, is or may be operated by the public generally for use as a game, entertainment or amusement; whether or not registering a score. Amusement Devices shall include, but not be limited to, electronically operated games, skill-ball, mechanical games or operations or transactions similar thereto; by whatever name they maybe called. Pool or billiard tables shall not be considered Amusement Devices.

**ANIMATED [MOVING] SIGN:** See Sign, Animated [Moving]”.

**APARTMENT:** A room or suite of rooms used as a single dwelling unit and located in a building in which there are three (3) or more such rooms or suites. With the exception of Garden Apartments as defined herein, no Apartment in the City of Pleasantville shall be less than 800 s.f. net habitable area. See “Multi-Family Dwelling”.

**APARTMENT BUILDING:** A structure in which three (3) or more Apartments are located.

**APARTMENT, GARDEN [BUILDING]:** A Multi-family structure designed to resemble (and conform to Bulk Requirements for) a Townhouse as defined in §300-10, except that, subject to applicable Design Standards (§300-51), multiple Garden Apartment Buildings may be constructed on a single Lot, and further except that dwelling units in Garden Apartments may be placed in a horizontal configuration (i.e. one dwelling unit above the other ~ for a maximum of one 1<sup>st</sup> floor unit and one 2<sup>nd</sup> floor unit).

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<sup>7</sup> Provision of health care, food service and/or recreational, social and cultural activities and other support services on a daily basis.

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Individual Garden Apartment Buildings shall contain not less than three (3) and not more than eight (8) pairs of stacked dwelling units. Each dwelling unit shall have its own sleeping, cooking, sanitary and general living facilities wherein not more than one (1) person per household is sheltered or fed for profit.

Each Garden Apartment dwelling unit shall be a minimum of 1,000 s.f.

Off-street parking for Garden Apartments shall be to the rear of the buildings and shall be accessible from common driveways.

**APARTMENT, VERTICAL:** A residential structure of more than three (3) stories containing three (3) or more Apartments.

**APPEAL:** A means for obtaining review of a decision, determination, order or failure to act pursuant to the terms of this Chapter.

**APPLICANT:** The landowner, agent, optionee, contract purchaser, developer or other person authorized in writing to act for the landowner submitting an application for development or other land use permit under this Chapter.

**APPLICATION FOR DEVELOPMENT:** The forms, fees and all accompanying documentation required by this Chapter for a Preapplication Conference, approval of a subdivision plat, site plan, zoning variance, appeal or direction for issuance of a permit pursuant to N.J.S.A. 40:55D-34, 36 or 70a, an interpretation or special question pursuant to N.J.S.A. 40:55D-70b, a Certificate of Nonconformity pursuant to N.J.S.A. 40:55D-68 or a Certificate of Redevelopment Plan Conformance pursuant to the applicable Redevelopment Plan.

**APPROVING AUTHORITY:** The Pleasantville Planning Board or Zoning Board of Adjustment, as applicable, unless as different agency is designated by this Chapter when acting pursuant to the authority of N.J.S.A. 40:55D-1 et seq. or by a duly adopted Redevelopment Plan when acting pursuant to N.J.S.A. 40A:12A-1 et seq.

**ARCADE:** A continuous area parallel to and open to the street or to an urban open space, which is accessible to the public and:

- A. Shall adjoin a Front Lot Line or Urban Open Space boundary, extend for the full length of such Front Lot Line or Urban Open Space boundary, and at no point be above the level of adjoining public sidewalk or Urban Open Space.
- B. Shall be covered by a permanent canopy or part of a building allowing at least 10' of headroom.
- C. Shall have a minimum depth of 8' and a maximum depth of 20', measured perpendicular to the Front Lot Line or Urban Open Space boundary.

Portions of an Arcade that are obstructed by columns, doorways, building services or similar features shall not be calculated as part of the required Arcade space, but landscaping or works of art may occupy qualified Arcade space, provided that a minimum clear width of 7' remains for pedestrian circulation along the length of the Arcade, and further provided that public access from the street or Urban Open Space is nowhere obstructed for a length of more than 20' or for an aggregate length of more than 65% of the Arcade's total length. Access openings between obstructions shall not be less than 6' in width.

**ARTERIAL [STREET or ROAD]:** See "Street, Arterial"

**ART GALLERY:** A building or portion of a building in which sculpture, paintings or other artistic works is displayed, whether or not such works are offered for sale.

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**ASSISTED LIVING FACILITY:** (Subject to the requirements of any State or Federal regulations) A licensed, multi-unit residential facility for three (3) or more otherwise self-sufficient persons over the age of 55 who are not related by blood or marriage to the operator, providing light-to-moderate personal care and supervision for self-administered medication, and may also provide communal dining, housekeeping services, recreational activities, financial and other social services and transportation.

**ATTENTION-GETTING DEVICE:** A device designed or intended to attract attention by sudden, intermittent or rhythmic movement, physical change or lighting change, such as pennants, banners, flags, streamers, balloons, propellers, whirligigs, searchlights and flashing lights.

**ATTIC:** That part of a building which is immediately below and, wholly or partly, within the roof framing.

**AUTOMOBILE RENTAL [AGENCY]:** A place of business, whether conducted in a building or open yard area, or any combination thereof, which is used or intended to be used for the display and/or hourly, daily or weekly rental of new and/or used motor vehicles, motorcycles, trucks or trailers, in operable condition, where no Automobile Repair (other than warranty and other repair service as an Accessory Use) is conducted on the premises.

**AUTOMOBILE REPAIR:** The general repair, rebuilding or reconditioning of engines, motor vehicles or trailers.

**AUTOMOBILE SALES [AGENCY]:** A place of business, whether conducted in a building or open yard area, or any combination thereof, which is used or intended to be used for the display, sale and/or annualized lease (as opposed to daily or weekly rental) of new and/or used motor vehicles, motorcycles, trucks or trailers, in operable condition, where no Automobile Repair (other than warranty and other repair service as an Accessory Use) is conducted on the premises.

**AUTOMOBILE FUELING [STATION]:** A building, land area or other premises or portion thereof used or intended to be used for the retail dispensing or sale of gasoline or other automobile fuels, but which does not include the dispensing and/or sale of lubricants (other than motor oil sold and dispensed by the quart), tires, automotive accessories or supplies, the parking or storing of automobiles for hire and which does not engage in the repair or towing of automobiles.

**AUTOMOBILE SERVICE [STATION]:** A building containing service bays, with or without hydraulic lifts, and/or any land area or other premises or portion thereof used or intended to be used for the repair of automobiles, including, but not limited to, facilities for changing tires, changing oil, engine repair, lubrication, transmission repair, front-end alignment, installing shock absorbers and like and similar services, provided that autobody repair, painting, wrecking, recycling, parking or storing of automobiles for hire, and the operation of more than one (1) towing vehicle shall not be deemed permissible accessory uses of an Automobile Service Station.

**AUTOMOBILE FUELING & SERVICE [STATION]:** A building, land area or other premises or portion thereof used or intended to be used for the activities defined under Automobile Fueling Station AND Automobile Service Station.

**AUTOMOBILE WASH:** See "Carwash".

**AUTOMOBILE WRECKING:** The dismantling or disassembling of motor vehicles or trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**AWNING [CANOPY, MARQUEE]:** A roof-like structure made of canvas or other fabric or fabric-like material, installed over a framework and located above a window, door, patio, deck or other similar construction and extending therefrom as protection from the sun or rain. No awning, canopy or marquee shall

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be lower than 10' above the sidewalk or public thoroughfare. Awnings [Canopies, Marquees] projecting over a City right-of-way shall require permission from the Governing Body in the form of a Revocable License Agreement which shall specify: the parties to the Agreement; the type of Awning [Canopy, Marquee] or other improvement to be installed; the extent of the projection over the right-of-way; the term of the License, including any revocation terms; insurance and indemnification provisions by the Licensee on behalf of the City; any specific conditions of the License; and such consideration as the City shall deem appropriate.

Awnings [Canopies, Marquees] projecting over a County right-of-way may require License from by the County Planning Board, at such Board's discretion.

**AWNING [CANOPY, MARQUEE] SIGN:** See "Sign, Awning [Canopy, Marquee]".

**BAR:** A licensed establishment under the jurisdiction of N.J.S.A. 33:1-1 et seq. wherein alcoholic beverages are served by the drink to the general public and where no food is served.

**BALCONY:** An elevated platform located at the 2<sup>nd</sup> floor or above projecting from the wall of a building and enclosed by a railing or balustrade.

**BASEMENT:** That portion of a building partly below and partly above grade, and having less than 50% of its clear height below the average finished grade of the adjoining ground. A Basement shall be counted as a full Story. See "Cellar".

**BED-AND-BREAKFAST:** A private residence which has been adapted or converted to offer a homestyle place of lodging that provides 10 or fewer separate dwelling units as defined by the Hotel and Multiple Dwelling Law (N.J.S.A. 55:13A-1 et seq.) for transient and individual sleeping accommodations for 25 or fewer persons, is occupied by the owner of the facility as his/her place of residence during all times that the facility is used for the lodging of guests, does not allow any guest to remain for more than 30 successive days or more than 30 days of any period of 60 successive days, does not offer food to the general public, and in which the only meal served to guests is breakfast. Such use must be registered with the New Jersey Department of Community Affairs.

**BEDROOM:** A room or portion of a structure with the principal function of serving as sleeping quarters.

**BERM:** A natural or man-made mound of soil on a site used to screen, buffer or otherwise obstruct a view or to vary the grade pattern.

**BILLBOARD:** An Advertising Sign exceeding 150 s.f. See "Sign, Advertising".

**BLACK HORSE PIKE:** U.S. Route 40/322 [formerly Verona Boulevard]

**BLOCK:** The length of a street between two street intersections.

**BOARD:** The Planning Board or the Zoning Board of Adjustment of the City of Pleasantville, as the case may be.

**BOARD ENGINEER:** The New Jersey licensed Professional Engineer specifically retained by the Pleasantville Planning Board or Zoning Board of Adjustment, as the case may be, to render engineering services and advise to the respective Board. In the absence of a specific appointment, the City Engineer may assume the duties of this office.

**BOARD PLANNER:** The New Jersey licensed Professional Planner specifically retained by the Pleasantville Planning Board or the Zoning Board of Adjustment, as the case may be, to render planning services and advise to the respective Board. In the absence of a specific appointment, the City Planner may assume the duties of this office.

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**BOARDER:** An individual other than a member of a family or Group Family Household, occupying a dwelling unit or any part thereof, who, for consideration, is furnished sleeping accommodations and may be furnished meals or other services.

**BOARDINGHOUSE:** Any dwelling or part thereof, in which, for compensation, two (2) or more persons who are not transients are housed or lodged by prearrangement for definite periods, with or without meals. An Occupancy Permit issued by the City's Code Enforcement Officer is required for any portion of a dwelling used as a Boardinghouse

**BOARD OF ADJUSTMENT:** See "Zoning Board [of Adjustment]".

**BOARDWALK:** An elevated public pedestrian walkway constructed over a public street, typically along a waterfront.

**BOAT RENTAL [AGENCY]:** See "Watercraft Rental [Agency]".

**BOAT SALES AGENCY:** See "Watercraft Sales Agency".

**BOAT FUELING STATION:** See "Watercraft Fueling Station".

**BOAT SERVICE STATION:** See "Watercraft Service Station".

**BOAT FUELING & SERVICE STATION:** See "Watercraft Fueling & Service Station".

**BUFFER:** An area within a property or site generally adjacent to and parallel with the property line, consisting of natural existing vegetation or created by the use of trees, shrubs, fences, berms or hardscaping elements, lying between and separating disparate land uses and designed to provide a continuous visual screen, noise suppression and masking of activity between such uses. Other than fences and traditional hardscaping elements, no buildings, structures, driveways, parking or loading areas or other uses shall be permitted in a Buffer unless otherwise provided by this Chapter.

**BUILDING:** Any combination of materials forming a structure or extension, part or addition thereto, whether temporary or permanent, being enclosed via exterior walls and having a roof supported by such elements as columns, posts, piers or walls, and being intended for the shelter, business, housing or enclosure of persons, animals or property of any kind. The presence of internal firewalls within a single structure shall not be construed to create separate "buildings" within said structure. See "Structure".

**BUILDING AREA:** The total areas of all outside dimensions of a Principal building or structure and all accessory buildings or structures, measured on the horizontal plane at ground level, exclusive of unroofed porches, terraces or steps having vertical faces less than 3' above the level of the average finished grade of the property.

**BUILDING CODE:** The International Building Code, 2006, as may be amended from time-to-time.

**BUILDING COVERAGE:** See "Coverage, Building"

**BUILDING FAÇADE:** See Façade.

**BUILDING FRONTAGE:** The exterior wall of a building facing the Front Lot Line.

**BUILDING HEIGHT:** The vertical distance measured from Finish Grade to the highest point of the roof for flat roofs, to the mean height level of the distance measured between the eaves and the ridge for gable, gambrel and hipped (sloped) roofs and to the deckline for mansard roofs.

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Fully screened mechanical rooms or other roof structures for the housing of stairways, tanks, ventilation fans, air-conditioning or similar equipment required to operate and maintain a building ~ along with their screening elements; telecommunications / satellite dish antennae and related systems; skylights, spires, cupolas, domes, flagpoles, chimneys or similar architectural features may be erected above the heights prescribed by this Chapter herein to a maximum of 20% of such heights, provided that the aggregate area covered by all such features does not exceed 20% of the area of the roof of which they are a part, and further provided that the screening is found acceptable by the Planning Board or Zoning Board of Adjustment, as the case may be.

**BUILDING LINE:** See “Setback Line”.

**BUILDING PERMIT:** A permit issued by the City’s Construction Code Official prior to any alteration or erection of any building or structure, or any part thereof, signifying compliance with the provisions of the International Building Code.

**BUILDING, PRINCIPAL:** A building or structure in which is conducted the principal, or primary use of the site on which such building or structure is situated. In any district, any dwelling shall be deemed to be a Principal Building on the lot on which it is located.

**BULKHEAD:** A structure separating land and water areas, primarily designed to resist earth pressures.

**BULK REGULATIONS:** The regulations of this Chapter pertaining to the permissible or required building height, volume, area, floor area and coverage; lot width, depth, area, coverage and dimensions; density requirements; and yard (setback) and open space requirements applicable to uses and structures.

**BULK STORAGE:** The stockpiling or warehousing of materials, which may or may not be enclosed within a structure, including but not limited to sand, gravel, dirt, asphalt, lumber, pipes, plumbing supplies, metal, concrete and insulation.

**BULLETIN BOARD SIGN:** See “Sign, Bulletin [Reader] Board”.

**BUSINESS OFFICE:** An establishment which offers a service, as opposed to a product or merchandise, for sale to the public. Personal Service uses, as defined herein, shall not be considered a Business Office.

**BUSINESS SIGN:** See “Sign, Business”.

**BY- [OF-] RIGHT DEVELOPMENT:** Development that is fully consistent with the regulations applicable to the type and location of development as proposed and therefore requires no Discretionary Approval by the Planning Board or Zoning Board of Adjustment, as the case may be.

**CAFRA:** See “Coastal Area Facilities Review Act”.

**CAFRA PERMIT:** A permit issued for development within New Jersey’s Coastal Zone in accordance with CAFRA.

**CALIFORNIA AVENUE:** County Road 636 west of Main Street.

**CALIPER:** See “Tree Caliper”.

**CANOPY SIGN:** “See “Sign, Awning [Canopy, Marquee]”.

**CAPITAL IMPROVEMENT:** A governmental acquisition of real property or significant construction project which is (typically) financed through municipal bonds.

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**CARPORT:** A covering or roof to allow the parking of automobiles underneath. With the exception of supports, a Carport shall have no sides unless such sides are the exterior wall of an adjacent building. The maximum number of such sides shall be two (2).

**CARRY-OUT RESTAURANT:** See "Restaurant, Drive-In [Take-Out, Carry-Out]".

**CARTWAY:** The area of a vehicular right-of-way roadway within which vehicles are permitted to travel, including travel lanes and parking areas, but excluding shoulders, curbs, sidewalks, swales or other auxiliary areas. Where there are curbs, the Cartway is that portion of the right-of-way between the curbs. Where there are no curbs, the Cartway is the paved or graded width.

**CARWASH:** A facility for the washing, cleaning, waxing and/or other similar treatment of automobiles and other motor vehicles either by hand or by the use of production-line methods, with a conveyor, blower or other mechanical device to move either the automobile or the water source; or a semi-enclosed bay with such space, water source, material and other equipment providing, for a fee, self-service washing and cleaning of automobiles and other motor vehicles.

**CELLAR:** That portion of a building partly below and partly above grade, and having 50% or more of its clear height below the average finished grade of the adjoining ground. A Cellar shall be counted as a Half-Story. See "Basement".

**CERTIFICATE OF COMPLETENESS:** A certificate issued by the Administrative Officer of the Planning Board and Zoning Board of Adjustment, signifying that all required (checklist) submission items have been made in proper form, and that an application for development is Complete for Board review.

**CERTIFICATE OF NON-CONFORMITY:** A document, issued pursuant to N.J.S.A. 40:55D-68, certifying that a non-conforming use or structure was lawfully in existence on a particular lot or in a particular building at the time of passage of this Chapter, or an amendment to this Chapter impacting such lot or building, and may therefore be continued upon such lot or in such building so occupied. A Certificate of Non-Conformity may be issued by the Administrative Officer within one year of the adoption of the ordinance which rendered the use or structure non-conforming, or at any time to the Board of Adjustment.

**CERTIFICATE OF OCCUPANCY:** A certificate issued by the Construction Code Official upon completion of construction for which a Construction Permit has been issued, or upon any change in use of any building, or upon any change in occupancy of a non-residential building, certifying compliance with the provisions of this Chapter and other applicable laws for the use and occupancy of the building in its several parts. Where a permit for construction or alteration has taken place, the Certificate of Occupancy shall certify that the construction or alteration of the building or structure has been completed in accordance with the requirements of this Chapter, any land use approvals granted by the Planning Board or Zoning Board of Adjustment, as the case may be, and all other applicable requirements, stipulations or conditions of the permit.

**CHANGE IN USE:** Any change in the use of a building or structure:

- A. from one industrial use to another;
- B. increasing the number of dwelling units within the structure;
- C. from any non-residential use to any other use for which any standard set forth in this Chapter is greater or more restrictive;
- D. from residential to non-residential;
- E. from an existing or permitted use to a Conditional Use; and

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F. from any existing or permitted use to a permitted use which can be classified as a more intense use (i.e., from a lower to a higher number on the following list):

- (1) Single-family residential
- (2) Multi-family residential
- (3) Professional Office
- (4) Business Office
- (5) Personal Service
- (6) Retail Business
- (7) Other Business or Commercial

**CHILD:** For the purposes of this Chapter, a “Child” shall mean any person under the age of 13.

**CHILD CARE CENTER:** Any privately-operated home or facility, by whatever name known, which is maintained for the care, development and supervision of six (6) or more children under the age of 13, who are not the children of the operator, and who attend the facility for less than 24 hours a day; which facility requires a license by the New Jersey State Department of Human Services under the Child Care Center Licensing Law (N.J.S.A. 30:5B-1 to 30:5B-15, supplemented by P.L. 1992 c. 95) as per the guidelines set forth in the Manual of Requirements for Child Care Centers (N.J.A.C. 10:122-1.1 et seq.) and any successor regulations thereto.

**CHURCH:** See “Place of Worship”.

**CIRCULATION:** Systems, structures and physical improvements for the movement of people, goods, water, air, sewerage or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits and the handling of people and goods by such means as terminals, stations, warehouses and other storage buildings or transshipment points.

**CITY:** City of Pleasantville, Atlantic County, New Jersey, a body corporate and politic, and unless otherwise indicated, includes its Governing Body, elected officials, officers and staff.

**CITY COUNCIL:** The municipal Governing Body of the City of Pleasantville.

**CITY CLERK:** The City Clerk of the City of Pleasantville, whose office is assigned to maintain the official files of the municipality.

**CITY ENGINEER:** The New Jersey licensed Professional Engineer appointed by the City Council in accordance with N.J.S.A. 40:87-15 to render engineering services and advise to the City.

**CITY PLANNER:** The New Jersey licensed Professional Planner appointed by the City to render planning services and advise to the City.

**CLEAR-SIGHT DISTANCE:** The unobstructed visual distance measured along a line perpendicular to the midpoint of a windowsill in all directions, vertical and horizontal, forming a cone of vision.

**CLINIC:** An outpatient facility for the examination, diagnosis and treatment of the sick or infirmed by two (2) or more physicians, dentists, psychologists, social workers or similar professionals practicing together and work cooperatively.



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**CLUB FACILITY [CLUBHOUSE]:** The facility of a private organization formed for the primary purpose of fraternal, social, educational or charitable group activities which is not an adjunct to or operated by or in connection with a public tavern, café or other public place.

**COAH:** The New Jersey Council on Affordable Housing within the New Jersey Department of Community Affairs.

**COASTAL AREA:** The coastal area designated by the New Jersey Coastal Area Facility Review Act Rules and Regulations or successor legislation.

**COASTAL AREA FACILITIES REVIEW ACT [“CAFRA”]:** The specific body of environmental regulations administered by the New Jersey Department of Environmental Protection under N.J.S.A. 13:19-1 et seq., with rules and regulations promulgated under N.J.A.C. 7:7E et seq.

**COASTAL WETLANDS:** The coastal wetlands designated by the New Jersey Wetlands Act (N.J.S.A. 19:9A-1 et seq.).

**COASTAL ZONE MANAGEMENT RULES [“CZM”]:** N.J.A.C. 7:7E et seq. The administrative body of regulations designed to implement the Coastal Area Facilities Review Act, the New Jersey Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et seq.) and the Waterfront Development Law (N.J.S.A. 12:5-3).

**COLLECTOR [STREET or ROAD]:** See “Street, Collector”

**COMMERCIAL [USE]:** Occupied with, engaged in or otherwise involving the exchange, purchase and/or sale of commodities involving transportation from place to place. See “Retail”, “Service”. “Downtown-Oriented Commercial and Service Activities”, “General Commercial and Service Activities”, “Neighborhood Commercial and Service Activities” and “Regionally-Oriented Commercial And Service Activities”.

**COMMERCIAL BUILDING:** A building, the Principal Use of which is a commercial use.

**COMMERCIAL CENTER:** An integrated development consisting of a combination of Commercial uses otherwise individually permitted in the subject Zoning District, housed in an enclosed building or buildings on a single lot or collection of contiguous lots forming a single parcel, utilizing such common facilities as customer and employee parking, pedestrian walkways, truck-loading and -unloading space, utilities and sanitary facilities, and having a maximum total floor area less than 50,000 s.f.

**COMMERCIAL PARKING FACILITY:** See “Parking Area, Public”, “Garage, Public” and “Vertical Parking Garage”.

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

**COMMUNITY RESIDENCE** shall mean any of the following. See also “Group Family Household”

- A. **COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED:** Any community residential facility licensed pursuant to C.30:11B-1 et seq. providing food, shelter and personal guidance, under such supervision as required, to not more than 15 developmentally disabled or mentally deficient persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, halfway houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act," C.26:2H-1 et al.

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In the case of such a community residence housing mentally deficient persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services.

For the purposes of this definition, "developmentally disabled person" means a person who experiences a disability which originates before 18 years of age, which has continued or is expected to continue indefinitely, which constitutes a substantial disability and which is attributable to mental deficiency, cerebral palsy, epilepsy, autism or other conditions found by the Commissioner of Human Services to give rise to an extended need for similar services in accordance with N.J.S.A. 30:11B-2.

- B. COMMUNITY RESIDENCE FOR PERSONS WITH HEAD INJURIES:** A community residential facility licensed pursuant to C.30:11B-1 et seq. providing food, shelter and personal guidance, under such supervision as required, to not more than 15 persons with head injuries, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, halfway houses, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the "Health Care Facilities Planning Act" C.26:2H-1 et al.
- C.** For the purposes of this definition, "Person with head injury" means a person who has sustained an injury, illness or traumatic changes to the skull, the brain contents or its coverings which results in a temporary or permanent physiobiological decrease of mental, cognitive, behavioral, social or physical functioning which causes partial or total disability.
- D. COMMUNITY RESIDENCE FOR THE TERMINALLY ILL:** Any community residential facility operated as a hospice program providing food, shelter, personal guidance and health care services, under such supervision as required, to not more than 15 terminally ill persons.
- E. COMMUNITY RESIDENCE [SHELTER] FOR VICTIMS OF DOMESTIC VIOLENCE:** Any shelter approved for a purchase of service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to C.30:14-1 et seq., providing food, shelter, medical care, legal assistance, personal guidance, and other services to not more than 15 persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

**COMPLETE APPLICATION:** An application for development which complies in all respects with the appropriate (checklist) submission requirements set forth in this Chapter.

Such an application shall be complete for purposes of commencing the applicable time period for action by the Planning Board or Zoning Board of Adjustment, as the case may be, when so certified by the Administrative Officer as provide for in this Chapter.

The applicant may request that one or more of the submission requirements be waived, in which event the Administrative Officer shall grant or deny the request within 45 days.

Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that he/she is entitled to approval of the application. The Board may subsequently require correction of any information found to be in error and submission of additional information not specified in this Chapter or any revisions in 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. 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 Board.

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**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 specified in this Chapter.

**CONDOMINIUM:**

- A. A form of ownership of real property under a master deed providing for ownership by one or more owners of units of improvements together with an undivided interest in common elements appurtenant to each such unit. For the purposes of this Chapter, specific characteristics of condominiums shall be as detailed in N.J.S.A. 46:8B-1 et seq.
- B. Condominium ownership may be applied to offices, retail or wholesale space, industrial space and other types of land uses.
- C. Unless otherwise indicated, the structural types of buildings defined herein (i.e., single-family, duplex, townhouse, etc.) do not reflect the form ownership. Pursuant to N.J.S.A. 40:55D-58, all development regulations pursuant to this Chapter shall be construed and applied with reference to condominium structures or uses without regard to the form of ownership. Accordingly, such structural type may be held in fee-simple, condominium or cooperative ownership.
- D. Condominiums shall be permitted in any zoning district and under the same restrictions as the land uses they host and/or the structural or building types they represent ~ were the common elements appurtenant to each such unit individually owned. Condominium ownership shall not negate lot or other requirements intended to provide adequate light, air, open space and privacy.

**CONGREGATE SENIOR RESIDENCE:** A multi-unit residence for self-sufficient senior citizens providing communal dining, housekeeping services, recreational activities, financial and other social services and transportation.

**CONFERENCE FACILITY:** A facility used for conferences and seminars, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities and meeting rooms. Conference Facilities may include a fitness and health center, retail stores and personal service establishment primarily for conference attendees and their guests.

**CONIFEROUS TREE:** See “Tree, Coniferous”.

**CONSTRUCTION SIGN:** See “Sign, Construction”.

**CONVENIENCE STORE:** A relatively small food market, generally less than 5,000 s.f., where prepackaged foods, beverages, magazines and newspapers, cigarettes, dairy products and/or similar items are sold for off-site consumption or use, and where prepared foods (e.g., meats, cheeses, salads, etc.) may be sold over the counter in sandwiches or similar packaging. A Convenience Store does not include seating or areas for consumption of products sold on site.

**CONVENTIONAL DEVELOPMENT:** Development which complies with the full lot size and other provisions of this Chapter. See “By- [Of-] Right Development”.

**COOPERATIVE:**

- A. Any system of land ownership and possession in which the fee title to the land and structure is owned by a corporation or other legal entity in which the shareholders or other co-owners each also have a long term proprietary lease or other long term arrangement of exclusive possession for a specific unit of occupancy space located within the same structure.

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- B. Cooperative ownership may be applied to offices, retail or wholesale space, industrial space and other types of land uses.
- C. Unless otherwise indicated, the structural types of buildings defined herein (i.e., single-family, duplex, townhouse, etc.) do not reflect the form ownership. Pursuant to N.J.S.A. 40:55D-58, all development regulations pursuant to this Chapter shall be construed and applied with reference cooperative structures or uses without regard to the form of ownership. Accordingly, such structural type may be held in fee-simple, condominium or cooperative ownership.
- D. Cooperatives shall be permitted in any zoning district and under the same restrictions as the land uses they host and/or the structural or building types they represent ~ were the common elements appurtenant to each such unit individually owned. Cooperative ownership shall not negate lot or other requirements intended to provide adequate light, air, open space and privacy.

**CORNER LOT:** See Lot, Corner

**COVERAGE, BUILDING:** The percentage of a lot occupied by buildings as measured in a horizontal plane around the periphery of the buildings' foundations or, if no foundations are present, where the vertical exterior members of the structure intersect the ground.

**COVERAGE, IMPERVIOUS:** The percentage of a lot occupied by buildings and other Impervious Surfaces as measured in a horizontal plane to the limits of the impervious area(s). All parking spaces and lots, paved or unpaved, swimming pools and other bodies of collected water, buildings, roads, driveways and walkways, tennis courts, patios and any other structure, or on-site material or ground condition that does not permit the natural absorption and permeation by soils of water, shall be included in the computation of Lot Coverage.

**COVERAGE, LOT:** See "Coverage, Impervious".

**COUNTY:** The County of Atlantic, State of New Jersey.

**COUNTY MASTER PLAN:** A composite of the Comprehensive Plan or Master Plan for the physical development of Atlantic County, with accompanying maps, plats, charts and descriptive and explanatory matter adopted by the Atlantic County Planning Board pursuant to N.J.S.A. 40:27-2 and 4.

**COUNTY PLANNING BOARD:** The Planning Board of Atlantic County as defined in N.J.S.A. 40:27-6.1.

**COURT [COURTYARD]:** An unoccupied open space on the same lot as a building, which is bound on two (2) or more sides by the exterior walls of a building or by a combination of exterior walls and lot lines.

**COVERAGE:** See "Coverage, Building" or "Coverage, Lot".

**CRAFT [HOBBY] SHOP:** A commercial unit used for sale of specialized products and raw materials necessary for the creation of one-of-a-kind artistic or similar items in a home or studio setting. Examples include art supply stores and studios, photography supply stores and studios, knitting and fabric and sewing accessory stores and like and similar uses.

**CRITICAL AREA:** A sediment-producing, highly-erodible or severely-eroded area.

**CROWN:** The branches and foliage of a tree; the upper portion of a tree.

**CUL-DE-SAC:** See "Streets, Cul-De-Sac"

**CUT:** See "Excavation".

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**CZM:** See “Coastal Zone Management Rules”.

**DAY:** For purposes of computing time limits, the word "day" refers to a calendar day.

**DAY CAMP:** A licensed, organized and supervised daytime facility used typically, but not exclusively by children, for recreational purposes.

**DAY-CARE:** Daytime care or instruction of three (3) or more children away from their own homes for more than three (3) but less than 16 hours per day by an individual, association, corporation, institution or agency, whether or not for compensation or reward.

A. **DAY-CARE, ADULT:** Day-Care for three (3) or more senior citizens or disabled adults.

B. **DAY-CARE CENTER:** A facility certified by the New Jersey Division of Youth and Family Services which provides Day-Care for children. See also “Child-Care Center” and “Family Day-care Homes”.

C. **DAY-CARE CENTER, ADULT:** A facility certified by the New Jersey Division of Youth and Family Services which provides Adult Day-Care.

D. **DAY-CARE HOME:** See “Family Day-Care Home”.

E. **DAY-CARE NURSERY:** A facility certified by the New Jersey Division of Youth and Family Services which provides Day-Care for three (3) or more children from two (2) to five (5) years of age for up to three (3) hours per day, whether or not for compensation or reward.

**DECIDUOUS TREE:** See “Tree, Deciduous”.

**DECK:** An open-sided platform, without roof, which is elevated more than 12” above grade and supported by piers, pillars or posts rooted in a permanent concrete foundation, and which may be freestanding or attached to a principal building. Decks shall be fitted with appropriate railings pursuant to applicable building codes.

**DECONVERSION:** The return of an illegal, nonconforming building to its previously conforming condition.

**DEDICATION:** The transfer of property from private to public ownership for a public purpose.

**DELILAH ROAD:** A.k.a. Atlantic County Road 646.

**DENSITY:** The permitted number of dwelling units per gross area of land to be developed.

A. **DENSITY, GROSS [RESIDENTIAL]:** The total number of dwelling units which may be or are developed divided by the total number of acres of the proposed development site.

B. **DENSITY, NET [RESIDENTIAL]:** The total number of dwelling units which may be or are developed divided by the total number of acres of the proposed development site, exclusive of areas used for streets, easements, open space, commercial uses, industrial uses and land to be dedicated to a governmental entity.

**DENTAL COMPLEXES:** See “Medical / Dental Complex”.

**DESIGNED SHOPPING CENTER:** An integrated development consisting of a combination of Commercial uses otherwise individually permitted in the subject Zoning District, housed in an enclosed building or buildings, on a single lot or collection of contiguous lots forming a single parcel, utilizing such common facilities as customer and employee parking, pedestrian walkways, truck-loading and-unloading space, utilities and sanitary facilities and having a minimum total floor area of 50,000 s.f.

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**DETENTION BASIN:** A man-made or natural depression below ground level designed to collect surface and subsurface water so that it might impede its flow and to gradually release the same at a rate not greater than that prior to the development of the property, into natural or man-made outlets (i.e., storm sewer system or streams).

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

**DEVELOPMENT:** The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure; or any mining, excavation or landfill, or the clearing, grading or disturbance of any area for nonagricultural purposes; any use or change in the use of any building or other structure or land; or the extension of use of land for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq. and this Chapter.

**DEVELOPMENT PERMIT:** A document signed by the Zoning Officer which is required by this Chapter as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building and which acknowledges that such use, structure or building complies with the provisions of this Chapter or a variance therefrom duly authorized by the Planning Board under N.J.S.A. 40:55D-60 or Zoning Board under N.J.S.A. 40:55D-70, as the case may be.

**DEVELOPMENT REGULATION:** Any component of this Chapter, the Official Map, any other Ordinance or municipal or other regulation for the use and development of land, or any amendment thereto, adopted and filed pursuant to N.J.S.A. 40:55D-1 et seq. or any similar regulation promulgated by any department, division or agency of the Federal Government, the State of New Jersey or any political subdivision thereof.

**DISCRETIONARY APPROVAL:** Approval for a development that is not fully consistent with the regulations applicable to the type and location of development as proposed (i.e. not a By-Right Development as defined herein), and therefore requires discretionary approval by the Planning Board or Zoning Board of Adjustment, as the case may be; typically in the form of variance relief from one (1) or more requirements of this Chapter.

Developments which are made subject to Discretionary Approvals are generally those which are expected to have unusual impacts either on their immediate neighborhood or on the City in general. Such approvals provide special benefits to their developers not generally available to owners of other property in the same zoning district.

**DISPLAY SURFACE [FACE]:** The area made available by a sign structure for the purpose of displaying the message.

**DISTANCE OF SIGN PROJECTION:** The distance from the exterior wall surface of a building to the sign element farthest distant from such surface.

**DISTRICT:** See “Zoning District”.

**DISTRICT BOUNDARY LINE:** See “Zoning District Boundary Line”.

**DOWNTOWN-ORIENTED COMMERCIAL AND SERVICE ACTIVITIES:** Uses designed to provide for the workday convenience and post-workday entertainment of the employees and residents of the City’s Central Business District. Examples include: grocery / specialty food stores; pharmacies

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(including drive-through); convenience stores without fuel dispensing facilities; video rental / sales; non-“big box” general retail / appliance / hardware stores; hair and nail salons / barber and beauty shops; tailor shops; non-‘chain’ / non-franchise craft / hobby / art supply shops, sporting goods shops, pet shops and book shops; greeting card / stationary / florist shops; antique / boutique / clothing / jewelry / gift shops; retail dry cleaners (no commercial cleaning on premises); shoe repair; and like and similar activities.

**DRAINAGE:** The removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff to minimize erosion and sedimentation during and after construction or development, and thereby:

- assure the adequacy of existing and proposed culverts and bridges;
- induce water recharge into the ground where practical;
- reduce nonpoint pollution;
- maintain the integrity of stream channels for their biological functions;
- preserve water supply; and
- prevent or alleviate flooding.

**DRAINAGE RIGHT-OF-WAY:** The lands required for the installation and maintenance of stormwater sewers or drainage ditches, or lands required along a natural stream or watercourse to provide for Drainage.

**DRIVE-IN RESTAURANT [ESTABLISHMENT]:** See “Restaurant, Drive-in”.

**DRIVEWAY:** A private road connecting a house, building, garage, accessory building or parking area with a public right-of-way.

**DRUGSTORE:** See Pharmacy

**DUPLEX:** See Single-Family Semi-Detached Dwelling Unit.

**DWELLING [UNIT]:** A room or series of connected rooms containing living, cooking, sleeping and sanitary facilities designed for residential use and occupied by one (1) Housekeeping Unit, which shall be self-contained and shall not require passage through another dwelling unit or other indirect route(s) to access any portion of the dwelling, nor shall there be shared facilities with another Housekeeping Unit.

Unless otherwise required herein, no dwelling unit in the City of Pleasantville shall contain less than 800 s.f. of net habitable area.

**DWELLING UNIT CONVERSION:** The rebuilding, remodeling, addition to, alteration, extension or enlargement of, or conversion in any manner of an existing building to increase the number of dwelling units contained therein.

**DWELLING UNIT, [EFFICIENCY]:** A dwelling unit consisting of not more than one (1) habitable room, together with kitchen or kitchenette, plus one room for sanitary facilities.

**EARTHBORNE VIBRATION:** A cyclic movement of the earth due to the propagation of mechanical energy.

**EASEMENT:** A right to use the real property of another created by deed, plat or other legal means for the benefit of private persons or the public, for one or more specific purposes, including, but not limited to, access, drainage, conservation or provision of utility services.

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**EATING AND DRINKING ESTABLISHMENT:** A retail food-service operation for the retail sale of cooked-to-order or ready-to-be-consumed food and beverages. See “Restaurant” (all categories), “Bar” and “Tavern”.

**EDUCATIONAL USE:** Public, parochial or private elementary or secondary schools, duly licensed by the State of New Jersey, attendance at which is sufficient compliance with the compulsory education requirements of the State, and duly accredited colleges and universities. Summer day camps shall not be considered as educational uses or accessories to such uses, nor shall a school or college giving special or limited instruction, such as a business, art, music or dancing school.

**EDUCATIONAL USE, PROPRIETARY [COMMERCIAL]:** The activity or corporation engaged in instruction for personal gain or profit and not as an integral part of an Educational Use, as defined.

**EFFICIENCY [DWELLING UNIT]:** See “Dwelling Unit, Efficiency”.

**ELEEMOSYNARY:** Of or for charitable or philanthropic purposes.

**ELEVATION(S), FINISH:** The proposed elevations of the land surface of a site after completion of all site preparation work related to the proposed use for which approval pursuant to this Chapter is required. The actual elevations of the land surface of a site after completion of all such site preparation work.

**ELEVATION(S), EXISTING:** The elevation(s) of all portions of a site prior to any site preparation work related to a proposed use for which approval under or pursuant to this Chapter is required.

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

**ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”):**<sup>8</sup> A compilation of studies, reports, documents and findings of fact prepared by an applicant as part of and for a development application. Said EIA shall be consistent with, and shall contain all that information, data and documentation required by this Chapter. An Environmental Impact Statement meeting the requirements of N.J.S.A. 13:19-10, as specifically outlined in N.J.A.C. 7:7E1-6, promulgated in compliance with CAFRA, may be accepted in lieu of an EIA.

**ENVIRONMENTALLY SENSITIVE SITE:** Property which has been formally designated in the Master Plan or by NJDEP as being of environmental or scenic significance.

**EQUAL DEGREE OF ENCROACHMENT:** The delineation of floodplain limits so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the floodplain along both sides of a stream or significant reach.

**EROSION:** The detachment and movement of soil or rock fragments by water, wind, ice and/or gravity.

**EROSION AND SEDIMENT CONTROL PLAN:** A plan which fully indicates necessary land treatment measures, including a schedule of the timing for their installation, which will effectively minimize soil erosion and sedimentation. Such measures shall be equivalent to or exceed standards adopted by the New Jersey State Soil Conservation Council and administered by the Atlantic County Soil Conservation District in conformance with N.J.S.A. 4:24-1 et seq.

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<sup>8</sup> “EIA”



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**ESSENTIAL SERVICES:** Underground utility<sup>9</sup> transmission or distribution systems and normal above-ground appurtenances thereto, including, but not limited to, mains, drains, sewers, pipes, conduits, cables, emergency responder call boxes, light standards, poles, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service for public health, safety and general welfare.

**EXCAVATION:** Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated.

**EXCAVATION WORK:** The removal, replacement, repair, construction or other disturbance of any portion of the public improvements within a public street or drainage right-of-way. Public improvements include, but are not limited to, curbs, sidewalks, driveways and driveway aprons, drainage structures and conduits, pavements, base courses, gutters, retaining walls, channels, head walls, railings, guardrails or any other public improvement existing within the public right-of-way. For the purposes of this Chapter, work performed outside of the public right-of-way but requiring the storage of materials or the operation of equipment within the public right-of-way in such a manner as may cause damage to any of the aforementioned public improvements shall be deemed Excavation Work, as shall the construction, addition, installation or other provision of the whole or portions of the improvements within a public street, drainage right-of-way or public way or public grounds by persons other than those exempt from the provisions of this Chapter, including privately-sponsored construction of curbing, sidewalks, pavement extensions, aprons, drainage or any other public improvement or portion thereof.

**EVERGREEN TREE:** See “Tree, Coniferous”.

**EXEMPT DEVELOPMENT:** Site plan and/or subdivision approval shall not be required prior to the issuance of a development permit for the following:

- A. Construction, additions or alterations related to individual single-family detached and duplex dwelling units or their accessory structures on individual lots.
- B. Development involving no new Subdivision or Resubdivision of land, and not requiring any variance relief.
- C. Interior alterations which do not increase the required number of off-street parking spaces and which conform to the performance standards of this Chapter.
- D. Any change in occupancy which is not a change in use.
- E. Individual applications for accessory mechanical equipment, accessory storage structures and accessory uses not exceeding 1,000 s.f. in area, whose operation and location conform to the design and performance standards of this Chapter and whose installation is on a site already occupied by an active principal use for which site plan approval is not otherwise required.
- F. Sign(s), when installation is on a site already occupied by a principal use for which site plan approval is not otherwise required, provided that such sign(s) conform to the applicable design and zoning district regulations of this Chapter and further provided that a permit is obtained.
- G. Construction of a parking lot or an addition to an existing parking lot, provided that the new lot or the proposed addition contains three (3) spaces or fewer whose location and design conform to the standards and zoning district requirements of this Chapter.
- H. The division and conveyance of property so as to combine existing lots which are not considered to be subdivisions in accordance with the definitions of “Subdivision” contained in this Chapter.

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<sup>9</sup> gas, electrical, telephone, telegraph, steam or water

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**EXISTING ELEVATION(S):** See “Elevation(s), Existing”.

**EXTENDED CARE FACILITY:** See “Nursing Home”.

**EXTENSION:** An increase in the amount of existing floor area used for an existing use within an existing building.

**EXTERIOR WALL:** See “Wall, Exterior”.

**FAÇADE:** The total wall surface, including doors and windows, of the subject face of a building, typically expressed as Front, Sides and Rear or by compass direction. In the case of a corner building which fronts on more than one street, the Front Façade shall be all Facades which abut the adjoining public rights-of-way.

**FAÇADE SIGN:** See “Sign, Building-Mounted”.

**FAMILY:** One or more persons related by blood, marriage adoption or guardianship living together on a permanent basis as a single, non-profit Housekeeping Unit, as defined herein, or a collective number of persons living together in one dwelling unit on a permanent basis, whose relationship is of a distinctive domestic character, and cooking as a single Group Family Household, as defined by this Chapter.

**FAMILY DAY-CARE HOME:** Any private residence approved by the Division of Youth and Family Services or an organization with which such Division contracts for family day care pursuant to the Family Day-Care Provider Registration Act (N.J.A.C. 30:5B-16 et seq.) in which child-care services are regularly provided to no less than three (3) and no more than five (5) children for no less than 15 hours per week. For the purposes of this definition, a “child” shall mean any person under the age of 13.

A child being cared for who is legally related to the provider shall not be included in the total number of children receiving child-care services, nor shall a child being cared for as part of a cooperative agreement between parents for the care of their children by one or more of the parents, where no payment for the care is being provided.

Pursuant to N.J.S.A. 40:55D-66.4, a Family Day-Care home shall be considered to be a Home Occupation, as defined herein, for the purposes of permitted uses. Family Day-Care Homes are to be permitted uses in all residential zoning districts.

**FARM:** Any parcel of land, three (3) acres or larger in size, which is used for gain in the raising of agricultural products, livestock, poultry, dairy products or horticulture.

**FARM BUILDING:** Any building used for the housing of agricultural equipment, produce, livestock or poultry or for the incidental or customary processing of farm products, provided that such building is located on, operated in conjunction with and is necessary to the operation of a Farm as defined by this Chapter.

**FAST-FOOD RESTAURANT:** See “Restaurant, Fast Food”.

**FEMA:** The Federal Emergency Management Agency.

**FENCE:** A structure, typically made of wood, masonry, stone, wire, metal or other manufactured material or combination of materials, erected as an enclosure, boundary or barrier to a part or whole of a property. Landscaped hedges may serve as a Fence if planted for such purpose. A Wall may serve as a Fence if not functioning as a structural member of a building or structure and if constructed for such purpose.

**FENCE, OPEN:** A Fence in which 66% of the area between grade level and the top cross member is not obstructed.

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**FILL:** The deposit on land, whether submerged or not, of sand, gravel, earth or other materials of any composition whatsoever.

**FILLING [EXPRESS FILLING] STATION:** See “Automobile Fueling Station”.

**FINAL APPROVAL:** The official action of the Planning Board or Zoning Board of Adjustment, as the case may be, taken on a preliminary approved major subdivision or site plan, after all conditions, engineering plans and other requirements have been satisfied and the required improvements have either been installed or guarantees for such installation have been properly posted. Final Approval may be conditioned upon the posting of such guarantees at the discretion of the approving Board.

**FINAL PLAT:** The final map of all or a portion of a site plan or subdivision which is presented to the Planning Board for Final Approval in accordance with the provision of this Chapter and which, as approved, is to be filed with the proper County Recording Officer.

**FINANCIAL INSTITUTION:** A facility wherein monies are handles in a fiduciary manner. Examples include banks, check cashing facilities, credit unions and loan offices.

**FINISH ELEVATION(S):** See “Elevation(s), Finish”.

**FLASHING SIGN:** See “Sign, Flashing”.

**FLAG LOT:** See “Lot, Flag”.

**FLOOR:** A story of a building.

**FLOOD FRINGE AREA:** That portion of the Flood Hazard Area not designated as Floodway.

**FLOOD HAZARD AREA:** The Floodway and any additional designated portions of the Floodplain.

**FLOODPLAIN:** The (typically relatively flat) maximum land surface area adjoining the channel of a natural stream or other body of water which has been or may be inundated or covered by floodwater, typically during a high tide or storm event.

**FLOODWAY:** The channel of a natural stream and portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream.

**FLOOR AREA:**

- A. **FLOOR AREA, GROSS (“GFA”):** The sum of the gross horizontal areas of all floors within a building measured between the outside face of the exterior walls, or from the center line of a common wall separating buildings. In the case of residential structures, such area shall be finished in accordance with the requirements of the International Building Code. Basements which satisfy applicable construction code definitions of habitable space are included in the GFA for residential uses. Any cellar, garage, crawl space, unfinished attic or space of any nature, or accessory building, shall not be included.

The Gross Floor Area of an attached residential dwelling unit (i.e., duplex, townhouse, apartment, etc.) shall be measured from the center of the interior walls and the outside or exterior walls.

Any space with a clear ceiling height of 4’ or more, but less than the minimum ceiling height prescribed in the International Building Code for the type of building concerned, shall not be included when in excess of 10% of the floor area which complied with such prescribed ceiling heights.

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In the case of all multi-story buildings, the 1<sup>st</sup> floor area shall be considered to be the 1<sup>st</sup> level or levels of the structure extending over the full perimeter of the structure and which is above the average finished grade of the adjoining ground, whether or not such level is constructed on a concrete slab or other such floor. In the case of a bi-level multi-story building, the 1<sup>st</sup> floor area shall be considered to be the 1<sup>st</sup> level or levels of the structure over the full perimeter of the structure which are above the average finished grade of the adjoining ground and constructed on other than a concrete slab or other such floor. Any floor area which is located at grade or on such a slab may, however, be included in the calculations of Gross Floor Area, provided that it complies with the other terms of this definition.

- B. **FLOOR AREA, HABITABLE** (“HFA”): The sum of the gross horizontal areas of all floors of a dwelling measured between the inside face of the exterior walls or from the centerline of the walls separating two (2) dwelling units, having a clear ceiling height of 7’ 4” or greater, but not including any unfinished attic, cellar or accessory building space but including the floor area of roofed porches, balconies, terraces and patios. See also “Habitable Room”.
- C. **FLOOR AREA, NET HABITABLE** (“NHFA”): The actual occupied area fully enclosed by the inside surfaces of walls, windows, doors and partitions and including working, living, eating, cooking and sleeping areas, but excluding garages, carports, parking spaces, halls, storage areas, closets, bathrooms, cellars, half-stories and unfinished attics and basements.
- D. **FLOOR AREA RATIO** (“FAR”): The sum of the area of all floors of buildings or structures (Gross Floor Area) divided by the total area of the lot, site or tract.
- E. **FLOOR AREA, NET**: The sum of the gross horizontal areas of all floors of a commercial building which are used for the display of merchandise to and accessible to the general public, including any areas occupied by counters, showcases or display racks and aisles, but excluding entranceways, arcades or other such public areas as well as storage, preparation or other back-of-the-house functions not accessible to the general public.
- F. **FLOOR AREA, SALES**: The sum of the gross horizontal areas of all floors of a commercial building which are used for the display of merchandise to the general public, and including any areas occupied by counters, showcases or display racks and any aisle, entranceways, arcades or other such public areas.

**FOOD PRODUCTION USES**: A facility for the preparation or manufacture of food stuffs for on-site retail sale or off-site wholesale supply. Examples include bakeries and confectioneries.

**FOOTCANDLE**: A unit of illumination; technically, the illumination at all points 1’ distant from a uniform point source of 1’ Candle Power’.

**FRATERNAL ORGANIZATION**: A group of people formally organized for a common interest, business or pleasure. Such groups shall be defined to be similar but not limited to organizations as the Masonic Lodge, Knights of Columbus, etc.

**FRONTAGE, LOT**: See Lot Frontage.

**FRONT LOT LINE**: See "Lot Line, Front".

**FRONT YARD**: See "Yard, Front".

**FUNERAL HOME**: See Mortuary.

**FULL-SERVICE RESTAURANT**: See Restaurant, Full Service.

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**GARAGE:** A detached Accessory Building or Structure or an attached portion of a Principal Building or Structure, located on the same lot as the Principal Building or Structure, used for the parking or temporary storage of motor vehicles or for the storage of other, typically household, items, provided that such motor vehicles or stored items belongs to the occupants of the Principal Use for which the Garage is intended.

- A. **GARAGE, PRIVATE:** A Garage used for the storage of not more than four (4) passenger motor vehicles owned by the occupants of the principal building or structure and excluding the provision for repairing or servicing such vehicles for profit.
- B. **GARAGE, PUBLIC:** A Building or Structure or part thereof, other than a Private Garage, used for the storage, care or repair of motor vehicles for profit, or in which any such vehicles are kept for hire; but excluding any sale of motor vehicles, fuels or accessories unless otherwise permitted in the Zoning District where the Public Garage is located.
- C. **GARAGE, REPAIR:** A Building or Structure and associated lands in which the maintenance, servicing or painting of motor vehicles is conducted for profit, and may include facilities for washing, polishing, spraying or other cleaning of motor vehicles.

**GAS [GASOLINE FILLING] STATION:** See “Automobile Fueling Station”.

**GENERAL COMMERCIAL AND SERVICE ACTIVITIES:** Uses designed to provide for the routine needs of the citizens of Pleasantville. Examples include: pharmacies (including drive-through); convenience stores with fuel dispensing facilities; non-“big box” general retail / appliance / hardware stores; Financial Institutions; non-‘chain’ / non-franchise craft / hobby shops, sporting goods shops, pet shops, toy stores and book shops and newspaper and magazine stands; antique / boutique / clothing and shoe / jewelry / gift shops; music stores, including those that sell recorded music and musical instruments, and like and similar activities.

**GENERAL OFFICE:** The office or offices of one or more member(s) of an executive or administrative occupation, and which is used or intended to be used solely for the operation, administration and management of such occupants' business. Examples include: advertising agencies, auditing and bookkeeping offices, data processing, detective agencies, employment agencies, general administrative offices and medical laboratories.

**GLARE:** The projection of light, or reflection of such light, of whatever type or source, beyond the Lot Lines where such light is produced.

**GOLF COURSE:** An area of 50 or more contiguous acres not designated as tidal wetlands under N.J.S.A. 13:9A-1 et seq., on which is constructed or otherwise placed at least nine (9) holes of tees, greens, fairways, rough, hazards etc, together with the necessary and usual accessory uses and structures, such as but not limited to, clubhouse facilities, dining and refreshment facilities, swimming pools, tennis courts and the like, provided that the operation of such facilities is incidental and subordinated to the operation of the golf course.

**GOLF COURSE, MINIATURE:** Any area not more than ¼-acre of land on which is constructed tees, greens and hazards (typically alleys, bridges and tunnels) in a themed or novelty design, intended for family recreation, together with the necessary and usual accessory uses and structures.

**GOVERNING BODY:** The City Council of the City of Pleasantville.

**GOVERNMENTAL AGENCY:** As applicable, the government of the United States of America; the State of New Jersey or any other state; their political subdivisions, agencies or instrumentalities; and interstate and regional agencies exercising powers of government.

**GOVERNMENTAL SIGN:** See “Sign, Governmental”.

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**GRADE:** A reference plane representing the mean Finished Elevation of the earth along the wall of the building that faces the Primary Frontage of the lot. To calculate such mean, measurements shall be taken at both ends and at the center of such Primary Frontage.

- A. **GRADE, EXISTING:** The existing, undisturbed elevation of land, ground and topography preexisting or existing on a lot, parcel or tract of land prior to disturbance for development purposes.
- B. **GRADE, FINISHED:** The completed surface of lawns, walks and roads brought to Grade as shown on the official plans and designs relating thereto or as existing if no plans or designs have been approved.

**GROUND COVER:** Low growing plants or sod that in time forms a dense mat covering the area in which it is planted preventing the growth of unwanted plants while holding the soil in place.

**GROUND COVERAGE:** See “Coverage, Impervious”.

**GROUND SIGN:** See “Sign, Ground”.

**GROSS DENSITY:** See Density, Gross.

**GROUP FAMILY HOUSEHOLD:** A group of four (4) or more persons, not related by blood, marriage or adoption, living together in a dwelling unit as a single Housekeeping Unit under a common housekeeping management based on an intentionally structured relationship of mutual responsibility, providing an organization and stability essentially equivalent to that found in families based on relationships of marriage and blood.

When properly regulated to avoid possible adverse physical effects on residential neighborhoods, stable groups formed on the basis of nontraditional relationships (i.e., relations having many aspects in common with the traditional family relationship but not based exclusively on ties of blood or marriage) can provide a valid alternative lifestyle with recognized cultural and social value for the City. Consistent with N.J.S.A. 40:55D-66.1 et seq., Group Family Households may occupy dwelling units within the City located in any Zoning District in which residential uses are permitted.

No Group Family Household shall be established or maintained unless a Zoning Permit evidencing the compliance of such Group Family Household with this definition and other applicable provisions of this Chapter shall have first been issued in accordance with §300-34.

Any question of whether a particular group constitutes a Group Family Household under this definition shall be determined by the Zoning Officer pursuant to his/her authority to interpret the provisions of this Chapter. In making such determination, the Zoning Officer shall consider all available information and, specifically, the following factors (the Zoning Officer shall consider all facts and circumstances, and the presence or absence, in whole or in part, of any particular factor shall not be deemed controlling);

- A. Whether the group contains within it and is formed around one (1) or more families as defined in this Chapter;
- B. The extent to which the group recognizes one (1) or more of its members as the head or heads of the household;
- C. Whether the group includes children, as well as adults, and, if so, the group's mechanism for carrying out the child-rearing function;
- D. The extent to which group membership is based upon express covenants or agreements of unlimited duration, including the past stability of group membership and expectations for stability in the future;

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- E. The extent to which a group decision making process controls not only housekeeping arrangements but also personal aspects of the members' lives;
- F. The extent to which the group functions as a single economic unit, with members sharing financial resources and obligations;
- G. The extent and nature of the division of labor within the group regarding such common household activities as food preparation, housecleaning and laundry;
- H. The extent to which household possessions, such as furniture, appliances and automobiles, are commonly owned and shared by all members of the group;
- I. The extent to which all members of the group have free access to all areas of the dwelling unit; and
- J. The extent to which some religious, moral or other common belief forms the basis of the group's association.

See "Community Residence"

**HABITABLE FLOOR AREA:** Floor area in a habitable room, which room has a clear floor-to-ceiling height of not less than 7½' over an area having no horizontal dimension of less than 7'; provided however, that no floor area where the ceiling height over such floor area is less than 5' shall be considered "Habitable Floor Area."

**HABITABLE ROOM:** Any room within a building used for the purposes of sleeping, eating, the preparation of food, offices, the selling of merchandise, public gatherings or assembly. All Habitable Rooms within a dwelling unit shall have natural light, ventilation and heat. Garages, bathrooms, closets, storage areas, hallways and stairs are not considered, in-and-of themselves, to be Habitable Rooms.

**HALF-STORY:** That portion of a building under a sloped (gable, hip or gambrel) roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than 2' above the floor of such Half-Story. See "Story".

A "Basement" shall be counted as a Story and a "Cellar" shall be counted as a Half-Story.

**HAZARDOUS MATERIALS [SUBSTANCE]:** Materials that are considered harmful to the health, safety and welfare of the public. The "environmental hazardous substances" on the Environmental Hazardous Substance List adopted by the New Jersey Department of Environmental Protection pursuant to N.J.S.A. 34:5A-4 consistent, to the maximum extent possible, with and including, the list of hazardous substances adopted by the federal Environmental Protection Agency pursuant to section 311 of the federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500, as amended by the Clean Water Act of 1977, Pub. L. 95-217 (33 U.S.C. s.1251 et seq.); the list of toxic pollutants designated by Congress or the federal Environmental Protection Agency pursuant to section 307 of that act; and the list of hazardous substances adopted by the federal Environmental Protection Agency pursuant to section 101 of the "Comprehensive Environmental Response, Compensation and Liability Act of 1980," Pub. L. 96-510 (42 U.S.C. s.9601 et seq.).

Such materials and substances include, but are not limited to, inorganic mineral acids of sulfur, fluorine, chloride, nitrogen, chromium, phosphorus, selenium and arsenic and their common salts; lead, nickel and mercury and their inorganic salts or metallo-organic derivatives; coal tar acids such as phenols and cresols and their salts; petroleum products and radioactive materials.

**HEALTH-CARE FACILITY:** A facility or institution, whether public or private, engaged in providing services for health maintenance organizations, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, specialist hospital, mental

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hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended-care facility, nursing home, skilled nursing home, intermediate care facility, bio-analytical laboratory (except as specifically included herein) or central services facility servicing one or more such institutions, but excluding institutions that provide healing solely by prayer or holistic medicine, and excluding such bio-analytical laboratories as are independently owned and operated and are not owned, operated, managed or controlled, in whole or in part, directly or indirectly, by any one or more health-care facilities, and the predominant source of business of which is not by contract with health-care facilities within the State of New Jersey and which solicit or accept specimens and operate predominately in interstate commerce.

**HIGH-PERMEABILITY MOIST SOILS:** See “Wet Soils”

**HIGH-WATER LINE:** A line showing the upper inland wetlands boundary (a biological high-water line) on a series of maps prepared by the New Jersey Department of Environmental Protection for Lake’s Bay and Absecon Bay, and their tributaries in accordance with the provisions of the Wetlands Act (N.J.S.A. 13:9A-1 et seq.), said line being established from photographs and each of these maps being on file in the offices of the City Clerk, County Clerk and the New Jersey Department of Environmental Protection.

**HISTORIC DISTRICT:** One or more historic sites and intervening or surrounding property which significantly affects, or is significantly affected by, the historic nature, character or quality therein.

**HISTORIC SITE [STRUCTURE]:** Any real property, man-made structure, natural object or configuration, or any portion or group of the foregoing which has been formally designated in the Master Plan as being of historical, archeological, cultural, scenic or architectural significance.

**HOBBY SHOP:** See “Craft Shop”

**HOLIDAY DECORATIONS:** Temporary ornamentation in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday.

**HOME OCCUPATION:** A business, profession, occupation, trade or other use, customarily conducted for gain, entirely within a dwelling unit or residential building or a structure accessory thereto, which is carried on exclusively by the residents thereof, and which use is clearly incidental and secondary to the use of the building for dwelling purposes.

When properly limited and regulated, such activities can take place in a residential structure without changing the character of either the neighborhood or the structure. In order to protect and maintain the residential character of established neighborhoods while recognizing that certain professional and limited business activities have traditionally been carried on in residential structures, Home Occupations, where permitted by this Chapter, shall be strictly defined as detailed herein.

Any Home Occupation that is customarily incidental to the principal use of a building as a dwelling shall be permitted in any dwelling unit. Any question of whether a particular use is permitted as a Home Occupation under this definition shall be determined by the Zoning Officer pursuant to his/her authority to interpret the provisions of this Chapter.

No Home Occupation shall be established or maintained unless a Zoning Permit evidencing the compliance of such Home Occupation with this definition and other applicable provisions of this Chapter shall have first been issued in accordance with §300-34.

In addition to the use limitations applicable in the Zoning District in which it is located, no Home Occupation shall be permitted unless it complies with the following:



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- A. All activities associated with such Home Occupation shall be conducted entirely within the principal dwelling unit or a permitted private garage accessory thereto. No exterior storage is permitted, and in no event shall such use be apparent from any public right-of-way or adjacent property;
- B. No alteration of any structure shall be made which changes the character and appearance thereof as a dwelling or accessory structure thereto;
- C. No inventory shall be maintained, and no stock-in-trade shall be displayed or sold, on the premises;
- D. Other than telephone, facsimile machines, computers and related equipment which are normal and customary to standard business practices, no mechanical, electrical or other equipment shall be used, and no work shall be conducted as part of a Home Occupation, which causes or produces, by reason of vehicular traffic, equipment use or other cause, any emission, noise, sound or vibration; glare; heat, humidity, fumes, odors, smoke, dust or other particulate matter; electrical or magnetic radiation or interference (e.g. with a neighbor's radio and/or television reception) or other nuisance, noxious, offensive or hazardous situation outside the residential or accessory structure in which the Home Occupation is conducted;
- E. The use of the property devoted to any aspect of the Home Occupation shall not encompass more than the lesser of 25% of the net habitable floor area of all structures on the premises or 400 s.f.;
- F. The Home Occupation shall not generate the need for more than two (2) employees (the member of the household residing on the premises plus one (1) non-resident employee) on site at any one time;
- G. The Home Occupation shall not generate the business or care of more than two (2) clients at any one time and shall be by appointment only;
- H. The home occupation shall not include the breeding, raising, care, boarding or maintenance of animals;
- I. The Home Occupation shall not necessitate the need to park more than one (1) vehicle at any time in addition to those ordinarily used by the residents of the premises. Said vehicles shall be limited to passenger automobiles and/or other vehicles not exceeding a  $\frac{3}{4}$ -ton capacity and must be parked off-street. No other vehicles owned or operated in conjunction with the Home Occupation shall be parked or stored overnight, or repaired, either on or off the premises;
- J. All parking related to the Home Occupation shall be restricted to the side and rear yard area of the lot on which the Home Occupation is conducted. All parking areas with three (3) or more spaces, and shall be screened with a hedge or fence.
- K. The Home Occupation shall not reduce the parking or yard requirements of the dwelling;
- L. Not more than one (1) unlighted nameplate sign, not exceeding 1 s.f. in area, shall be permitted. Such sign shall be limited to displaying the name, occupation, address if not otherwise displayed on the building and telephone number of the Home Occupation.
- M. Particular Home Occupations Permitted. Except as provided in subsection N. hereinbelow, customary Home Occupations include all occupations which meet the purposes, standards and requirements of subsections A. through L. of this definition and, in particular, include, but are not necessarily limited to, the following list of examples:
  - (1) Individual instruction to not more than two (2) students at a time, except for occasional groups;
  - (2) Child-care of not more than six (6) nonresident children, as further defined under §300-10;

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- (3) Professional Offices;
  - (4) Office facilities for Clergy not included in Places of Worship;
  - (5) Offices for sales representatives and manufacturer's representatives when no retail or wholesale sales are made or transacted on the premises;
  - (6) Arts and crafts, photography, literary, musical composition or similar studios; and
  - (7) Homebound employment of a physically, mentally deficient or emotionally disabled person who is unable to work away from home by reason of such condition; and
- N. Particular Home Occupations Prohibited. Permitted home occupations shall not, in any event, be deemed to include:
- (1) The manufacture, repair, education of or other workings related to blades or firearms;
  - (2) Nursing homes or private sanatoria;
  - (3) Lodging or boarding homes;
  - (4) Funeral homes, mortuaries and embalming establishments;
  - (5) Beautician, barber, hair stylist or similar shop;
  - (6) Restaurants;
  - (7) Stables, kennels or veterinary hospitals;
  - (8) The letting of more than one (1) rooming unit;
  - (9) Clubs, including fraternities and sororities;
  - (10) Health clinics, hospitals or the general practice of medicine, dentistry or veterinary medicine;
  - (11) Instruction of more than two (2) students at a time, except for occasional groups;
  - (12) Day-Care Centers as defined in §300-10; and
  - (13) Retail or wholesale businesses of any kind involving transactions on the premises.

**HOME OCCUPATION SIGN:** See "Sign, Home Occupation".

**HOMEOWNERS' ASSOCIATION:** An incorporated, nonprofit organization operating under a recorded land agreement through which each lot owner, condominium owner, stockholder under a cooperative development or other owner of property or interest in the project shall be a member; through which each dwelling unit is subject to a charge for proportionate share of the expenses for the organization's activities and maintenance, including any maintenance costs levied against the association by the municipality; and through which each owner and tenant has a right to use a common property.

**HOSPITAL:** A building or series of buildings forming an Institution providing medical diagnosis, treatment and care, including surgical care, for persons suffering from physical or mental deficiency, disease, injury and like and similar conditions, and including as an integral part thereof, such related

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facilities as short-term residential recovery facilities, laboratories, outpatient facilities, clinics, training facilities, central service facilities and staff offices.

For the purposes of this Chapter, the definition of Hospital shall not include residential Nursing Homes, doctor's offices, non-residential medical-care centers or like and similar uses.

**HOTEL:** A building or group of buildings which collectively contain, but are not necessarily solely comprised of, six (6) or more rooms or groups of rooms forming multi-room suites, and which are designed, designated and intended to be used, let or hired out for compensation for transient occupancy to the general public by reservation or walk-up without reservation, but in any case without lease, with or without meals, for occupancy in periods of not less than one (1) night and not more than 20 continuous nights.

A Hotel shall have full-time, on-site resident-management which shall not be subject to the occupancy limitation, and shall:

- A. contain a common public lobby or registration office or area;
- B. have at least 75% of rooms or suites accessed by principal entrances from an interior hallway common to more than two (2) rooms or suites; and
- C. provide amenities such as restaurants, retail outlets, conference rooms, recreation facilities and personal service establishments.

**HOTEL UNITS:** Transient lodging units within a Hotel which:

- A. are accessed solely through a common public lobby area by elevator or other conveyance system;
- B. contain, at a minimum, one (1) bedroom and one (1) separate bathroom, which shall be internal to the Hotel Unit;
- C. contain not less than 350 s.f. of net habitable floor area for traditional Hotel Units, defined as a transient lodging unit consisting of a single sleeping and living room with separate, internal bathroom and 450 s.f. of net habitable floor area for Hotel Suites, defined as a transient lodging unit consisting of a more than one sleeping and/or living room with separate, internal bathroom.
- D. Other than an iron/ironing board, shall contain no laundry facilities.

**HOUSEKEEPING UNIT:** One or more persons living together in a single Dwelling Unit on a non-seasonal basis and sharing living, sleeping, cooking and sanitary facilities on a non-profit basis.

**IDENTIFICATION SIGN:** See "Sign, Identification".

**ILLUMINATED SIGN:** See "Sign, Illuminated".

**IMPERVIOUS COVERAGE:** See "Coverage, Impervious".

**IMPERVIOUS SURFACE:** Any natural or man-made surface which does not permit infiltration of water and causes surface runoff. All buildings, parking areas, driveways, roads, sidewalks and any areas in concrete and asphalt shall be considered impervious surfaces within the meaning of this definition. In addition, other areas determined by the Board Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces. For purposes of building and impervious surface coverage calculations required in this Chapter, porous asphalt, concrete and concrete pavers shall be deemed to be an impervious surface.

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**IMPROVED STREET:** A public right-of-way which is curbed and paved in accordance with the standards set forth in this Chapter or, alternately, a public right-of-way which has been improved to the standards specified by the City Engineer upon approval and acceptance by the Governing Body of the City, the Governing Body of Atlantic County or the appropriate State agency.

**INDEPENDENT LIVING FACILITY:** An age-restricted residential development that emphasizes social and recreational activities but may also provide communal dining, personal services, limited health facilities and transportation<sup>10</sup>.

**INDUSTRIAL:** Relating to fields of economic activity whose intensity exceeds that which is normally intended for the general public, including, but not limited to, forestry, fishing, hunting and trapping, mining, construction, manufacturing, transportation, communication, electric, gas, sanitary services and wholesale trade.

- A. **INDUSTRIAL, HEAVY:** The treatment, fabrication, reshaping, reworking, assembly combining or processing of products from raw materials or the production of articles or finished products from raw or prepared materials by giving them new forms or qualities, wherein such activities or materials create hazard from fire or explosion, or produce toxic or corrosive fumes, gas, smoke, obnoxious dust or vapor, offensive noise or vibration, glare, flashes or objectionable effluent.
- B. **INDUSTRIAL, LIGHT:** The fabrication, production, reshaping, reworking, repair, assembly, packaging, bottling, combining, compounding or processing of materials or products from previously prepared goods or materials, wherein such activities or materials do not generate hazard from fire or explosion; produce toxic or corrosive fumes, gas or smoke; obnoxious or unpleasant dust, vapor or odors; offensive noise or vibration; glare; flashes, objectionable effluent, pollutants or recognized deleterious substances.

**INTERESTED PARTY:** In a Criminal or quasi-criminal proceeding arising out of this Chapter, any citizen of the State of New Jersey. In the case of a civil proceeding arising out of or involving this Chapter in any court, or in any administrative proceeding under this Chapter, any person, whether residing within or without the City of Pleasantville, whose right to use, acquire or enjoy property is or may be affected by any action taken under this Chapter, or whose right to use, acquire or enjoy property under this Chapter or under any other law of this state or of the United States has been denied, violated or infringed by an action or a failure to act under this Chapter.

**INTERIOR or INSIDE LOT:** See "Lot, Interior."

**INTERIOR STREET [ROAD]:** See "Street, Interior".

**INTERMEDIATE CARE FACILITY:** See "Nursing Home".

**INTERNAL STREET [ROAD]:** See "Street, Internal.

**INSTITUTION:** A medical, educational, correctional, religious or social service organization founded for the promotion of a specific identified cause and chartered as a public, governmental or eleemosynary entity.

**JUNK [SALVAGE] YARD:** Any area and/or structure, or part thereof, whether inside or outside a building, used or intended to be used for the sale, purchase, trade, collection, storage, keeping, dismantling, demolition, salvage, resale, recycling or abandonment of used or discarded metals, glass, paper, cordage, fabrics other goods or materials, or any used, waste or disabled fixtures, vehicles, machinery or equipment of any kind.

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<sup>10</sup> a.k.a. an "Adult Retirement Community".

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The storage of more than one (1) disabled, inoperable, unregistered or uninsured vehicle on a lot for more than 3 days shall constitute a Junkyard under this definition.

**KENNEL:** Any building, structure or lot on (in) which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained or sold for profit or gain as a commercial operation.

**L.f.:** Linear Feet

**LAKE:** A natural or man-made body of water with a surface area greater than two acres, measured under ten-year storm conditions, which normally contains or retains water for extended periods. The shoreline of a Lake is measured at the perimeter of the surface of the water, under ten-year storm conditions, as certified by the Applicant's licensed professional Land Surveyor and approved by the City Surveyor.

**LAND:** Includes improvements and fixtures thereon, above or below grade.

**LAND DISTURBANCE:** Any activity involving the clearing, grading, transporting or filling of land and any other activity which causes land to be exposed to the danger of erosion.

**LAND MANAGEMENT CODE:** This Chapter 300 of the City Code of the City of Pleasantville, along with any exhibits, maps and other materials related hereto and specified herein.

**LAND SURVEYOR:** A person who, by reason of special knowledge of the mathematical sciences, the principles of determining and establishing accurate field measurements by means of land surveying procedures, the law pertaining to land and the methods whereby land boundaries are so marked, defined and described that they remain forever fixed, all acquired by professional training and experience, is qualified to practice land surveying as attested by a valid New Jersey License as a Professional Land Surveyor.

**LAND USE APPROVAL:** Approval for the development of one or more Lots issued by any relevant permitting agency, including, but not limited to, the Pleasantville Zoning Officer, Planning Board or Zoning Board of Adjustment.

**LANDSCAPE / LANDSCAPING:** The orderly, planned installation of shrubs, ground cover, flowering plants (perennials and annuals), trees, rocks, water, sculpture, art, walls, fences, berms, decorative mulches, gravels, pavers and other natural and man-made materials to produce an aesthetically pleasing appearance, satisfy ground stabilization requirements and/or provide a visual Buffer or Screen, arranged and implemented in accordance with proper design and horticultural practices and the requirements of this Chapter.

**LANDSCAPE SCREEN:** A visual and auditory barrier between adjoining lots or uses, typically composed of evergreen growth. See "Buffer".

**LAUNDROMAT:** An establishment providing washing, drying or dry-cleaning machines, or both, on the premises for rental use to the general public for family laundering or dry-cleaning purposes.

**LESS RESTRICTIVE ZONING DISTRICT:** See "More / Less Restrictive Zoning District".

**LIGHT MANUFACTURING:** See "Industrial, Light".

**LOADING SPACE:** An unobstructed, hard-surfaced parking space or berth, no part of which is located in any street or public right-of-way, either within a building or group of buildings or in the open and on the same lot with such building or group of buildings, the principal use of which is for the temporary standing (parking) of commercial vehicles while loading or unloading merchandise or materials.

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**LOCAL REDEVELOPMENT AND HOUSING LAW:** *The New Jersey Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.).*

**LOCAL STREET:** See “Street, Minor”.

**LODGE:** See “Private Club [Lodge]”.

**LODGING HOUSE:** See Boarding House.

**LONG-TERM CARE FACILITY:** See “Nursing Home”.

**LOT:** A designated parcel, tract or area of land established by a plat or otherwise as permitted by law, under single ownership and undivided by any street or private road, and occupied, used by, or designated to be developed for, building(s) or use(s) as permitted by this Chapter, together with such open spaces and yards as are designed and arranged or required by this Chapter to be used with such building, use or development.

**LOT AREA:** The total horizontal area of land, typically expressed in acreage and/or square feet, which is determined by the limits of the Lot Lines bounding such area, and not including any portion of a public right-of-way but including any portion which may be dedicated for a public right-of-way as a condition of Land Use Approval. Portions of Lots encumbered by easements shall be included in calculating Lot Area.

**LOT AREA, MINIMUM:** The smallest Lot on which a particular use or structure may be located in a particular Zoning District.

**LOT, CORNER:** A Lot on the junction of and abutting two (2) or more intersecting streets, or a Lot bounded on two (2) sides by a curving street where it is possible to draw two (2) intersecting tangents [one (1) each commencing at each of the two (2) points of intersection of the Lot Lines and Street Line] which intersect with each other to form an interior angle of less than 135°.

If the interior angle exceeds 135°, the Lot shall be deemed an Interior Lot.

Any portion of a Corner Lot whose nearest frontage measured along the Front Lot Line is more than 50’ from the point of intersection of the two (2) street lines or the two (2) tangents shall be subject to the regulations applicable to an Interior Lot.

For the purposes of calculating Lot Width, Lot Depth and required Setbacks in accordance with this Chapter, the Lot Frontage(s) of a Corner Lot shall be those frontages which abut a public right-of-way, with any remaining Lot Lines being designated Side Yards and Rear Yards, respectively. The designation of the Primary Lot Frontage, any Secondary Lot Frontage(s), lot side(s) and lot rear(s) shall be noted on the survey, plot plan or other documentation submitted as part of the Application for Land Use Approval.

Side and Rear Yards designations shall be based on the Primary Lot Frontage of the Subject building. Where Side Yard regulations include both a Minimum and Total Side Yard requirement and only one (1) Side Yard exists (thereby precluding a Total Side Yard calculation), only the Minimum Side Yard requirement shall be applied.

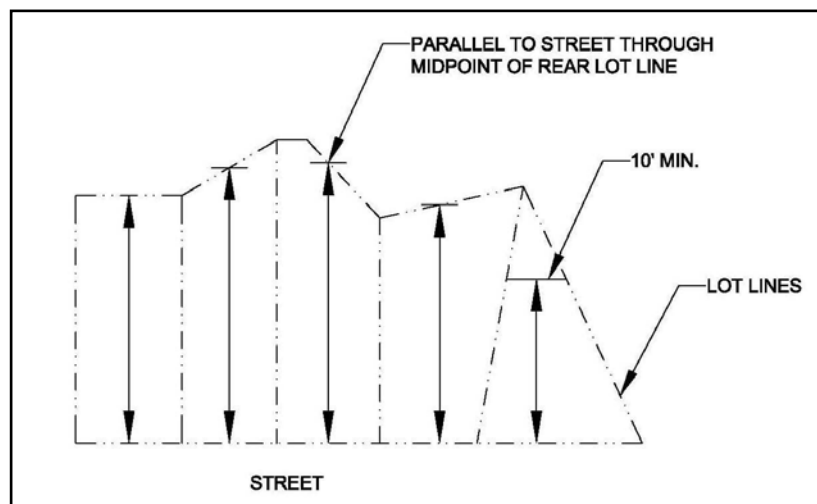
The Front Yard Setback for a Secondary Front Yard on a Corner Lot may be decreased by not more than 25% of the required Front Yard Setback in the Zoning District in which the Lot is located, unless a driveway is located in such Secondary Front Yard, wherein a reduced Front Yard Setback shall not be permitted.

See “Lot Depth” and “Yard, Side”.

**LOT COVERAGE:** See “Coverage, Impervious”

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**LOT DEPTH:** The shortest distance between the Front Lot Line and a line drawn perpendicular to the Front Lot Line through the midpoint of the rear Lot Line, provided that, in irregularly-shaped Lots or Lots having no readily-discernable rear Lot Line, the distance shall be measured to the midpoint of a line parallel to the Front Lot Line, which shall be not less than 10' in length, measured to a point where such line intersects with the two (2) Side Lot Lines.

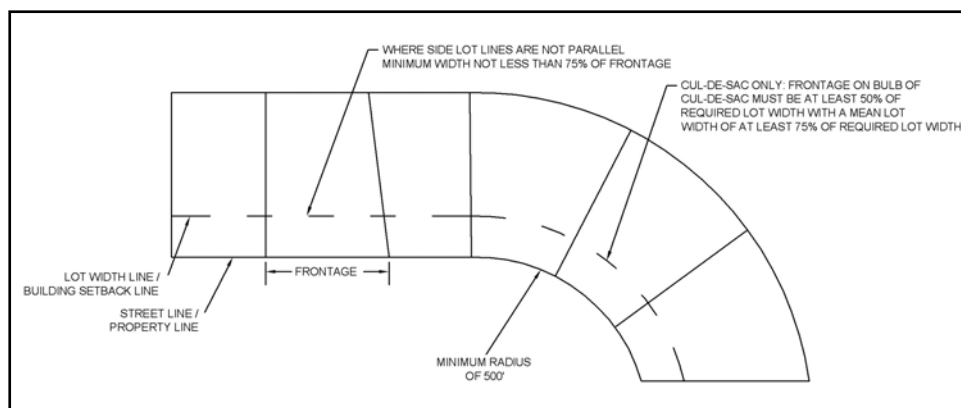


On Corner Lots, one Side Lot Line shall be considered a Rear Lot Line for the purpose of determining Lot Depth only.

**LOT, DOUBLE FRONTAGE:** A lot having frontage on two (2) nonintersecting streets.

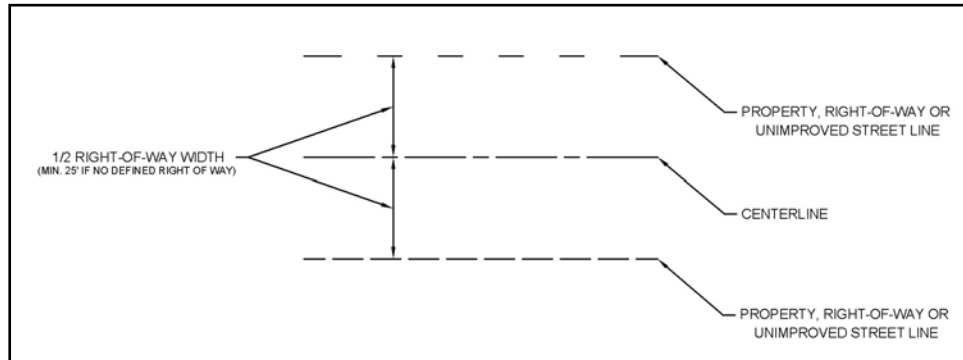
**LOT, FLAG:** A large lot not meeting minimum frontage requirements, where access to the public right-of-way is by a narrow, private driveway.

**LOT FRONTAGE:** The horizontal distance between the Side Lot Lines measured along and coexistent with a Street Line. The minimum Lot Frontage shall be the same as the minimum Lot Width, except that where the Lot Frontage is a curve with an outside radius of less than 500', the minimum lot frontage shall not be less than 75% of the minimum Lot Width. See "Lot Frontage, Primary" and "Lot Frontage, Secondary" for regulations pertaining to Lot Frontage for a Corner Lot.



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In the case of an unimproved street or a street of varying or undefined width, Lot Frontage shall parallel the centerline of the street at a distance of 50% of the statutory right-of-way width therefrom. For the purposes of this Chapter, only continuous, uninterrupted lot lines shall be accepted as meeting the Lot Frontage requirement.



- A. **LOT FRONTAGE, PRIMARY:** In the case of a Corner Lot, that Lot Frontage on which the principal entrance to the Building or Structure is located.
- B. **LOT FRONTAGE, SECONDARY:** In the case of a Corner Lot, any Lot Frontage that is not a Primary Lot Frontage.

**LOT, INTERIOR:** A Lot other than a Corner Lot. See “Lot, Corner”.

**LOT LINE:** A line bounding a Lot which divides one Lot from another or from a street or any other public space or a private road.

- A. **LOT LINE, FRONT:** A Lot Line or portion thereof which is coexistent with a street line and along which the Lot Frontage is calculated. In the case of a Corner Lot, each street line separating such Lot from a street shall be considered a Front Lot Line.
- B. **LOT LINE, REAR:** The Lot Line most distant from, and generally opposite and parallel to, the Front Lot Line. See “Lot Depth”.
- C. **LOT LINE, SIDE:** Any lot line other than a Front or Rear Lot Line.

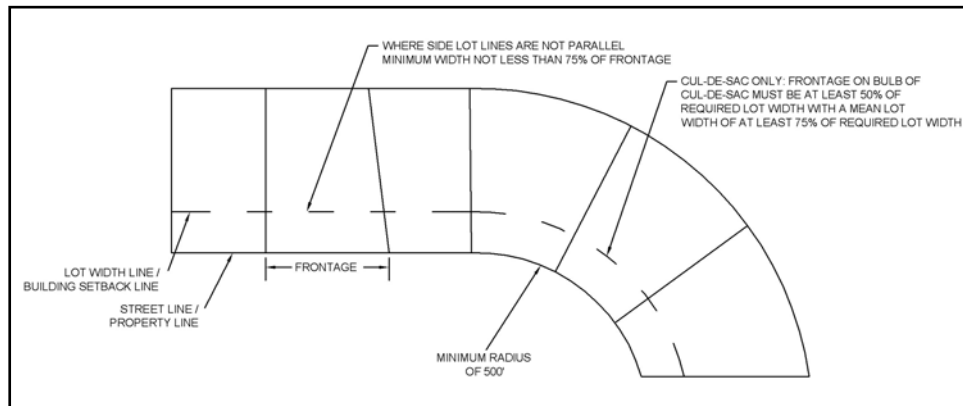
**LOT OF RECORD:** A parcel of land that, on the Effective Date of this Chapter, is a lot in a subdivision recorded on the records of the recorder of deeds of Atlantic County or that is described by a metes and bounds description which has been so recorded.

**LOT WIDTH:** The shortest horizontal distance between the Side Lot Lines, measured at Front Yard Setback line. When the Side Lot Lines are not parallel, the mean width of the Lot measured generally parallel to the Front Lot Line.

The minimum Lot Width as required by this Chapter shall be maintained for at least 75% of the minimum Lot Depth, as measured continuously from the Front Setback Line, except for Lots which front the bulb of a cul-de-sac, in which case Lot Width at the Front Setback Line may be reduced to 50% of the required Lot Width, provided that the mean Lot Width does not fall below 75% of the required Lot Width.



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**MAIN STREET:** County Road 585.

**MAINTENANCE GUARANTY [SURETY]:** Any security, other than cash, which may be accepted by the City for the maintenance of any improvements required by N.J.S.A. 40:55D-1 et seq., including but not limited to surety bonds and letters of credit as specified in N.J.S.A. 40:55D-53.5.

**MAJOR SITE PLAN:** See “Site Plan, Major”.

**MAJOR SUBDIVISION:** See “Subdivision, Major”.

**MALL:** A public promenade or pedestrian way which may be open or enclosed, and, for the purposes of this Chapter, includes commercial activity.

**MANUFACTURING:** See “Industrial, Heavy”.

**MARGINAL ACCESS STREET [ROAD]:** See “Street, Marginal Access”

**MARINA:** A small harbor, inlet or boat basin devoted to the purpose of providing docks, berths, slips or tie-ups for boats and other watercraft, along with associated amenities, including, but not limited to, bait and tackle shops, food and beverage outlets (restaurants or snack bars), fueling facilities, sewage pumpout stations, fish cleaning stations and necessary supportive utilities. See “Watercraft”-related definitions.

**MARINE ACTIVITIES:** Any fishing, boating or otherwise water-related use or facility, whether for recreation or commercial purposes. See “Watercraft”-related definitions.

**MARQUEE SIGN:** See “Sign, Awning [Canopy, Marquee]”.

**MASTER PLAN:** A composite of one or more written or graphic proposals for the development of the City as set forth in and adopted by the Planning Board pursuant to N.J.S.A. 40:55D-28 and including all subsequent amendments thereto and reexaminations thereof. See “2008 Comprehensive Master Plan Update”.

**MAYOR:** The Mayor of the City of Pleasantville.

**MEDICAL / DENTAL COMPLEX:** An integrated development consisting of a combination of general and/or specialized medical, dental and/or related uses, but in no case medically-oriented residential uses, housed in an enclosed building or buildings on a single lot or collection of contiguous lots forming a single parcel, utilizing such common facilities as patient and employee parking, pedestrian walkways and seating areas, utilities and sanitary facilities, and having a minimum total floor area of 3,000 s.f.

**MEMORIAL SIGN:** See “Sign, Memorial”.

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**MENTALLY DEFICIENT PERSON:** A person who is afflicted with a mental deficiency as defined in N.J.S.A. 30:4-25.1, whose reduction of social competence is so marked that persistent social dependency requiring guardianship of the person shall have been demonstrated or be anticipated.

**MINOR SITE PLAN:** See “Site Plan, Minor”.

**MINOR SUBDIVISION:** See “Subdivision, Minor”.

**MINOR, STREET:** See “Street, Minor”.

**MORE [LESS] RESTRICTIVE ZONING DISTRICT:** For the purposes of this Chapter, a more restrictive Zoning District shall be deemed to be that Zoning District which is subject to regulations which prohibit the particular use intended to be made on said Lot, or which regulations require higher standards with respect to Setbacks, Coverage, Yards, Screening, landscaping, off-street parking, density of population, bulk of buildings and similar requirements. By way of example, residential districts are generally more restrictive than commercial districts, and commercial districts are generally more restrictive than industrial districts.

Interpretation of more or less restrictive Zoning Districts shall be made by the Zoning Officer at time of Certification of Completeness.

**MORTUARY:** An establishment operated by a licensed mortician in accordance with N.J.S.A. 45:7-1 et seq. for the purposes of processing deceased individuals for burial, cremation or like or similar purpose.

**MOTEL [MOTOR COURT, MOTOR HOTEL]:** A building or group of buildings which contains, but is not necessarily solely comprised of, six (6) or more units which are designed, designated and intended to be used, let or hired out for compensation for transient occupancy to the general public by reservation or walk-up without reservation, but in any case without lease, with or without meals, for occupancy in periods of not less than one (1) night and not more than 20 continuous nights, and wherein more than 25% of the Motel Units have individual entrances from the exterior of the building within convenient access to a parking space or parking spaces for the use of the unit's occupants.

A Motel shall have full-time, on-site resident-management which shall not be subject to the occupancy limitation, and may provide amenities such as restaurants, conference rooms and recreation facilities.

**MOTEL UNITS:** Transient lodging units within a Motel which:

- A. contain, at a minimum, one (1) bedroom and one (1) separate bathroom, which shall be internal to the Motel Unit;
- B. contain not less than 350 s.f. of net habitable floor area for traditional Motel Units, defined as a transient lodging unit consisting of a single sleeping and living room with separate, internal bathroom and 450 s.f. of net habitable floor area for Motel Suites, defined as a transient lodging unit consisting of a more than one sleeping and/or living room with separate, internal bathroom.
- C. Other than an iron/ironing board, shall contain no laundry facilities.

**MOTOR VEHICLE FUELING STATION:** See “Automobile Fueling Station”.

**MOTOR VEHICLE SERVICE STATION:** See “Automobile Service Station”.

**MOVING SIGN:** See “Sign, Animated”.

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**MULCH [MULCHING]:** The application to the land surface of plant residue or other suitable organic or inorganic material that is not readily subject to movement by wind or water, in order to conserve moisture, hold soil in place, prevent weed growth, protect plants from extremes of heat and cold and aid in establishing plant cover.

**MULTI-FAMILY DWELLING [BUILDING, STRUCTURE]:** A building containing three (3) or more Dwelling Units, as defined, designed for residential occupancy by three (3) or more housekeeping units living independently of each other in separate dwelling units, each with its own cooking and sanitary facilities wherein not more than one (1) person per household is sheltered or fed for profit. For the purposes of this Chapter, Townhouses are not considered Multi-family Buildings. See “Apartments”

**MUNICIPAL AGENCY:** The Planning Board, Board of Adjustment or City Council of the City of Pleasantville, when acting pursuant to N.J.S.A. 40:55D-1 et seq. and this Chapter.

**MUNICIPALITY:** The City of Pleasantville.

**MUNICIPAL LAND USE LAW (“MLUL”):** N.J.S.A. 40:55D-1 et seq.

**NAMEPLATE SIGN:** See “Sign, Nameplate”.

**NEIGHBORHOOD COMMERCIAL AND SERVICE ACTIVITIES:** Uses designed to provide for the routine needs of the residents living in the vicinity of the subject use. Examples include: grocery / specialty food stores; convenience stores without fuel dispensing facilities; video rental / sales; non-“big box” general retail / dry goods stores; fabric stores; hair and nail salons / barber and beauty shops; tailor shops; greeting card / stationary / florist shops; retail dry cleaners (no commercial cleaning on premises); shoe repair; and like and similar activities.

**NEIGHBORHOOD HEALTH CENTER:** A Clinic organized as a voluntary, nonprofit enterprise to provide health care services to a broad socio-economic mix of patients within a specific service area.

**NEW CONSTRUCTION:** Buildings or structures for which the start of construction commences on or after the effective date of this Chapter.

**NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS (“NJDCA”):** The New Jersey Department of Community Affairs and, by extension, the individual divisions and/or offices therein, including the Office of Planning Advocacy and the Urban Enterprise Zone Authority.

**NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (“NJDEP”):** The New Jersey Department of Environmental Protection and, by extension, the individual divisions within NJDEP responsible for implementation of the Coastal Zone Management Rules, CAFRA and other environmental regulations.

**NEW JERSEY DEPARTMENT OF TRANSPORTATION (“NJDOT”):** The New Jersey Department of Transportation and, by extension, the individual divisions within NJDOT.

**NEW ROAD:** U.S. Highway 9.

**NOISE:** For the purposes of this Chapter, any sound, of whatever type or source, emanating from a Lot, building, structure or use, whether Principal or Accessory, which impacts the quiet enjoyment and/or the routine activities of neighboring or nearby Lots, buildings, structures or uses.

**NONCONFORMING BUILDING [STRUCTURE]:** A building or structure, the use, size, dimension or location of which was lawfully existing prior to the Effective Date of this Chapter, or any amendment thereto, but which, after such Effective Date of or amendment to this Chapter, fails to conform to the requirements of the Zoning District in which such building or structure is located.

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Any building containing more than one (1) dwelling unit beyond to the number permitted by the regulations in the Zoning District where such building is located shall be deemed to be a Nonconforming Use rather than a Nonconforming Building.

**NONCONFORMING LOT:** A Lot, the area, dimension or location of which was lawfully existing prior to the Effective Date of this Chapter, or any amendment thereto, but which, after such Effective Date of or amendment to this Chapter, fails to conform to the requirements of the Zoning District in which such Lot is located.

**NONCONFORMING LOT OF RECORD:** A Lot of Record which does not comply with the lot requirements for any permitted use in the district in which it is located.

**NONCONFORMING SIGN:** Any sign lawfully existing on the Effective Date of this Chapter, or any amendment to it rendering such sign nonconforming, which does not comply with all of the standards and regulations of this Chapter or any amendment hereto.

**NONCONFORMING USE:** A use or activity which was lawfully existing prior to the Effective Date of this Chapter, or any amendment thereto, but which, after such Effective Date or amendment, fails to conform to the requirements of the Zoning District in which such Use or activity is located.

**NON-POINT-SOURCE POLLUTION:** Pollution from any source other than a discernible, confined and discrete conveyance, including, but not be limited to, pollutants from agricultural, forestry, mining, construction, subsurface disposal and urban runoff.

**NUISANCE:** An offensive, annoying, unpleasant or obnoxious item or practice; a cause or source of an annoyance, especially a continuing or repeating invasion or disturbance of another's rights, including the actual or potential emanation of any physical characteristic of activity or use across a Lot Line which can be perceived by or affect a human being; the generation of an excessive or concentrated movement of people or items, including, but not limited to, noise; dust; heat; smoke; fumes; odor; glare; flash; vibration; shock wave; heat; electronic impulses, radiation; effluent; or other externality, including by congregation of people, especially at night; traffic; or the transportation of items by truck, rail or other means.

**NURSERY SCHOOL:** See "Day-Care"

**NURSING HOME [FACILITY]:** A licensed establishment which provides full-time convalescent or chronic care, or both, for three (3) or more individuals who are not related by blood or marriage to the operator and who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical services shall be provided in such an establishment. A Hospital shall not be construed to be included in this definition.

**o.c.:** On Center. The spacing between the centers of planted trees, light standards or other vertical elements.

**OCCUPANCY:** The specific purpose for which a Lot or building is designed, used or maintained.

**OCCUPANCY PERMIT:** A permit issued by the Code Enforcement Officer or designee certifying that a dwelling unit or apartment is fit for human habitation and that such dwelling unit or apartment is in compliance with all other ordinances of the City of Pleasantville.

A dwelling unit shall be deemed to be *Unfit for Human Habitation* where conditions exist therein which are dangerous to the health or safety of the units occupants or of the residents of the City. Such conditions may include, but need not be limited to, defects increasing the hazard of fire, accidents or other casualty; lack of adequate ventilation, light or sanitary facilities; dilapidation, disrepair or structural defects; or uncleanness.

**ODOROUS MATTER:** Any material that produces a positive or negative olfactory response in a human being.

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**OF- [BY-] RIGHT DEVELOPMENT:** See “By- [Of-] Right Development”.

**OFFICIAL COUNTY MAP:** The map, with changes and additions thereto, adopted and established, from time to time, by resolution of the Board of Chosen Freeholders of Atlantic County pursuant to N.J.S.A. 40:27-5.

**OFFICIAL MAP:** A map adopted by ordinance by the Governing Body pursuant to N.J.S.A. 40:55D-32 et seq., which shall be deemed conclusive with respect to the location and width of streets and public drainage ways and the location and extent of flood control basins and public areas, whether or not such streets, ways, basins or areas are improved or unimproved or are in actual physical existence.

**OFF-SITE:** Located outside the Lot Lines of the Lot in question, but within the property (of which the Lot is a part) which is the subject of a development application, or on a contiguous portion of a street right-of-way or drainage or utility easement.

**OFF-TRACT:** Not located on the property which is the subject of a development application or on a contiguous portion of a street right-of-way or drainage or utility easement.

**ON-SITE:** Located on the lot in question.

**ON-SITE INFORMATIONAL SIGN:** See “Sign, On Site Informational”.

**OFF-SITE [COMMERCIAL] ADVERTISING SIGN:** See Sign, Advertising”.

**ON-TRACT:** Located on the property which is the subject of a development application or on a contiguous portion of a street right-of-way or drainage or utility easement.

**OPEN DECK:** See “Deck”.

**OPEN PORCH:** See “Porch, Open”.

**OPEN SPACE:** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, and improved only by buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

A. **OPEN SPACE, COMMON:** Open space held in private ownership and regularly available for use by the occupants of more than one (1) dwelling.

B. **OPEN SPACE, PERIMETER LANDSCAPED:** A landscaped Open Space intended to enhance the appearance of parking lots and other outdoor auto-related uses or to screen incompatible uses along Zoning District Boundary Lines by means of appropriate landscaping or screening. Except as expressly provided in this Chapter, such Open Space shall extend along the entire length of the Lot Line in question and shall have a width equal to 15’ or the depth or width of the yard required along the Lot Line in question, whichever is greater. Perimeter Landscaped Open Space shall be broken only by required accessways, shall be suitably surfaced with grass, ground cover or decorative paving material or any combination thereof, and shall contain landscaping such as ornamental trees and shrubs or appropriate screening devices such as decorative walls, fences or berms, or any combination thereof, sufficient to create a permanent screen not less than 8’ in height, wherein not more than 30% of such screen shall consist of walls or fences. The space shall be so designed and maintained as to preserve unobstructed vision of the street and sidewalk at points of access. Where a Perimeter Landscaped Open Space is required, a landscaping plan shall be submitted to the Zoning Officer for review.

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- C. **OPEN SPACE, PRIVATE:** Open space held in private ownership, the use of which is normally limited to the occupants of one (1) dwelling.
- D. **OPEN SPACE, PUBLIC:** Open space conveyed or otherwise dedicated to a municipality, municipal agency, board of education, federal, state or county agency or other public body for recreation or conservation purposes.
- E. **OPEN SPACE, UNOCCUPIED:** An unoccupied area, including natural and man-made watercourses, streams, lakes, ponds and grassed, wooded or landscaped area, open to the sky on the same lot with a principal and/or accessory building and other site features. Improved sidewalks, paved paths or other pedestrian-ways within an unoccupied open space area which exceed 4' in width shall be deducted in determining the unoccupied open space area.
- F. **OPEN SPACE, URBAN:** A landscaped public open area which:
- (1) Is accessible to the public at all times;
  - (2) Extends along a Street Line for a length of at least 30' and is directly accessible from the public sidewalk for a length of at least 30';
  - (3) Has a depth of not less than 30';
  - (4) Is not more than 3' above or below t.o.c.; and
  - (5) Is landscaped with trees, shrubs or other plant materials and may include tables and chairs for alfresco dining, sculpture, fountains or similar features, provided that the surface area occupied by such planting or features does not exceed 66% of the area of the Urban Open Space and that the balance of the Urban Open Space is suitable for walking, sitting and similar pursuits.
- G. **OPEN SPACE, USABLE:** Open Space which is open and unobstructed from its lowest level to the sky, except for roof overhangs not in excess of 5', and which is accessible to and usable by residents residing on the Lot. Usable Open Space may include areas at the ground level and on roofs, terraces, decks and balconies, provided:
- (1) The minimum dimensions for Usable Open Space at the ground level is 10' feet with a minimum area of 100 s.f.;
  - (2) The minimum dimensions for Usable Open Space located on roofs or decks is 20' with a minimum area of 400 s.f.;
  - (3) The minimum dimensions for Usable Open Space for a balcony is 5' with a minimum area of 50 s.f.

**OFFICE OF PLANNING ADVOCACY:** The New Jersey Office of Planning Advocacy (successor to the Office of Smart Growth and the Office of State Planning) within the New Jersey Department of Community Affairs.

**OFFICE OF SMART GROWTH ("OSG"):** See "Office of Planning Advocacy".

**OLD TURNPIKE:** County Road 697 east of Franklin Boulevard.

**OWNER:** An individual, family, group, firm, association, syndicate, partnership or corporation having proprietary interest in land which is the subject of a development proposal.

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**PARKING AREA [LOT]:** A paved open area, other than a street or other public way, used for the open storage of motor vehicles, and including any driveways and access drives, as well as accessory incidental structures or improvements such as curbing, drainage, lighting and signage.

- A. **PARKING AREA [LOT], ACCESSORY:** A Parking Area or Lot which is on the same Lot as another use and for which it provides parking.
- B. **PARKING AREA [LOT], FREESTANDING:** A Parking Area or Lot which is not accessory to a particular use but which is itself the primary use.
- C. **PARKING AREA [LOT], PRIVATE:** A paved open area, other than a street or other public way, used for the open storage of privately-owned motor vehicles and not for public use, and including any driveways and access drives, as well as accessory incidental structures or improvements such as curbing, drainage, lighting and signage.
- D. **PARKING AREA [LOT], PUBLIC:** A paved open area, other than a street or other public way, used for the parking of motor vehicles and available to the public, whether for a fee, free or as an accommodation of clients or customers, and including any driveways and access drives, as well as accessory incidental structures or improvements such as curbing, drainage, lighting and signage.
- E. **PARKING AREA [LOT], COMMERCIAL:** A paved open area, other than a street or other public way, used for the parking of motor vehicles in return for a fee and which is not directly operated by and on behalf of a use permitted in the zone in which located, and including any driveways and access drives, as well as accessory incidental structures or improvements such as curbing, drainage, lighting and signage.

**PARKING FACILITY, PUBLIC:** A building, structure, garage, outdoor space, plot, place, lot, parcel, yard or enclosure, or any portion thereof, where motor vehicles may be parked, stored, housed or kept, for which any charge is made, and which is open to the general public.

**PARKING GARAGE:** See "Garage, Public."

**PARKING SPACE:** An off-street space provided for the parking of a motor vehicle, exclusive of driveways, access drives, fire lanes and public rights-of-way, which is located either at grade or within a structure designed for such purpose. Private driveways for dwelling units shall be considered off-street parking spaces, provided that no portion of the parking space shall extend into the public right-of-way.

**PARTY IMMEDIATELY CONCERNED:** For purposes of public notice, any applicant for development, the owners of the subject property and all owners of property and government agencies entitled to notice under N.J.S.A. 40:55D-12.

**PATIO:** An open-sided area or platform, without roof, which is at grade or elevated less than 12" above grade, and which is surfaced with hardscape material such as brick, stone, pavers, cement or lumber, and which is typically used for recreation purposes.

**PEEP SHOW:** See "Adult Establishment".

**PERFORMANCE GUARANTY:** Any security, other than cash, which may be accepted by the City in accordance with the requirements of this Chapter, including, but not limited to, surety bonds and letters of credit as specified in N.J.S.A. 40:55D-53.5.

**PERIMETER SETBACK:** See "Setback, Perimeter".

**PERMITTED USE:** Any use of land or buildings as permitted by this Chapter. The term Permitted Use or its equivalent shall not be deemed to include any nonconforming use.

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**PERSONAL SERVICE ESTABLISHMENT:** A facility in which an individual utilizes his/her skills and/or talents for the provision of services involving the care of a person or his/her personal goods or apparel. Examples include hair and nail salons, barber and beauty shops, tailor shops, shoe repair, and like and similar activities.

**PHARMACY:** A retail establishment wherein prescription and nonprescription medications and related items are prepared and dispensed by a licensed professional, and which may include the sale of prepackaged foods, cosmetics, books and magazines, sundries and miscellaneous articles and dry goods.

**PLACE OF WORSHIP:** A building or group of buildings used by congregations for public worship, including cathedrals, chapels, churches, meetinghouses, mosques, synagogues, temples and similarly used buildings, as well as accessory uses such as religious education, social halls, parish houses, rectories and like and similar uses.

**PLANNING & REDEVELOPMENT ADVISORY COMMITTEE:** A committee consisting of the Planning Board Chair (or Class IV designee selected by the Planning Board Chair), the City Administrator (or designee), the City Planner (or designee), the Zoning Officer and the member of the Governing Body who is the (Class III) member of the Planning Board, with additional technical assistance provided by the City Solicitor, City Engineer or other City staff or professionals as may be determined on a case-by-case basis.

The Planning & Redevelopment Advisory Committee shall function in an informal manner, and as such shall establish its own rules and procedures as necessity dictates. Accordingly, and regardless of the capacity in which such Committee shall function, all Committee meetings shall be nonbinding work sessions and not public hearings as defined in the Open Public Meetings Act (N.J.S.A. 10:4-6) and thereby subject to public notice.

The Planning & Redevelopment Advisory Committee shall be chaired by the City Administrator or his designee, and shall function as an ex-officio administrative arm of the City, with duties including, but need not be limited to:

- A. Review and recommendation to City Policymakers regarding land use and development related issues;
- B. Informal review of project concepts and description of project elements proposed by prospective developers prior to making formal application to the Planning Board or Zoning Board of Adjustment, as the case may be, in order to provide insight with respect to the concepts and to offer nonbinding suggestions and recommendations for the improvement of the concepts;
- C. Administrative review of items as specifically authorized by a Redevelopment Plan adopted by the City pursuant to the New Jersey Local Redevelopment & Housing Law;
- D. Any other appropriate issue as assigned by the City.

**PLANNING BOARD:** The Planning Board of the City of Pleasantville, established pursuant to N.J.S.A. 40:55D-23 and §300-11 herein.

**PLANNING BOARD ENGINEER:** See “Board Engineer”.

**PLANNING BOARD PLANNER:** See “Board Planner”.

**PLAT:** One (1) or more maps of a subdivision or a site plan which show the location, boundaries and ownerships of individual properties.



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- A. **PLAT, FINAL:** The map or maps of all or a portion of the development prepared and submitted to the Planning Board or Zoning Board of Adjustment, as the case may be, for Final Site Plan or Subdivision Approval. Final Plat shall also include and be synonymous with the term "Final Site Plan."
- B. **PLAT, PRELIMINARY:** The map or maps of all or a portion of the development prepared and submitted to the Planning Board or Zoning Board of Adjustment, as the case may be, for Preliminary Site Plan or Subdivision Approval. Preliminary Plat shall also include and be synonymous with the term "Preliminary Site Plan."

**PLEASANTVILLE:** See "City".

**PLEASANTVILLE HOUSING AUTHORITY ("PHA"):** The Housing Authority of the City of Pleasantville, an independent agency of the City charged with administering Federally-sponsored<sup>11</sup> low income housing programs on behalf of the City.

**PLEASANTVILLE URBAN ENTERPRISE ZONE ("PUEZ"):** The office of the Urban Enterprise Zone for the City of Pleasantville, operating under the New Jersey Urban Enterprise Zones Act (N.J.S.A. 52:27 H-60 et seq.) and unless otherwise indicated, includes its appointed Board of Trustees, officers and staff.

**PLOT:** See "Lot".

**POLE SIGN:** See "Sign, Pole".

**POLITICAL SIGN:** See "Sign, Political".

**POND:** A natural or man-made body of water with a surface area, measured under ten-year storm conditions, of two acres or less, which normally contains or retains water for extended periods. The shoreline of a Pond is measured at the perimeter of the surface of the water, under ten-year storm conditions, as certified by the applicant's licensed professional Land Surveyor and approved by the City Surveyor.

**PORCH:** An open-sided, roofed platform, which is elevated more than 12" above grade and supported by piers, pillars or posts rooted in a permanent concrete foundation, and which projects from the exterior wall of a principal building, has direct access from that principal building, and has at least three of its perimeter sides unobstructed in any manner between floor and ceiling except for roof-support elements and insect screening. Porches shall be fitted with appropriate railings pursuant to applicable building codes.

**PORCH, OPEN:** A Porch having not less than 70% of the total area of the vertical planes forming its perimeter unobstructed in any manner between floor and ceiling except by insect screening.

**PORTABLE SIGN:** See "Sign, Portable".

**PORTICO [PORTE-COCHERE]:** An open-sided roofed structure projected from the exterior wall of a principal building, with direct access from that building, and sheltering an entrance to that building. A portico may also be considered as a roofed area forming a porch. The roof of a portico shall be supported by piers, pillars or posts rooted in a permanent concrete foundation. In no case shall a portico be construed as a carport (i.e., open-sided garage) for the parking of motor vehicles or other outdoor storage.

**PRELIMINARY APPROVAL:** The conferral of certain rights pursuant to N.J.S.A. 40:55D-46, 40:55D-48 and 40:55D-49 prior to Final Approval, after specific elements of a development plan have been agreed upon by the Applicant and the Planning Board or Zoning Board of Adjustment, as the case may be.

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<sup>11</sup> Under the auspices of the United States Department of Housing & Urban Development ("HUD")

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**PRELIMINARY FLOOR PLANS AND ELEVATIONS:** See “Project Concepts and Description of Project Elements”.

**PREMISES:** A Lot, Plot or Parcel of land, or multiple Lots, Plots or Parcels, forming a tract of land, together with the buildings and structures thereon, held under a single ownership or control. See “Lot”.

**PRIMARY BUILDING [STRUCTURE]:** See “Principal Building or Structure”.

**PRIMARY USE:** See “Principal Use”.

**PRINCIPAL BUILDING [STRUCTURE]:** A building or structure in which is conducted the main or primary use of the lot on which said building is situated. No Lot shall have erected upon it more than one Principal Building or Structure unless otherwise specified in this Chapter.

**PRINCIPAL USE:** The primary purpose for which a building, structure or lot is used. No Lot shall be used for more than one Principal Use unless otherwise specified in this Chapter.

**PRIVATE CLUB [LODGE]:** A building and related facilities owned or operated by a corporation, association or group of persons for social, educational or recreational purposes for members regularly paying dues, but not primarily for profit or to render a service which is customarily carried on as a business.

**PRIVATE SALE [EVENT] SIGN:** See “Sign, Private Sale [Event]”.

**PROFESSIONAL OFFICE:** The office or offices of one or more member(s) of a recognized, licensed profession, and which is used or intended to be used solely for the administrative function of such occupants' business and/or profession. Examples include offices for accountants, architects, attorneys, clergy, engineers, financial or investment counselors, funeral parlors, insurance brokers, medical and dental practitioners, planners, real estate brokers, stock, commodity or investment brokers, veterinarians and like and similar professional occupations.

**PROFESSIONAL OFFICE BUILDING:** A building in which is located one or more Professional Offices.

**PROHIBITED USE:** A use which is not specifically allowed or permitted in a particular zone and for which the granting of a variance under N.J.S.A. 40:55D-70d would be necessary in order to provide that use. Uses not expressly permitted by this Chapter shall be prohibited.

**PROJECT CONCEPTS AND DESCRIPTION OF PROJECT ELEMENTS:** Architectural drawings and associated narrative, graphic and budgetary information prepared during early and introductory stages of the design of a project, illustrating, in a schematic form, the project scope, scale, relationship to its site and immediate environs and exterior colors and finishes.

**PROJECTING SIGN:** See “Sign, Projecting”.

**PROPERTY LINE:** See “Lot Line”.

**PROPOSED ELEVATION:** See “Elevation, Finish”.

**PUBLIC AREAS:** Areas dedicated to any governmental agency for use as public parks, playgrounds, trails, paths and other recreational areas; other public open spaces; scenic and historic sites; and sites for schools and other public buildings and structures.

**PUBLIC DEVELOPMENT PROPOSAL:** A Master Plan, Redevelopment Plan, Capital Improvement Program or other proposal for land development adopted by the appropriate public body or governmental agency; or any amendment thereto.

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**PUBLIC DRAINAGEWAY:** The land reserved or dedicated for the installation of stormwater sewers or drainage ditches, or required along a natural stream or watercourse, for preserving the biological habitat and drainage function of the channel in order to provide for the flow of water to safeguard the public against flood damage, sedimentation and erosion, to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground, where practical, and to lessen non-point pollution.

**PUBLIC IMPROVEMENT:** Any improvement, facility or service, together with its associated public site or right-of-way, necessary to provide transportation, drainage, utility, energy or similar essential services, including but not limited to streets, drives, sidewalks, walkways and other vehicular and pedestrian circulation systems, together with customary improvements and appurtenances such as signaling, signage, curbs and gutters, shade trees and landscaped buffers or parkways and street furniture; facilities incidental to a public transportation system such as loading zones, turnarounds, passenger waiting areas protected from inclement weather and pedestrian linkages between loading areas and activity areas; storm sewers and appurtenances, drainageways, culverts, flood control basins and devices, retention and detention basins or areas to control storm runoff, erosion and sediment control structures and devices and other drainage structures, devices and facilities; water supply and distribution facilities and appurtenances both for domestic use and for fire protection; sanitary sewage disposal and treatment facilities and appurtenances; public utility facilities and appurtenances for gas, electric and telephone service; and facilities and appurtenances for the production, conversion, distribution and storage of energy necessary for essential residential, commercial and industrial uses permitted by this Chapter.

**PUBLIC OPEN SPACE:** See “Open Space, Public”.

**PUBLIC PARKING FACILITY:** See “Parking Facility, Public”.

**PUBLIC PURPOSE USE:** The use of land or buildings by the City, a City Agency, Board of Education, federal, state or county agency or other public body.

**PUBLIC RIGHT-OF-WAY:** A right-of-way or easement for a street transportation corridor, utility corridor, waterway or drainageway owned or to be owned by a government agency.

**PUBLIC SITE:** An area devoted to or planned for use as a public park, public school, federal, state, county or City building or facility or other public use or facility.

**PUBLIC UTILITY [CENTRAL] SUBSTATIONS:** An assembly of equipment in a delivery system which is owned and operated by a recognized public utility, for the purpose of transmission, distribution, interconnection, transformation, conversion, switching, control or monitoring of the utility product (typically electricity, water, sanitary sewerage, telecommunications and natural gas) for the benefit of the public. For the purposes of this definition, sewerage pump stations shall be considered a Public Utility [Central] Substation.

Such facilities shall be fully secured by a surrounding fence or an enclosing structure, provided that, any such structure shall be designed to conform and harmoniously blend with the architecture of neighboring or nearby buildings. No permanent storage of material or equipment not necessary for the function of the substation shall be permitted within the subject building or on the subject Lot.

**PUBLIC UTILITY CABINETS:** An minor assembly of equipment, typically in one or more self-contained installations no greater than 5’wx5’dx6’h, in a delivery system which is owned and operated by a recognized public utility, for the purpose of transmission, distribution, interconnection, transformation, conversion, switching, control or monitoring of the utility product (typically electricity and telecommunications) for the benefit of the public.

**QUORUM:** The majority of the full authorized membership of a municipal agency.

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**RADIOACTIVE USE:** Any natural or artificially produced substance or combination of substances which emits radiation spontaneously.

**REACH:** A hydraulic engineering term describing longitudinal segments of a stream or river, generally including the segment of the flood hazard area where flood heights are influenced by a man-made or natural obstruction, or the segment of a stream or river between two consecutive bridge crossings.

**REAL ESTATE SIGN:** See “Sign, Real Estate”.

**REAR LOT LINE:** See “Lot Line, Rear”.

**REAR YARD:** See “Yard, Rear”.

**RECHARGE:** The replenishment of underground water reserves.

**RECHARGE BASIN:** A detention basin designed not only to relocate water gradually into a natural or man-made outlet but also to permit water to percolate into the ground consistent with subsurface strata.

**RECREATION AREA:** A facility and/or open space area set aside, designed, improved, equipped and/or used for recreation purposes, which and may include but shall not be limited to playfields, playgrounds, swimming pools, tennis and other court games, tot-lots, parks, picnic areas, nature preserves and boating and fishing areas and facilities.

**RECREATIONAL VEHICLE (“RV”):** A portable vehicular-type structure constructed on a chassis and without permanent foundation, which can be towed, hauled, driven or otherwise transported from place to place, whether by motor power or other means, and is primarily designed as temporary living accommodations for recreation, camping and travel use, and which contains cooking, sleeping and sanitary facilities. Examples include, but are not limited to, campers, house trailers, travel trailers, truck campers, camping trailers and self propelled motor homes.

**RECREATIONAL VEHICLE [TRAILER COACH, RV] PARK:** Any plot of ground upon which two (2) or more Recreational Vehicles, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

**RECYCLING AREA:** Space allocated for collection and storage of source-separated recyclable materials.

**REGIONALLY-ORIENTED COMMERCIAL AND SERVICE ACTIVITIES:** Uses designed to provide for the needs of the citizens of eastern Atlantic County. Examples include: supermarkets; pharmacies (including drive-through); convenience stores, including those with fuel dispensing facilities; package liquor stores; furniture stores; “big-box” retail / appliance or home improvement stores; department stores; ‘chain’ / franchise craft / hobby stores, sporting goods stores, pet stores, toy stores and book stores; medical appliance or supply stores; photocopy, printing or reproduction shops; mail packaging services, general appliance repair; upholstery / furniture repair; Financial Institutions; professional, administrative or consulting service offices; and like and similar activities.

**RESIDENTIAL DENSITY, NET:** See “Density, Net [Residential]”.

**RESOURCE PROTECTION AREA:** A natural area or feature containing natural resources protected by this Chapter wherein improvement and/or alteration may be restricted or prohibited or conservation required. Resource protection areas may include wooded areas, floodplains, natural drainage areas, watercourses, ponds, lakes, stream corridors, riparian lands, wetlands, marshland, wildlife habitats, archaeological sites and steep slopes.

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**RESTAURANT:** An Eating and Drinking Establishment, however designated, at which food is sold to the general public for consumption on the premises, normally to patrons seated within an enclosed building but also permitting alfresco dining, (subject to the applicable provisions of §300-51) and where the consumption of food in motor vehicles on the premises is neither encouraged nor permitted. A snack bar or refreshment stand at a public or community playground, park, field or other recreation facility, which snack bar or refreshment stand is operated solely by the agency or group operating the recreation facility, and for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

A. **RESTAURANT, DRIVE-IN [TAKE-OUT, CARRY-OUT]:** An Eating and Drinking Establishment which, by the design of the physical facility or by service or packaging procedures, encourages and permits customers to purchase prepared, ready-to-eat food and beverages intended for consumption:

- (1) on the premises, but outside the confines of the Principal Building;
- (2) in automobiles parked upon the premises; or
- (3) off-premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided for on-site consumption.

With the exception of ice cream service, no transaction may be made through a window to a patron on the street or sidewalk.

B. **RESTAURANT, FAST-FOOD:** An Eating and Drinking Establishment in which a limited or specialized list of quickly-prepared or pre-prepared food items, utilizing mechanized, standardized preparation and packaging techniques, is offered for on- and/or off-site consumption, including operations where food may be directly ordered from and/or directly served into automobiles queued for such purpose. Such drive-in or outside ordering and service may be the sole form of food service or may be used in combination with ordering and service from a counter inside of the building.

C. **RESTAURANT, FULL SERVICE:** See “Restaurant:

**RESUBDIVISION:** The further division or relocation of Lot Lines of any Lot or Lots within a subdivision previously made and approved or recorded according to law; or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law; but not including conveyances so as to combine existing lots by deed or other instrument.

**RETAIL:** The sale of goods or articles individually or in small quantities directly to the consumer.

**RETAINING WALL:** A structure more than 18” in height, erected between lands of different elevations to protect structures and/or to prevent the washing or erosion of earth from the upper slope level.

**RETENTION BASIN:** A man-made or natural body of water of a depth of not less 4’ which is designed to contain water at all times, the level of which will be increased as a result of the flow into it of surface water, collected therein and released gradually into natural or manmade outlets.

**REVERSE FRONTAGE [LOT]:** A Lot wherein access is not possible from one of the parallel or nonintersecting streets upon which it fronts; where access is from an accessory street, rather than the collectors.

**REVETMENT:** A facing of stone, concrete or similar material constructed to protect a sharp embankment or shore structure against erosion by wave action or current.

**RIPARIAN LANDS:** Those tidal lands of the State of New Jersey which are now or were formerly flowed by mean high water.

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**RIPARIAN LICENSE:** A legal instrument issued by the State of New Jersey which allows the use of Riparian Lands in the manner prescribed by that instrument as required, generally, by N.J.S.A. 12:3-1 et seq.

**RIPARIAN PERMIT:** A legal instrument issued by the State of New Jersey pursuant to N.J.S.A. 12:5-3 prior to the development or improvement of the waterfront.

**ROOF SIGN:** See "Sign, Roof".

**ROOMER:** "See, Boarder".

**ROOMING HOUSE:** See "Boarding House".

**s.f.:** Square Foot

**SATELLITE DISH ANTENNA:** A parabolic apparatus which is designated for the purpose of receiving television, radio, microwave, satellite, or other similar signals.

**SERVICE STATION:** See "Automobile Service Station"

**SCHOOL:** See "Educational Use."

**SCHOOL, PAROCHIAL:** A school supported and controlled by a Place of Worship.

**SCIENTIFIC RESEARCH LABORATORY:** A building or group of buildings in which activities are limited to experiment, testing and other forms of research, such as product design and development, provided that the use shall not include any processing or manufacturing except as may be incidental to the research or testing process. There shall be no commercial production of goods, materials or any other substances for sale, except as may be produced by a small pilot facility necessary to the research activity.

**SCREEN:** See "Landscape Screen".

**SECONDARY USE:** See "Accessory Use".

**SEDIMENT:** Solid mineral or organic material, in suspension, which is being or has been transported from its site of origin by air, water, ice or gravity or other natural means as a product of erosion.

**SEDIMENTATION:** The transport deposition of Sediment.

**SEDIMENT BASIN:** A barrier or dam built at suitable locations to retain Sediment.

**SELF-SERVICE STORAGE FACILITY:** A building or group of buildings containing separate, individual and privately-lockable storage spaces of varying sizes available for lease or rent to the general public for varying periods of time.

**SERVICE:** Useful labor that does not produce a tangible commodity. Work done or duty performed for another or others.

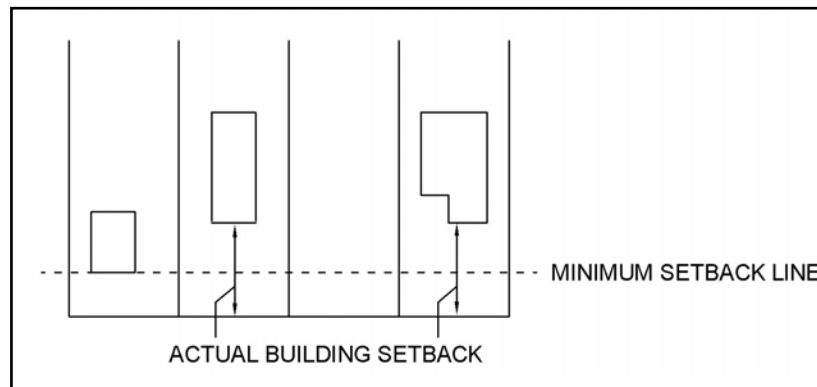
**SERVICE ACCESS:** That portion of any required yard area which is set aside for the sole purpose of access from the right-of-way adjoining the premises to the loading or unloading area on the premises in order to service the building erected for the use conducted thereon.

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**SETBACK:** The clear, unoccupied and unobstructed horizontal distance between the vertical walls of a building or structure and any Front, Side or Rear Lot Line, measured perpendicular to such Lot Lines, and extending from grade to sky, except for encroachments permitted by §300-51A.(1).

Accessory Uses may be a permitted encroachment where indicated, subject to the limitations set forth in this Chapter.

**SETBACK LINE:** A line drawn parallel with a street or Lot Line establishing the minimum horizontal distance from the street line or Lot Line beyond which a building or part of a building is not permitted to extend as specified in this Chapter. In order to create an aesthetically pleasing building facade along the front or side of a building, bay windows or other architectural detailing may extend into the front or side yard setback a maximum of 12". All yard requirements are measured to the Setback Line.



**SETBACK, PERIMETER:** A clear and unoccupied space extending along the entire Lot Line to a depth specified in the applicable provisions of this Chapter. The depth of the Perimeter Setback area shall be measured at right angles to the Lot Lines of the property.

**SHRUBS:** Generally multi-stemmed, deciduous or evergreen plants classified in size by (typically low) height and (typically wide) spread.

**SIDEWALK:** A public way for carrying pedestrian traffic. Sidewalks may be located within a right-of-way provided for within a Street or may be located adjacent to a property line, between Lots, and laid out so that it may provide pedestrian traffic along a Street or road or within a subdivision connecting two Streets.

**SIGHT TRIANGLE [EASEMENT]:** A triangular area abutting two intersecting streets formed by connecting a line between the intersecting Street Lines and a point on each Street Line a set distance from the intersection in accordance with the requirements of this Chapter. The purpose of a Sight Triangle is to form an area at a corner or driveway intersection which is free of visual obstructions, including grading, planting, fencing or other structure, but not including street signs, fire hydrants or light standards, in order to prevent interference with a driver's ability to see oncoming traffic when stopped at such corner or driveway intersection.

**SIGN:** An object, device, display, building or structure, or portion thereof, which is located outdoors, or which is located indoors but is visible to the general public from outdoors, on which is affixed, painted or otherwise represented, directly or indirectly, words, letters, figures, designs, symbols, fixtures, colors, insignia, illumination or projected images forming a name, identification, description, display or illustration, or combination thereof, which is designed or intended to advertise, announce, declare, demonstrate, display, direct, attract attention to, identify, illuminate or otherwise visually communicate or promote the interest of an object, person, institution, organization, business, product, service, activity, event or location by any means.

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Lighting used to highlight or outline a part of a building but not communicate any visual message, works of art which in no way communicate any visual message and scoreboards located on athletic fields shall not be considered Signs. Graffiti shall never be considered a Sign.

Signs shall include motor vehicles and pictures, models or other representations of products or services incorporated in a window display when utilized for such purpose, but shall not include the flag, badge, insignia or emblem of any nation, organization of nations, State, City or public, quasi-public, charitable, fraternal, religious or civic organization; official court or public office notice; or official traffic control device.

Definitions of particular functional and structural types of Signs are:

- A. **SIGN, ADVERTISING:** A Sign which advertises, announces, declares, demonstrates, displays, directs or attracts attention to, identifies, illuminates or otherwise visually communicates or promotes the interest of an object, person, institution, organization, business, product, service, activity, event or location, by any means, which is sold, conducted, offered or otherwise located other than on the premises where the Sign is located. a.k.a. Off-Site Advertising Sign, Off-Site Commercial Advertising Sign, Commercial Advertising Sign.
- B. **SIGN, ADVERTISING VEHICLE:** Any vehicle or trailer having attached thereto or painted thereon any sign the primary purpose of which is to advertise any product or business, as opposed to a sign the primary purpose of which is intended to identify the owner or operator of the vehicle.
- C. **SIGN, ANIMATED [MOVING]:** Any sign or part of a sign which changes physical position or appearance, including text message or pictorial content, by any movement or rotation, or which gives the visual impression of such movement or rotation (e.g., rotating louvered signs); or which change content by electronic changes to the sign face (e.g., LCD, LED or Digital [television-type] signs).
- D. **SIGN, AREA [OF]:** The area defined by the outside edge of the frame surrounding the Sign or backing on which the sign is mounted (unless mounted directly on a building, in which case the sign shall not be considered to have a backing), including any decorative or architectural elements attendant to such frame. Where no frame or backing exists, Sign Area shall be measured by the smallest projected, enclosed, four-sided regular (right angled, straight-edged) geometric shape necessary to encompass each and every word, letter, figure, design, symbol, fixture, color, insignia, illumination, projected image or component thereof, forming the visual communication.  
  
Where a portion of a sign has a frame or backing and a portion does not, the area of the sign shall be the area formed by the combination of all signage elements.
- E. **SIGN, AWNING [CANOPY, MARQUEE]:** A Sign that is mounted or painted on, or attached to, an awning, canopy or marquee that is otherwise permitted by this Chapter. No such sign shall project above, below or beyond the physical dimensions of such awning, canopy or marquee or be lower than 10' above the sidewalk or public thoroughfare.
- F. **SIGN, BUILDING-MOUNTED:** A Sign which is affixed or inscribed upon the face of a building and whose face is, generally, parallel to the building façade. See "Sign, Wall".
- G. **SIGN, BULLETIN [READER] BOARD:** A Sign which identifies an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of the person or persons connected with it and greetings, announcements of events or activities occurring at the institution or similar messages.
- H. **SIGN, BUSINESS [IDENTIFICATION]:** See Sign, Identification



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- I. **SIGN, CONSTRUCTION:** A temporary Sign erected on the premises on which construction is taking place during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, artisans and the owners, financial supporters, sponsors, governmental agencies and similar entities having a role or interest with respect to the structure or project.
- J. **SIGN, CURRENT RATE:** A Sign indicating the [then current] hourly charge for parking in a commercial Surface Parking Lot, Structured Parking Garage or Mechanical Parking Facility in the CBD, NC, GC, RC, LI and BMU Zoning Districts in accordance with §300-63D., and in the Bayside Mixed Use and City Center Support Overlays Districts in accordance with §300-62C. See also, “Sign, Tariff”.
- K. **SIGN, ENVIRONMENTAL [INFORMATION, DESIGNATION]:** A Sign designed to provide information on the environmental qualities of a site.
- L. **SIGN FAÇADE:** See “Sign, Building-Mounted”.
- M. **SIGN, FLASHING:** Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.
- N. **SIGN, FREESTANDING:** A Sign which is supported by independent uprights or braces placed upon the ground and not attached to or relying on any building for support.
- O. **SIGN, GOVERNMENTAL:** A Sign erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance or governmental regulation.
- P. **SIGN, GROUND:** Any sign, other than a pole sign, placed upon or supported by the ground independently of any other structure.
- Q. **SIGN HEIGHT:** The vertical distance measured between Finished Grade and the highest point of the highest element of the sign, excluding any incidental structural element such as uplift cable for a Projecting Sign.
- R. **SIGN, HISTORICAL [ARCHITECTURAL] DESIGNATION:** A Sign designed to provide information on the architectural or historical qualities of a structure, building or site.
- S. **SIGN, HOME OCCUPATION:** A sign containing only the name and occupation of a permitted Home Occupation.
- T. **SIGN, IDENTIFICATION:** A Sign which advertises, announces, declares, demonstrates, displays, directs or attracts attention to, identifies, illuminates or otherwise visually communicates or promotes the interest of an object, person, institution, organization, business, product, service, activity, event or location, by any means, which is sold, conducted, offered or otherwise located on the premises where the Sign is located. Such sign may include the name, logo, trademark or other identifying symbol; address; or any combination thereof, of the building, business, development or establishment on the premises where such Sign is located.
- U. **SIGN, IDENTIFICATION, JOINT:** A Sign which serves as common or collective identification for two (2) or more non-residential uses sharing an office plaza, shopping center, industrial park or similar facility, and which is located on such premises. Such Sign shall be limited in content to identification of the plaza, center, park or similar facility and shall not contain any reference to the individual uses sharing such facility.
- V. **SIGN, ILLUMINATED:** A Sign lighted by or exposed to artificial lighting, either by lights on or in the sign or directed towards the sign.

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- W. **SIGN, MEMORIAL SIGN:** A Sign or tablet memorializing a person, event, structure or like or similar person, issue or item.
- X. **SIGN, NAMEPLATE:** A Sign giving the name or address, or both, of the owner or occupant of a building or premises on which it is located.
- Y. **SIGN, ON-SITE INFORMATIONAL:** A Sign commonly associated with and limited to information and directions necessary or convenient for persons coming on the property, including signs marking entrances and exits, parking areas, one-way drives, restrooms, pickup and delivery areas and like and similar messages.
- Z. **SIGN, PRIVATE EVENT:** A Temporary Sign advertising private not-for-profit events. Examples include picnics, carnivals, bazaars, game nights, fairs, craft shows and like and similar events.
- AA. **SIGN, PRIVATE SALE:** A Temporary Sign advertising private sale of personal property at private property. Examples include garage sales, rummage sales and like and similar events.
- BB. **SIGN, POLE:** A Sign that is mounted on a freestanding pole or other supports so that the bottom edge of the sign face is not less than 10' above grade.
- CC. **SIGN, POLITICAL:** A Temporary Sign announcing or supporting political candidates or issues in connection with any national, state or local election.
- DD. **SIGN, PORTABLE:** A Sign that is not permanently affixed to a building, structure or the ground.
- EE. **SIGN, PROJECTING:** A Sign which is wholly or partially attached to or suspended from and dependent upon a structure for support, and which extends from such structure in a manner which is other than parallel to such structure more than 12" from such structure, including a Sign hung under an awning or canopy. Signs projecting over a City right-of-way shall require permission from the Governing Body in the form of a Revocable License Agreement which shall specify: the parties to the Agreement; the type of Awning [Canopy, Marquee] or other improvement to be installed; the extent of the projection over the right-of-way; the term of the License, including any revocation terms; insurance and indemnification provisions by the Licensee on behalf of the City; any specific conditions of the License; and such consideration as the City shall deem appropriate.
- Signs projecting over a County right-of-way may require License from by the County Planning Board, at such Board's discretion.
- FF. **SIGN, REAL ESTATE:** A Sign pertaining to the sale or lease of the premises or a portion of the premises on which the Sign is located.
- GG. **SIGN, ROOF:** A Sign that is mounted upon the roof of a building or which is wholly dependent upon a building for support, and which projects more than 6" above the highest point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.
- HH. **SIGN, TARIFF:** A Sign indicating the annual rate schedule and the name, mercantile license number and address of the operator of a commercial Surface Parking Lot, Structured Parking Garage or Mechanical Parking Facility in the CBD, NC, GC, RC, LI and BMU Zoning Districts accordance with §300-63D., and in the Bayside Mixed Use and City Center Support Overlays in accordance with §300-62C. See also, "Sign, Current Rate".
- II. **SIGN, TEMPORARY:** A Sign or advertising display constructed of cloth, canvas, fabric, paper, plywood or other light material and designed or intended to be displayed for a short period of time.

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- JJ. **SIGN, WALL:** A Sign fastened to, painted on or otherwise affixed to a wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the Sign, and, unless otherwise permitted, does not project more than 12” from such building or structure.
- KK. **SIGN, WARNING:** Signs limited to messages of warning, danger or caution.
- LL. **SIGN, WINDOW:** A Sign which is applied or attached to the exterior or interior of a window or located within 3’ of the interior of a window and which can be seen from the exterior of the structure.
- MM. **SIGN WITH BACKING:** A Sign that is displayed upon, against or through any material or color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed.
- NN. **SIGN WITHOUT BACKING:** A word, letter, emblem, insignia, figure or similar character or group thereof that is neither backed by, incorporated in or otherwise made part of any larger display area.

**SINGLE-FAMILY DETACHED DWELLING UNIT:** A freestanding structure designed for residential occupancy by a single family or housekeeping unit situated on an individual lot with no common party walls with other structures and having sleeping, cooking, sanitary and general living facilities wherein not more than one (1) person is sheltered or fed for profit.

**SINGLE-FAMILY SEMI-DETACHED DWELLING UNIT (DUPLEX):** A structure designed for residential occupancy by two (2) independent families or housekeeping units in separate dwelling units, with an unpierced (vertical) common party wall between the dwelling units extending from ground floor to roof. Each such dwelling unit shall have its own sleeping, cooking, sanitary and general living facilities wherein not more than one (1) person per household is sheltered or fed for profit. Such structures shall have not more than one (1) dwelling unit per 'Duplex side' for a total of two (2) dwelling units per building. Each 'Duplex Side' shall be of equal size and located on an individual Lot.

**SITE:** Any plot, parcel or parcels of land.

**SITE COVERAGE:** See “Coverage, Impervious”.

**SITE PLAN:** A development plan of one (1) or more Lots on which is shown the existing and proposed conditions of the lot, including but not necessarily limited to:

- (1) topography, vegetation, drainage, floodplains, 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 and screening devices; and
  - (3) any other information that may be reasonably required in order to make an informed determination concerning the adequacy of the plan pursuant to the requirements of this Chapter and the provisions of N.J.S.A. 40:55D-37 et seq.
- A. **SITE PLAN, MAJOR:** Any development plan not classified as a Minor Site Plan or an Exempt Development.
- B. **SITE PLAN, MINOR:** A development plan for one or more lots which is (are) subject to development that proposes the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure which:

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- (1) Requires Site Plan approval (is not an Exempt Development);
- (2) Meets the requirements set forth in this Chapter and contains the information needed to make an informed determination as to whether the requirements established by this Chapter for approval of a Minor Site Plan have been met;
- (3) Does not require the construction of on- or off-site drainage facilities or the outfall of drainage onto an adjoining property, whether or not such property is owned by the applicant;
- (4) Does not involve the construction of a new building and/or an addition to an existing building in excess of 1,000 s.f. of gross floor area;
- (5) Does not involve the mining, excavation, landfill, clearing, grading or other disturbance of land for nonagricultural purposes;
- (6) Does not increase parking requirements by more than three (3) spaces, nor entail or propose the construction of a total of more than five (5) parking spaces;
- (7) Conforms to the Floodplain Management Standards of Chapter 139 of the Code of the City of Pleasantville;
- (8) Will not require the issuance of a CAFRA permit;
- (9) Does not involve any new street or the extension of any existing street; and
- (10) Does not involve the extension or construction of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42.

**SITE TRIANGLE:** See “SIGHT TRIANGLE [EASEMENT]”

**SOIL:** All unconsolidated mineral and organic material of any origin and overlying bedrock and which can be readily excavated.

**SOIL CONSERVATION DISTRICT:** The Cape Atlantic Soil Conservation District, a governmental subdivision of the State of New Jersey encompassing the City of Pleasantville, and which was organized in pursuant to N.J.S.A. 4:24-2 et seq.

**SOILS, WET:** Soils with a depth of seasonal high-water table less than or equal to 3’, as delineated by the United States Soil Conservation Service in a National Cooperative Soil Survey, unless the soils are loamy sand or coarser, in which case they are soils with a depth to seasonal high-water table less than or equal to 5’.

**SOLAR ENERGY SYSTEM:** A renewable energy system that converts solar energy into a usable electrical energy, heats water or produces hot air or similar function through the use of solar collectors which:

- A. Are used to generate electricity; and
- B. Have a nameplate capacity of 100 kilowatts or less;
- C. Includes solar panels, a generator and associated equipment, including any base, foundation, structural support, wire(s), batteries or other components necessary to fully utilize the solar generator.

For the purposes of Solar Energy Systems only, the following definitions shall apply:

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**OWNER:** The individual, entity and/or property owner that intends to own and operate the Solar Energy System in accordance with §300-53. Should the property owner be different than the owner or entity who intends to own and operate the Solar Energy System, the property owner shall provide written consent to the operator to make application for and operation such Solar Energy System.

**TOTAL HEIGHT:** The vertical distance from Finished Grade to the highest point of the Solar Energy System, including all related apparatus and associated.

**SOLID WASTE:** Garbage, sludge, refuse, trash, rubbish, debris or other discarded solid materials, including recyclable materials so designated by the Atlantic County Utilities Authority.

**SPECIMEN [TREE, SHRUB, PLANTING, ELEMENT]:** A tree with a diameter of 18" and greater, regardless of genus and species, or any individual plant whose genus or species is considered relatively rare in the City.

**STANDARD INDUSTRIAL CLASSIFICATION ("SIC"):** The classification of land uses and economic activities in accordance with the Standard Industrial Classification Manual prepared by the United States Office of Management and Budget, dated 1972, as updated from time to time.

**STATE PLAN:** The New Jersey State Development and Redevelopment Plan, adopted March, 2001, as it may be amended from time to time.

**STEEP SLOPES:** Areas where the average slope exceeds 8% which, because of this slope, are subject to high rates of stormwater runoff and erosion.

**STOOP:** An open platform, without roof or walls, consisting of steps and a landing, which is located at the entrance door to a structure and being no greater than 6' wide by 6' deep.

**STORMWATER RETENTION [FACILITY]:** A structure or other means to control storm water runoff.

**STORMWATER RUNOFF:** The flow of water across the surface of the ground resulting from precipitation.

**STORY:** That portion of a building located between the upper surface of any floor and the upper surface of the next floor above, or, in the absence of an upper surface of a floor above, the finished ceiling or roof above.

A split-level Story shall be considered a 2<sup>nd</sup> Story if its floor level is 6' or more above the level of the line of the finished floor next below it, except a Cellar. A floor under a sloping roof at the top of a building which is more than 2' below the top plate shall be counted as a Story or, if less than 2' below the top plate, shall be counted as a "half-Story, provided that not more than 60% of the floor area is used for rooms, baths or toilets. Otherwise, such floor shall be counted as that fraction of a Story which its floor area, in rooms, baths or toilets, bears to the entire floor area.

A "Basement" shall be counted as a Story and a "Cellar" shall be counted as a Half-Story.

**STREAM CORRIDOR:** The land lying within 50' of the edge of any floodway, channel, brook, stream, pond or lake, or within 25' of the center of any intermittent stream.

**STREAM ENCROACHMENT PERMIT:** A permit required for the construction, grading, filling or storage of material, equipment or structures within a City Stream Corridor or within freshwater wetlands.

**STREET:** Any avenue, highway, boulevard, road, parkway, viaduct, alley, drive or other public way or thoroughfare which has been or will be dedicated or deeded to the public for public use and which has been improved and accepted as a State, county or municipal roadway, or which is shown on a plat heretofore

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approved pursuant to law, or which is approved by official action as provided by this Chapter and N.J.S.A. 40:55D-1 et seq., or which is shown on a plat duly filed and recorded in the office of the Atlantic County Recording Officer prior to the appointment of the Planning Board and a grant to such Board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the Street Lines.

- A. **STREET, ARTERIAL:** A Street used primarily for fast or heavy traffic.
- B. **STREET, COLLECTOR:** A Street used primarily to carry traffic from a Minor Street to an Arterial Street, including the principal entrance roads of a residential subdivision or development, and roads for circulation within such subdivision or development.
- C. **STREET, CUL-DE-SAC:** Dead-end Streets providing access to adjacent lots.
- D. **STREET, IMPROVED:** A public right-of-way surfaced with an all-weather pavement which meets the criteria for design and construction contained in Chapter 255 of the Pleasantville City Code.
- E. **STREET, INTERIOR [ROAD]:** A public right-of-way that is developed wholly within a parcel under single ownership and meeting all municipal standards. This definition shall not apply to a private right-of-way, regardless of its compliance with municipal standards.
- F. **STREET, INTERNAL SERVICE [ROAD]:** A right-of-way used for internal vehicular circulation within a tract or development. Internal streets may be private and not dedicated or deeded to the public, subject to approval by the City Engineer.
- G. **STREET LINE:** The line which separates an existing or future publicly-owned or controlled right-of-way from the private property which abuts such right-of-way, and thereby demarcating the limit of the highway rights of the public, either existing or contemplated, as depicted on the adopted Master Plan of the City of Pleasantville.

As distinct from a sidewalk line, curblineline or edge-of-pavement line.

Where a definite right-of-way has not been established, the Street Line shall be assumed to be at a point 25' from the center line of the existing pavement.

- H. **STREET, MARGINAL ACCESS:** Streets parallel and adjacent to Arterial Streets and which provide access to abutting properties and protection from through traffic.
- I. **STREET, MINOR [LOCAL]:** Streets used primarily for access to abutting properties.
- J. **STREET, UNIMPROVED:** A right-of-way that is not an Improved Street. An Unimproved Street may be constructed of loose gravel, loose stone or, generally, any type of material that is not solidified and will not repel water or maintain a stable cross section. In the event that the Construction Code Official or other City official has any question as to whether a road is improved, unimproved or potential drainage problems exist with regard to the issuance of a Development Permit, Building Permit or Certificate of Occupancy, such official shall contact the City Engineer for evaluation and written determination.

**STRIPPING:** An activity which removes or significantly disturbs vegetated or otherwise stabilized soil surface, including clearing and grubbing operations.

**STRUCTURAL ALTERATION:** See "Alteration".

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**STRUCTURE:** An assembly or combination of materials forming a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land, including, but not limited to, bins, buildings, fences, piers, platforms, sheds, shelters, signs, stagings, standards, swimming pools, tanks, tents, tennis courts, towers, trestles and wharves.

**STRUCTURE, PRINCIPAL:** See “Building, Principal”.

**STUDIO [APARTMENTS]:** See “Efficiency [Dwelling Units]”

**SUBDIVIDER:** A person or legal entity commencing proceedings under this Chapter to effect the subdivision of land hereunder.

**SUBDIVISION:** The division of a Lot, tract or parcel of land into two (2) or more Lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered a Subdivision within the meaning of this Chapter if no new Streets are created:

- A. division of land found by the Planning Board to be for agricultural purposes where all resulting parcels are five (5) acres or larger in size;
- B. division of property by testamentary or intestate provisions;
- C. divisions of property upon court order, including, but not limited to, judgments of foreclosure;
- D. consolidation of existing Lots by deed or other recorded instrument; and
- E. the conveyance of one (1) or more adjoining lots, tracts or parcels of land owned by the same person or persons, all of which are found and certified by the Zoning Officer to conform to the requirements of this Chapter and are shown and designated as separate Lots, tracts or parcels on the Official Tax Map of the City.

The term "Subdivision" shall also include the term "Resubdivision".

A. **SUBDIVISION, MAJOR:** Any division of land not classified as a Minor Subdivision.

B. **SUBDIVISION, MINOR:** A subdivision of land for the creation of not more than two (2) Lots, plus the remainder of the original Lot, with each Lot fronting on an existing improved street or streets, and provided that such subdivision does not involve a planned development, any new street or the extension of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42, and provided that the Planning Board or Zoning Board of Adjustment, as the case may be, finds that all the following conditions have been met:

- (1) Curbs and sidewalks have been installed or that the developer agrees to install and post performance guaranties for curbs and sidewalks;
- (2) The subdivision does not require the extension of municipal facilities at the expense of the City;
- (3) The subdivision and construction resulting therefrom will not adversely affect drainage patterns of the basin or other storm water management structure in which the Lots are situated;
- (4) The subdivision will not adversely affect the development of the remainder of the parcel or the adjoining property;
- (5) The subdivision is not in conflict with any provision or portion of the Master Plan, Official Map or this Chapter, or that appropriate variances have been obtained or must be obtained as a condition of approval;

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- (6) In the event that a drainage fund has been established by the City of Pleasantville or Atlantic County, an assessment has been charged to the Lots and has been paid;
- (7) No portion of the lands involved has constituted a part of a Minor Subdivision within three (3) years preceding the application; and
- (8) Not being deficient in those details and specifications required of Minor Subdivisions as specified in this Chapter.

The original (or parent) Lot shall be considered any Lot in existence at the time of the adoption of this Chapter as shown on the City Tax Maps.

Any readjustment of Lot Lines resulting in no new lots shall be classified as a Minor Subdivision for purposes of the Land Use Approval process.

**SUBSTANTIAL IMPROVEMENT:** A repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, Substantial Improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- A. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- B. Any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

**SWIMMING POOL, COMMERCIAL:** A swimming pool that is operating for profit and open to the public or to a limited number of members and their guests, upon payment of an hourly, daily, weekly, monthly, annual or other fee, or operated as a service rendered by a hotel, motel or apartment development whose units are rented to transient or permanent residents, and having appropriate dressing room facilities, recreational facilities and off-street parking areas.

**SWIMMING POOL, PRIVATE [RESIDENTIAL]:** A swimming pool, whether portable or fixed, located on a Lot whose Principal Use is one or more dwelling units, and including all buildings, structures and equipment appurtenant thereto, where such swimming pool is used as an accessory to the dwelling(s) and is utilized with no admission charges and not for the purpose of profit.

**SWIMMING POOL, PUBLIC:** See “Swimming Pool, Commercial”.

**TATTOO [TATTOOING]:** Any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin by means of application of any chemical, dye or any other substance, that results in the temporary or permanent coloring of the skin, without regard to the type of instrument that is used for such application.

**TATTOO PARLOR:** A place or establishment where tattooing is performed.

**TAVERN:** A licensed establishment under the jurisdiction of N.J.S.A. 33:1-1 et seq. wherein alcoholic beverages are served by the drink to the general public and where cooked-to-order food is prepared and served on the premises.



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**TEMPORARY PRODUCE SALES STRUCTURES:** A portable or semi-portable table, platform or structure from which fruits, vegetables or similar agricultural products are intended to be sold at retail to passing motorists or pedestrians.

**TEMPORARY SIGN:** See “Sign, Temporary”.

**TEMPORARY USE:** See “Use, Temporary”.

**TERRACE:** A level, open area, without roof or walls, projecting from the exterior wall of principal building, with direct access from that principal building, and which has been surfaced with brick, stone or other landscaping material and which is elevated no greater than 3’ above finished grade.

**THREE (3)-SEASON PATIO ROOM:** A roofed structure projecting from the exterior wall of a principal residential building and intended to be used exclusively as seasonal space accessory to the residential use, with direct access from the residential building, and consisting of a finished floor, roof and three windowed or screened walls. Such room shall be limited to a single story, shall be located within the side or rear yard of the primary residential structure and shall not be heated or air conditioned. a.k.a. Screened Porch, Florida Room, etc.

**THREE TO FOUR (3-4) FAMILY ATTACHED DWELLING UNIT (‘TRI’ or ‘QUAD’):** A structure designed for occupancy by three (3) to four (4) independent families or housekeeping units in separate dwelling units, situated on a single lot with an unpierced (vertical) common party wall between the dwelling units extending from ground floor to roof and an unpierced floor between the dwelling units extending from exterior wall to exterior wall, AND with one or both sides of the structure constructed in a horizontal configuration (i.e., one dwelling unit above the other) so as to contain not more than two (2) dwelling units per 'building side' for a maximum of four (4) units per building.

Side-by-Side Triplex or ‘4-plex’ Units are prohibited in this Structural Type. Such Structural Types are addressed under the definitions of Townhouse and Garden Apartment.

Each dwelling unit shall have its own sleeping, cooking, sanitary and general living facilities wherein not more than one (1) person per household is sheltered or fed for profit.

Nothing herein shall preclude a single dwelling unit within such structure from occupying more than one (1) floor.

**THROUGH BLOCK CONNECTOR:** A portion of a Lot, covered or open air, which is accessible to the public and provides a pedestrian connection between two (2) streets which are parallel or approximately parallel to each other or between Urban Open Spaces or Arcades abutting such streets. A Through Block Connector may be elevated, even with or recessed below the sidewalk, Arcade or Urban Open Space to which it connects. However, if elevated or recessed, the Through Block Connector shall transition to the sidewalk, Arcade or Urban Open Space to which it connects in accordance with the Americans with Disabilities Act.

If open, the Through Block Connector shall have a minimum width equal to not less than the greater than 20% of the height of the highest abutting wall within 30’ of its center line or 30’. If covered or enclosed, the Through Block Connector shall have a minimum width of 15’. Columns, lighting standards, vertical circulation elements, plantings, ornamental fountains, sculptures, displays, kiosks or open-air cafes are permitted obstructions at the pedestrian level, provided that a continuous way, not less than 15’-wide, remains free of obstructions and available for unimpeded pedestrian circulation. The ceiling height of a covered or enclosed Through Block Connector shall at no point be less than 20’ above the walking surface. Pedestrian bridges, balconies or mezzanines are permitted overhead obstructions, provided that they do not cover, in the aggregate, more than 20% of the area of the Through Block Connector.

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**TIDELANDS:** Lands which are washed by tidal flows in accordance with the New Jersey Department of Environmental Protection Tideland Council maps (on file with the New Jersey Department of Environmental Protection and the City Clerk).

**TILTON ROAD:** County Road 687 west of New Road.

**t.o.c.:** See Top of Curb.

**TOP OF CURB:** The median elevation (grade) of the upper-most horizontal surface of a permanently-established curb structure abutting the Frontage of a Lot. Where the height of such curb varies, t.o.c. shall be the average of the two (2) points at either end of the length of the curb (parallel with the side Parcel lines) and the point at the median of the curb.

**TOWNHOUSE [TOWNHOUSE BUILDING]:** A structure designed for occupancy by not less than three (3) and not more than eight (8) independent families or housekeeping units on individual lots with common (vertical) party wall between dwelling units. Townhouse dwelling units shall be side-by-side (not stacked), with each unit sitting on an individual lot.

Individual Townhouse buildings shall contain not less than three (3) and not more than eight (8) dwelling units. Each such Dwelling Unit shall have its own sleeping, cooking, sanitary and general living facilities wherein not more than one (1) person per household is sheltered or fed for profit. Each such unit shall be a minimum of 24' wide.

Exterior (end) Townhouse units shall have a minimum 12' side yard setback, which shall be used as a driveway. In the alternative, exterior Townhouse units may be 24' wide, provided that an additional 12' Side Yard Setback (under some form of common ownership) is maintained.

Garages and off-street parking for Townhouses shall be accessed from the rear of the building, which shall be accessible from a loop road employing end-unit driveways.

**TRACT:** An area of land consisting of one or more contiguous lots under single ownership or control, used for development or for a common purpose. Tract is interchangeable with the words "development area," "Site" and "property."

- A. **TRACT AREA, GROSS:** The total area of land, determined by a certified boundary survey, excluding any public rights-of-way and/or lands shown as part of another previously approved or designated permanent open space.
- B. **TRACT AREA, NET:** The Gross Tract Area less the total of any areas within the tract contained in:
  - (1) Riparian lands, tidelands and tidal wetlands;
  - (2) Wetlands and areas with shallow depth to water table;
  - (3) The one-hundred-year floodplain;
  - (4) Lakes and ponds; and
  - (5) Stream corridors and floodways.

**TRAFFIC [IMPACT] STUDY:** An analysis of the (typically negative) influences on existing vehicular and pedestrian circulation patterns anticipated by and resulting from new development. Such studies shall be conducted in accordance with the guidelines established in *Transportation Impact Analyses for Site*

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*Development: An ITE Proposed Recommended Practice, Institute of Transportation Engineers, Washington DC. 1996.*

**TRAILER:** A wheeled structure which is towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary office.

**TRAILER COACH:** See “Recreational Vehicle”.

**TRAILER COACH PARK:** See “Recreational Vehicle Park”.

**TRANSCRIPT:** A typed or printed verbatim record, or reproduction thereof, of the proceedings of a municipal agency.

**TRANSITIONAL CARE HOME:** A facility in which persons live for a short period of time while receiving physical, social and/or psychological therapy and counseling to assist them in overcoming physical, family living and/or emotional issues which, while not requiring segregation from society, impede personal independence to the point of requiring shelter away from their usual residences. Such use may include on-site professional therapy and counseling in order to support a gradual reintroduction to full participation in normal community life. a.k.a. “Halfway House”.

**TRANSITIONAL CARE CLIENT [PATIENT]:** A person qualifying for the type of care or treatment permitted to be administered at a Transitional Care Home.

**TRAVEL TRAILER:** See “Recreational Vehicle”.

**TREE:** Any woody perennial.

A. **TREE, CONIFEROUS:** Trees that do not drop their leaves in winter (a.k.a. evergreens).

B. **TREE, DECIDUOUS:** Trees that drop their leaves before becoming dormant in winter; not Coniferous.

**TREE CALIPER:** The diameter of a Tree trunk measured in inches. Pursuant to the 2004 edition of the American Standard for Nursery Stock, published by the American Nursery & Landscape Association,<sup>12</sup> measurement shall be taken 6” above the ground up to and including 4” caliper size. If the caliper at 6” above the ground exceeds 4”, the caliper should be measured at 12” above the ground.

Seldom are tree trunks perfectly round. The most accurate measurement will result from the use of a diameter tape. Caliper measurements taken with manual or electronic “slot” or “pincer” type caliper tools should be the average of the smallest and largest measurements.

**TREE DIAMETER:** The width of a Tree measured 4½’ above grade.

**TREE DRIPLINE:** The marking where the outer edge of a Tree's branches overhanging the ground.

**TREE-PROTECTION ZONE:** That portion of a Lot outside of the Disturbance Zone.

**TREE REMOVAL:** The elimination of a Tree, by either chemical or mechanical means, the transplanting of a Tree to a site other than that under development, or the infliction of damage to a Tree that is of such severity as to show evidence within a period of two (2) years of irreparable harm leading to the ultimate death of the Tree. Examples of serious damage include, but are not limited to: damage inflicted to the root system by machinery, storage of materials or soil compaction; changing the natural grade above, below or around the root system and around the trunk; damage inflicted on the Tree permitting fungus infection or

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<sup>12</sup> <http://agri.nv.gov/Brochures/ANLStandard2004.pdf>

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pest infestation; intentional herbicide application; excessive pruning; excessive thinning; paving with concrete, asphalt or other impervious material within such proximity as to be harmful to the Tree.

**TREE ROOT AREA:** The area under a tree extending from the trunk to the Tree Drip Line.

**TWO (2)-FAMILY STACKED (MULTI-STORY) DWELLING UNIT:** A structure designed for residential occupancy by two (2) independent families or housekeeping units situated on a single lot placed in a horizontal configuration (i.e. one Dwelling Unit above the other). Each such dwelling unit shall have its own sleeping, cooking, sanitary and general living facilities wherein not more than one (1) person per household is sheltered or fed for profit.

Nothing herein shall preclude a single Dwelling Unit within such structure from occupying more than one (1) floor. However, no Dwelling Unit shall occupy less than an entire floor (defined as the area of the total footprint of the building).

**TYPICAL RESIDENTIAL AMENITIES:**

A. **FOR MULTI-FAMILY USES:** Those uses detailed under Typical Residential Amenities For Single-Family Uses, plus cabanas, clubhouses, restrooms, changing rooms and refreshment areas.

B. **FOR SINGLE-FAMILY USES:** Such Accessory Structures and Uses which are normal and customary to a residential use, including, but not limited to; private automobile garages for the exclusive use of the residents or guests of the residents; greenhouses; garden houses; tool sheds; playhouses or play sets; fences and walls, satellite dish antennae; solar energy systems; tennis, basketball or similar court games and residential swimming pools, provided:

- (1) Such uses are incidental to the residential use of the premises and are not operated for gain;
- (2) Such uses shall be located in the Side or Rear Yard, and then, except for fences and wall, shall conform to the setbacks required for Accessory Structures. In the case of a Corner Lot, the regulations regarding Front and Side Yards shall apply;
- (3) Any machinery used in connection with such use shall be housed in a soundproofed structure; and
- (4) Any safety or other lighting to illuminate any such use shall be designed and located so that it does not project any light or glare on contiguous properties. All bare incandescent light sources shall be shielded from view.

**UNIT:** See "Dwelling Unit".

**URBAN ENTERPRISE ZONE AUTHORITY ("UEZA"):** The New Jersey Urban Enterprise Zone Authority, the state overseer of Urban Enterprise Zone activities under N.J.S.A. 52:27H-60 et. seq.

**URBAN OPEN SPACE:** See "Open Space, Urban".

**USABLE OPEN SPACE:** See "Open Space, Usable".

**USE:** The specific activity or purpose for which a Lot, building, or portion thereof is designed, arranged, intended, occupied or maintained. Unless specifically permitted by this Chapter, no Use expressly permitted or permissible in any Zoning District pursuant to this Chapter shall be permitted as Use in any other Zoning District.

**USE, TEMPORARY:** A Use which is established for a fixed period of time with the intent to discontinue such Use upon the expiration of such time. Temporary Uses do not involve the construction

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or alteration of any permanent building or structure. Unless specifically permitted by this Chapter, no Use expressly permitted or permissible as a Temporary Use in any Zoning District pursuant to this Chapter shall be permitted as a Temporary Use in any other Zoning District.

**USE VARIANCE:** See “Variance, Use”.

**UTILITY:** An essential service supporting a development, including, but not limited to, storm and sanitary sewer, potable water, electric, gas, telephone and cable television, and which are regulated by the State of New Jersey or the federal government.

**UTILITY RIGHT-OF-WAY:** The lands required for the installation and maintenance of a Utility.

**UTILITY SHED:** An accessory building used for the storage of a Lot-owner's or -occupants personal property, excluding motor vehicles, and having a maximum area of 144 s.f.

**VARIANCE:** Permission granted to an applicant for development by the Planning Board or the Zoning Board of Adjustment, as the case may be, to depart from the literal requirements of the zoning regulations of this Chapter.

- A. **VARIANCE, BULK:** A Variance granted by the Planning Board or the Zoning Board of Adjustment, as the case may be, to depart from the literal requirements of the zoning regulations of this Chapter pursuant to N.J.S.A. 40:55D-70c.
- B. **VARIANCE, USE:** A Variance granted by the Zoning Board of Adjustment to depart from the literal requirements of the zoning regulations of this Chapter pursuant to N.J.S.A. 40:55D-70d.

**VERTICAL DEVELOPMENT:** Development that exceeds three (3) stories or 40’ in height, measured from Finished Grade.

**VERTICAL PARKING GARAGE:** A multilevel structure constructed for use as a facility for the parking of motor vehicles whose levels may be above or below grade, or both, but in no case exceed the maximum height limitation for the district in which it is located.

**VIBRATION:** For the purposes of this Chapter, any rapid, periodic motion or oscillation of material, air (typically sound) or fluid from a position of rest or equilibrium, of whatever type or source, emanating from a Lot, building, structure or use, whether Principal or Accessory, which impacts the quiet enjoyment and/or the routine activities of neighboring or nearby Lots, buildings, structures or uses.

**WALK-UP ESTABLISHMENT:** An establishment which, by design of physical facilities or by service or packaging procedures, encourages or permits pedestrians to receive a service or obtain a product without entering the building.

**WALKWAY:** See “Sidewalk”.

**WALL:** An upright (vertical) structural member, typically made of wood, stone, brick or similar material, and serving to enclose, divide, support or protect, and forming a side or inner partition of a building. A Wall may serve as a Fence when used for such purpose. See “Fence”.

**WALL, EXTERIOR WALL:** Any wall which defines the exterior boundaries of a building or its courts or of a structure.

**WALL SIGN:** See “Sign, Wall”.

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**WAREHOUSE:** A structure designed or utilized primarily for the storage of goods and materials. The term shall include “self-storage”, “mini-storage” or other forms of commercial warehouse activities.

**WAREHOUSE, CONTRACTORS:** A building used primarily for the storage of goods and materials customarily required in the building trade by a construction contractor.

**WARNING SIGN:** See “Sign, Warning”.

**WASHINGTON AVENUE:** County Road 608 west of Franklin Boulevard.

**WATERCRAFT:** A motor boat, sailboat, raft or other vessel used for water-borne transportation, recreation or commercial purposes.

**WATERCRAFT RENTAL [AGENCY]:** A place of business, whether conducted in a building or open yard area, or any combination thereof, which is used or intended to be used for the display, sale and/or hourly, daily or weekly rental of new and/or used watercraft, in operable condition, where no Watercraft Repair is conducted on the premises (other than warranty and other repair service as an Accessory Use) is conducted on the premises.

**WATERCRAFT REPAIR:** The general repair, rebuilding or reconditioning of Watercraft, their engines, sails, trailers or related appurtenances.

**WATERCRAFT SALES [AGENCY]:** A place of business, whether conducted in a building or open yard area, or any combination thereof, which is used or intended to be used for the display, sale and/or annualized lease (as opposed to daily or weekly rental) of new and/or used watercraft, in operable condition, where no Watercraft Repair is conducted on the premises (other than warranty and other repair service as an Accessory Use) is conducted on the premises.

**WATERCRAFT FUELING [STATION]:** A building, land area or other premises or portion thereof used or intended to be used for the retail dispensing or sale of gasoline or marine fuels, but which does not include the dispensing and/or sale of lubricants (other than motor oil sold and dispensed by the quart), watercraft accessories or supplies, the parking or storing of watercraft for hire and which does not engage in the repair or towing of watercraft.

**WATERCRAFT SERVICE [STATION]:** A building containing service bays, with or without hydraulic lifts, and associated land area or other premises or portion thereof used or intended to be used for the repair of watercraft, including, but not limited to, facilities for changing oil, engine repair, lubrication, transmission repair and like and similar services, provided that watercraft body repair, painting, wrecking, recycling, docking or storing of watercraft for hire, shall not be deemed permissible accessory uses of an Watercraft Service Station.

**WATERCRAFT FUELING & SERVICE [STATION]:** A building, land area or other premises or portion thereof used or intended to be used for the activities defined under Watercraft Fueling Station and Watercraft Service Station.

**WATER DEPENDENT:** Development that cannot physically function without direct access to the body of water along which it is proposed. Uses or portions of uses that can function on sites not adjacent to the water are not considered Water Dependent regardless of the economic advantages that may be gained from a waterfront location. The test for water dependency shall assess both the need of the proposed use for access to the water and the capacity of the proposed water body to satisfy the requirements and absorb the impacts of the proposed use. A proposed use will not be considered Water Dependent if either the use can function away from the water or if the water body proposed is unsuitable for the use.

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**WATER ORIENTED:** Development that serves the general public and derives economic benefit from direct access to the water body along which it is proposed, such as a hotel or restaurant, if it takes full advantage of a waterfront location (e.g., an assembly plant could be water oriented if overland transportation is possible but water-borne receipt of raw materials and shipment of finished products is economically advantageous).

**WATER SUPPLY SYSTEM:** An installation or structure designed to provide a potable water supply.

**WETLANDS PERMIT:** A legal instrument issued pursuant to N.J.S.A. 13:9A-1 et seq. and N.J.A.C. 7:7A-1 et seq., permitting the applicant to engage in an activity specified therein.

**WETLANDS, TIDAL:** Areas known as marshes, swamps or other lowlands subject to tidal action, or any area now or formerly connected to tidal waters, whose surface is at or below an elevation of 1' above local extreme high water and on which vegetation unique to tidal marshes, swamps or lowlands has become adapted, including, but not limited to, all mapped New Jersey State Wetlands in accordance with the Wetlands Act (N.J.S.A. 13:9A-1 et seq.), wetlands defined in accordance with the New Jersey Coastal Development Policies (N.J.A.C. 7:7D-1.0 et seq.) or wetlands defined by the United States Army Corps of Engineers.

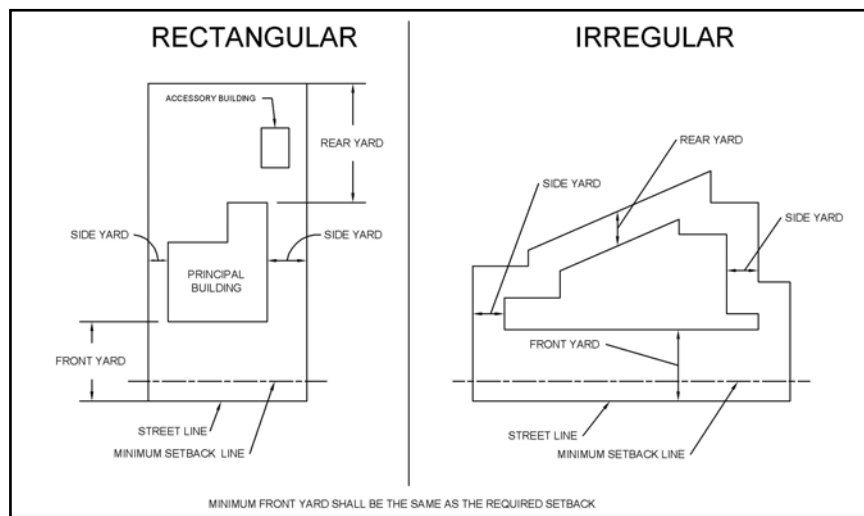
**WET SOILS:** See "Soils, Wet".

**WHOLESALE ESTABLISHMENT:** A business engaged in the sale of commodities in quantity, usually for resale or business use, chiefly to retailers, other businesses, industries and institutions.

**WINDOW SIGN:** See "Sign, Window".

**WOODED AREA:** An area within a tract which is covered by trees, woods or forests, including closely grouped or stands of 10 or more mature or specimen trees of 6"-caliper or greater, or individual shade and specimen trees of 12"-caliper or greater, or individual ornamental trees of 4"-caliper or greater.

**YARD:** The clear, unoccupied and unobstructed open space situated between a building or group of buildings and the nearest Front, Side or Rear Lot Line, extending from grade to sky for the full width or depth of the Lot. Yards shall be identified as Front Yard, Side Yard or Rear Yard. See "Setback" for permitted encroachments.



- A. **YARD, FRONT:** A Yard on the same Lot with the Principal Building, extending the full width of the Lot between the Street Line and that portion of the building closest to the Street Line, or the Front Setback Line, projected to the Side Lot Lines of the subject Lot.

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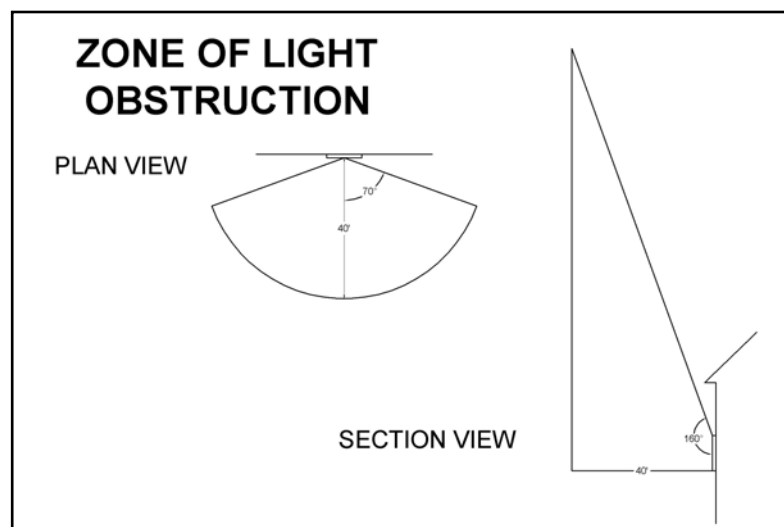
The depth of the Front Yard shall be measured horizontally and at right angles to either a straight Street Line or the tangent lines of curved Street Lines. The minimum required Front Yard shall be the same as the required Front Yard Setback. See “Lot, Corner” for designation of Front Yards for Corner Lots.

- B. **YARD LINE:** A line drawn parallel to the Front, Side or Rear Lot Lines and extending the distance equal to the depth of the required Front, Side or Rear Yard, as the case may be.
- C. **YARD, REAR:** A Yard on the same Lot with the Principal Building, extending the full width of the Lot between the Rear Lot Line and that portion of the building closest to the Rear Lot Line, or the Rear Setback Line, projected to the Side Lot Lines of the subject Lot.

The depth of the Rear Yard shall be measured horizontally and at right angles to the Rear of the Lot in the same manner as specified herein for the measurement of Lot Depth. Any buffer requirements shall be in addition to required Rear Yards. See “Lot, Corner” for designation of Rear Yards for Corner Lots.

- D. **YARD REQUIREMENTS:** The regulations of this Chapter establishing minimum Front, Side and Rear Yard and Setback requirements for various uses, structures and districts.
- E. **YARD, SIDE:** A Yard or Yards on the same Lot with the Principal Building, extending the full depth of the Lot between the Side Lot Lines and those portions of the building closest to the Side Lot Lines, or the Side Setback Line(s) projected to the Front and Rear Lot Lines of the subject Lot. The widths of the Side Yards shall be measured horizontally and at right angles to the Side Lot Line. Any buffer requirements shall be in addition to required Side Yards. See “Lot, Corner” for designation of Side Yards for Corner Lots.

**ZONE OF LIGHT OBSTRUCTION:** A segment of a cone described horizontally by an arc drawn from the center line of a window, measured horizontally, extending to 70° from such center line on either side, at a radius of 40’; and described vertically by the space between a plane extending horizontally from the window sill and a plane extending from the top of the window at an angle of 160° to the face of the building at a distance of 40’, measured perpendicularly from the face of the building. The intent of definition is to support regulations designed to limit the amount of light, typically but not exclusively from signage, entering a dwelling and disturbing its occupants.



**ZONING BOARD [OF ADJUSTMENT]:** The Zoning Board of Adjustment of the City of Pleasantville, established pursuant to N.J.S.A. 40:55D-69 and §300-12 herein.



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**ZONING DISTRICT [ZONE]:** A section or sections of the City of Pleasantville which are designated as a "Zone" or "Zoning District" on the adopted Zoning Map of the City of Pleasantville (included at the end of this Chapter) and to which certain uniform regulations and requirements of this Chapter apply.

**ZONING DISTRICT BOUNDARY LINE:** The lines enclosing a Zoning District as shown on the adopted Zoning Map of the City of Pleasantville (included at the end of this Chapter).

**ZONING OFFICER:** The official of the City of Pleasantville designated to enforce the provisions of this Chapter. See Administrative Officer.

**ZONING BOARD ENGINEER:** See "Board Engineer".

**ZONING BOARD PLANNER:** See "Board Planner".

**ZONING PERMIT:** See "Development Permit".

**2008 COMPREHENSIVE MASTER PLAN UPDATE, CITY OF PLEASANTVILLE, ATLANTIC COUNTY, N.J.:** The duly adopted Master Plan for the City of Pleasantville. Prepared by Remington, Vernick & Walberg Engineers, dated September 8, 2008 and adopted by the Pleasantville Planning Board on November 13, 2008.

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**ARTICLE IV**  
**Administrative Bodies & Related Agencies**

**§300-11 Planning Board; Establishment; Composition**

- A. There is herewith established, pursuant to N.J.S.A. 40:55D-23, a Planning Board for the City of Pleasantville. Such Planning Board shall consist of nine (9) regular members, which shall consist of and be divided into the following four (4) classes:

Class I: the Mayor of the City of Pleasantville or, in the absence of the Mayor, a designee who shall be appointed by the Mayor;

Class II: one (1) official of the City of Pleasantville, other than a member of the City Council, who shall be appointed by the Mayor;

If the City adopts an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be deemed to be the Class II Planning Board member in the event that there be among the Class IV or Alternate Members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board of Education.

Class III: one (1) member of the Governing Body, who shall be appointed by the members of the Governing Body; and

Class IV: six (6) other citizens of the City of Pleasantville, who shall be appointed by the Mayor. Class IV members shall hold no other City office, position or employment, except that one (1) member may be a member of the Zoning Board of Adjustment and one (1) may be a member of the Board of Education.

If the City adopts an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be deemed to be the Class II Planning Board member, unless there be among the Class IV or Alternate Members of the Planning Board both a member of the Zoning Board of Adjustment and a member of the Board Of Education, in which case the member common to the Planning Board and Environmental Commission shall be deemed a Class II member of the Planning Board. For the purpose of this section, membership on a municipal Board or Commission whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, shall not be considered the holding of municipal office.

- B. Alternate Members: There shall be appointed to the Planning Board not more than two (2) Alternate Members. Such Alternates Members shall meet the qualifications of Class IV members and shall be designated by the Mayor at time of appointment as "Alternate No. 1" and "Alternate No. 2."

Alternate Members may participate in all matters but may not vote except in the absence or disqualification of a regular member of any class. Participation of Alternate Members shall not be deemed to increase the size of the Planning Board established by ordinance of the Governing Body pursuant to N.J.S.A. 40:55D-23. 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.

- C. Temporary Members: If the Planning Board lacks a quorum because any of its regular or Alternate Members is prohibited by N.J.S.A. 40:55D-23 or 23.1 from acting on a matter due to the member's personal or financial interests therein, regular members of the Zoning Board of Adjustment shall be called upon to serve, for that matter only, as Temporary Members of the Planning Board in order of seniority of continuous service to the Zoning Board of Adjustment until there are in attendance the minimum number

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of Planning Board members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between regular members of equal seniority, the Chair of the Zoning Board of Adjustment shall make the choice.

D. All members of the Planning Board except for the Class II members set forth below shall be, at the time of appointment and throughout their term as a member of the Planning Board, residents of the City of Pleasantville.

E. Educational Requirements

(1) No person shall be seated as a member or Alternate Member of the Planning Board who has not agreed to take the basic course land use law and planning required to be offered by the New Jersey Department of Community Affairs pursuant to N.J.S.A. 40:55D-23.3a;

(2) No person shall retain a seat as a member or Alternate Member of the Planning Board who has not successfully complete such course within 18 months of assuming Board membership.

(3) Exceptions to the foregoing are:

(a) Class I and Class III Board members;

(b) any person who is licensed as a professional planner and maintains such license in good standing as of the date upon which that person would otherwise be required to demonstrate compliance with the provisions of N.J.S.A. 40:55D-23.3; and

(c) any person who offers proof of having completed a more extensive course in land use law and planning than that required by 40:55D-23.3 within 12 months of the date upon which that person would otherwise be required to demonstrate compliance with 40:55D-23.3 and which, in the determination of the Commissioner of the New Jersey Department of Community Affairs, is equivalent to or more extensive than that course offered pursuant to 40:55D-23.3;

F. Terms of Office

(1) Class I: Term shall correspond to the official tenure of the Mayor. The Mayor's designee shall serve at the pleasure of the Mayor, but in no case longer than the Mayor's official tenure in office.

(2) Class II: Term shall be for one (1) year or for the remainder of the Class II member's term of office, whichever is shorter.

(3) Class III: Term shall be for one (1) year or for the remainder of the Class III member's term of office, whichever is shorter.

(4) Class IV: The term of each Class IV member shall be four (4) years. Members of the Planning Board on the effective date of this Chapter shall continue in office until the completion of their terms as provided by law immediately prior to the Effective Date of this Chapter. New appointments or reappointments to the Planning Board shall be governed by the provisions of this Chapter.

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

Alternate Members: Terms shall be for two (2) years, except that the terms of the Alternate Members shall be such that the term of not more than one (1) Alternate Member shall expire in

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any one (1) year; provided, however, that in no instance shall the terms of the Alternate Members first appointed exceed two (2) years. A vacancy occurring otherwise than by expiration of term shall be filled by the Mayor for the unexpired term only.

- G. Vacancy. Permanent vacancies on the Planning Board shall be filled by appointment, as provided above, for the unexpired term of the former member whose place has become vacant.
- H. Removal. Any member of the Planning Board, other than the Mayor, may be removed by the City Council for cause, upon written charges being formally adopted. If the member being removed for cause so requests, a public hearing shall be granted. Cause for removal of a member shall include any undisclosed or unlawful conflict of interest; any violation of the codes, ordinances or rules applicable to the member's performance of his/her duties; any unwillingness or inability to carry out such duties in a prompt, conscientious and competent manner; any conduct tending to cast doubt upon the integrity or objectivity of the member in performing such duties; or any other specific conduct of the member found by the City Council to be detrimental to the proper functioning of the Board.

The Planning Board may, if its adopted rules so permit, recommend to the Governing Body that one or more of its members be removed, provided that such recommendation include specific reasons for such recommendation.

- I. Compensation. Members of the Planning Board shall serve without compensation but shall be entitled, to the extent that available funds are appropriated by the City Council in its budget therefore, to reimbursement for reasonable expenses necessarily incurred in the performance of their duties.
- J. Conflicts of Interest: No member or Alternate Member of the Planning Board shall be permitted to act on any matter in which such member has, either directly or indirectly, any personal or financial interest. Whenever any such member shall recuse him-/her-self from acting on a particular matter by reason of such conflict of interest, such member shall not continue to sit with the Board on the hearing of such matter, nor shall such member participate in any discussions or proceedings related thereto. Nothing herein shall deny a Board member who has recused him-/her-self from a particular matter the right to speak for or against, or otherwise comment on such matter during the Board hearing related thereto, provided that any such comment is made during the public portion of the Board hearing on such matter and further provided that such recused member identifies for the record that such comments are personal and in no way reflect an official position as a member of the Board or the position of the Board.
- K. Officers; Solicitor; Professional Experts; Staff

- (1) Chair and Vice Chair: The Planning Board shall annually elect a Chair and a Vice Chair from among its Class IV members. The Chair shall preside at all meetings and hearings and fulfill the customary functions of that office. In the absence of the Chair, the Vice Chair shall act as Chair and shall have all the powers of the Chair. The Vice Chair shall have such other powers and duties as may from time to time be provided by the rules of the Board. The presiding officer of the Board may administer oaths.

An Alternate Member shall not serve as Chair or Vice Chair of the Planning Board.

- (2) Solicitor: The Planning Board shall employ or contract for the services of legal counsel, to be known as the Planning Board Solicitor, and shall fix the compensation of said Solicitor at such amount as the Board may deem reasonable.

The Planning Board Solicitor shall be an attorney, other than the Municipal Attorney (City Solicitor) or an attorney on his/her staff, who is licensed to practice law in the State of New Jersey.

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The Planning Board Solicitor shall act as legal advisor to the Board, and he/she or his/her delegate shall attend all hearings of the Planning Board unless excused by the Chair; shall attend any meetings of the Board at which his/her presence is requested; shall review and give an opinion concerning the legal sufficiency of any provision, code, ordinance, rule or regulation or amendments thereto relating to land use development and regulation presently in force or proposed for adoption by any official, department, bureau, board, commission or agency of the City; and shall be available, on reasonable request, for consultation with the Planning Board concerning matters properly subject to its jurisdiction and authority. The Planning Board Solicitor or his/her delegate shall also provide advice and aid to the Zoning Officer in the enforcement of this Chapter and shall, where directed by the Planning Board, initiate such legal actions as may be necessary to the proper enforcement of this Chapter.

- (3) Professional Experts: The Planning Board shall employ or contract for the services of professional experts, including, but not limited to, a Professional Engineer and Professional Planner to be known as the Planning Board Engineer and Planning Board Planner, respectively, and shall fix the compensation of such professionals at such amount as the Board may deem reasonable.

The Planning Board Engineer shall be a Professional Engineer and the Planning Board Planner shall be a Professional Planner. Both shall be licensed to practice their professions by the State of New Jersey.

The Planning Board Engineer and Planner shall act as engineering and planning advisor to the Board, and they or their delegates shall attend all hearings of the Planning Board unless excused by the Chair; shall attend any meetings of the Board at which their presence is requested; shall review and provide opinions concerning the engineering and planning sufficiency of any provision, code, ordinance, rule or regulation or amendments thereto relating to land use development and regulation presently in force or proposed for adoption by any official, department, bureau, board, commission or agency of the City; and shall be available, on reasonable request, for consultation with the Planning Board concerning matters properly subject to its jurisdiction and authority. The Planning Board Engineer and Planner, or their delegates, shall also provide advice and aid to the Zoning Officer in the enforcement of this Chapter.

The Planning Board Engineer shall also perform such duties as may be required in accordance with N.J.S.A. 40:55D-1 et seq.

- (4) Staff: The Planning Board shall select a Secretary who may or may not be a member or Alternate Member of the Planning Board or a municipal employee, and create and fill such other offices as established by this Chapter.
- (5) Other: The Planning Board may also employ or contract for such experts, consultants and other staff and services as it may deem necessary, and to fix the compensation thereof at such amount as the Board may deem reasonable.

**L. Quorum; Voting**

- (1) No action shall be taken at any Planning Board meeting or hearing without a quorum, consisting of five (5) members, being present. The concurring votes of a majority of the members voting, but not less than three (3) votes, shall be necessary to any action by the Planning Board.
- (2) A member absent from any portion of a meeting or hearing or, where a meeting or hearing is carried over to two (2) or more sessions, from one (1) or more of the sessions shall be eligible to vote upon the matter heard, notwithstanding such absence, provided that such Board member shall first certify on the record that he/she has read a transcript or listened to a recording of the session or sessions or part thereof from which he/she was absent.

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**M. Meetings; Hearings; Procedures**

- (1) The Planning Board shall fix the time and place for holding its regular meetings, provided that a meeting shall be scheduled not less than once each month and shall be held as scheduled unless canceled for lack of applications for development to process or other business to conduct. The Planning Board may provide for special meetings at the call of the Chair or at the request of any two (2) of its members, which shall be held after notice to its members and the public in accordance with the provisions of the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.) and the rules of the Planning Board. All regular meetings and all special meetings of the Planning Board shall be open to the public; provided, however, that, in accordance with N.J.S.A. 40:55D-9, the Board may meet in executive session for the purpose of discussing and studying any matters to come before it, and these sessions shall not be deemed a regular or special meeting. All testimony at any meeting of the Planning Board shall be given under oath.
- (2) All hearings of the Planning Board shall be set, noticed and conducted in accordance with the provisions of to §300-26 through §300-30, provided however, that the Planning Board may waive notice and public hearing in accordance with N.J.S.A. 40:55D-47 for an application for development if the Planning Board or Minor Subdivision Committee thereof if appointed by the Chair, finds that the application for development is a Minor Subdivision as defined in §300-10.
- (3) The Planning Board shall adopt its own rules for the conduct of its business, meetings and hearings not inconsistent with this Chapter and the statutes of the State of New Jersey. Such rules shall be filed with the Board Secretary, and copies thereof shall be available to any person upon request and the payment of a fee in accordance with §300-9. Any rule so adopted which relates solely to the conduct of the Board's meetings or hearings and which is not mandated by this Chapter or the statutes of the State of New Jersey may be waived by the Board upon good cause being shown.

**N. Minutes; Transcripts; Records; Decisions**

- (1) Minutes of every regular or special meeting and of every hearing shall be kept and shall include the names of the persons appearing and addressing the Planning Board and of the persons appearing by attorney, the action taken by the Planning Board, the findings, if any, made by it and reasons therefore.
- (2) A verbatim recording of the proceedings of every hearing, by either stenographic, mechanical or electronic means, shall be kept.
- (3) All minutes, verbatim recordings, applications, requests, exhibits and papers filed in any proceeding before the Planning Board, and the decision and report or reports of the Board shall constitute the record of any matter brought before the Board. The records of the Board's activity shall be made available for public inspection during normal business hours at the office of the Board Secretary. Any interested party shall have the right to compel production of such records for use and evidence in any legal proceedings concerning the subject matter of such records. Such interested party shall be charged a fee for reproduction of such records in accordance with §300-9.
- (4) Every decision of the Planning Board for a) an amendment of this Chapter, b) site plan/subdivision plat approval or 3) a variance pursuant to this Chapter shall be by written resolution, which shall include findings of fact, shall refer to the evidence in the record and to the exhibits, plans or specifications upon which such decision is based, shall specify the reason or reasons for such decision and shall contain a conclusion or statement separate from the findings of fact which shall set forth the recommendation of the Board or shall grant approval, grant conditional approval subject to expressly stated modifications or deny approval. Every resolution shall expressly set forth any limitations or conditions imposed on or recommended with respect to any approval granted or recommended or any development, work or use authorized or recommended.

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- (5) In reaching its decision on any such application, the Planning Board may rely on the personal knowledge of its members, on its inspections of the property and on any reports available to it; provided, however, that reliance on such matter shall not be allowed unless the Board shall have made the particular knowledge, inspection or report a matter of record at the public hearing and afforded every party reasonable time to respond to it or, in any case where no public hearing before the Planning Board is required, shall have expressly noted such knowledge, inspection or report in its recommendation to the body charged with conducting a hearing or taking final action on the application.
- (6) The Planning Board shall take no final or binding vote on any decision pertaining to any application unless it shall first have before it the written resolution herein required; provided, however, that where special circumstances so warrant, the Planning Board may take final action on any such application prior to the preparation of such resolution, but in such event it shall, before taking such action, first state its findings and conclusions as above required at a meeting open to the public and shall, in addition, state the special circumstances warranting such action.
- (7) In any case where this Chapter, or where N.J.S.A. 40:55D-1 et seq., provides that the failure of the Planning Board to act within a fixed period shall be deemed a grant or denial of or a recommendation upon an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision or recommendation of the Board rendered on the day following the expiration of such fixed period.
- (8) Within 10 days following any decision on such application, the Planning Board Secretary shall mail notice thereof to each person entitled to notice pursuant to §300-29.. A brief notice of the decision of the Board shall be placed in a newspaper having general circulation.
- (9) As to other matters brought before the Planning Board, the Board shall prepare such reports and make such communications as it shall deem appropriate to the subject matter.

**O. Powers and Duties**

The Planning Board shall be empowered to exercise all duties and responsibilities conferred to it by N.J.S.A. 40:55D-1 et seq., N.J.S.A. 40A:12A-1 et seq. and this Chapter. Specifically, but without limitation:

- (1) Prepare, adopt, reexamine and amend the municipal Master Plan and its constituent Elements in accordance with N.J.S.A. 40:55D-28 and 89;
- (2) Develop and to make recommendations to the City Council concerning the Official Map or amendments thereto in accordance with N.J.S.A. 40:55D-32;
- (3) Develop and to make recommendations to the City Council concerning the Zoning Map or amendments thereto in accordance with N.J.S.A. 40:55D-62;
- (4) If authorized by the Governing Body, develop and make recommendations to City Council concerning a Capital Improvement Program and amendments thereto in accordance with N.J.S.A. 40:55D-29;
- (5) Review and make recommendations to the City Council concerning this Chapter and amendments thereto, including those related to development regulations in accordance with N.J.S.A. 40:55D-26a and other matters referred to the Planning Board by City Council in accordance with N.J.S.A. 40:55D-26b;
- (6) Administer the provisions of this Chapter in accordance with N.J.S.A. 40:55D-1 et seq.;

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- (7) Review and approve or disapprove site plans and subdivision plats in accordance with N.J.S.A. 40:55D-46, 47, 48 & 50, and, at its discretion, waive notice and public hearing for all applications for development for Minor Subdivisions, as defined in this Chapter, in accordance with N.J.S.A. 40:55D-47;

Regardless of whether or not such Minor Subdivision approval is issued by way of noticed public hearing or waiver of such noticed public hearing, such approval shall be deemed to be the final approval of the Minor Subdivision by the Board, provided that the Board may condition such approval on terms ensuring the provision of improvements as provided for in this Chapter.

- (8) Form from among its members, at its discretion, and in accordance with N.J.S.A. 40:55D-47, a Minor Subdivision Review Committee, whose powers and duties shall be limited to review and approval or disapproval of Minor Subdivision plats as defined in this Chapter.

Such Committee may, if so empowered by the Board, waive notice and public hearing for all such applications, in accordance with N.J.S.A. 40:55D-47;

Regardless of whether or not such Minor Subdivision approval is issued by way of noticed public hearing or waiver of such noticed public hearing, such approval shall be deemed to be the final approval of the Minor Subdivision Committee, provided that the Committee may condition such approval on terms ensuring the provision of improvements as provided for in this Chapter.

- (9) Review requests for, grant or deny variances in conjunction with the review of applications for approval of subdivision plats, site plans in accordance with N.J.S.A. 40:55D-70c;
- (10) Appoint legal counsel, professional experts and other staff;
- (11) Assemble data on a continuing basis as a part of a continuous planning process;
- (12) Subject to the right of the applicant to receive a decision within the time periods specified by this Chapter, make referrals in addition to those expressly required by this Chapter to persons or agencies for their recommendations;
- (13) Aid and assist City Council and the departments and agencies of the City in implementing general plans and in planning, developing and completing specific projects;
- (14) Review and report on any matter referred to it by City Council or the Zoning Board of Adjustment;
- (15) Perform such other advisory duties as are assigned to it by ordinance or resolution of City Council for the aid and assistance of City Council or other agencies or officers;
- (16) Upon reasonable, written request, make its special knowledge and expertise available to any official, department, bureau, board, commission or agency of the City, county, state or federal governments to aid them in the performance of their respective duties relating to the planning and development of the City and its region, and to participate in the preparation and review of programs or plans required by state or federal law or regulation;
- (17) In furtherance of the above jurisdiction and authority, to make such investigations, maps and reports and recommendations in connection therewith relating to the planning and development of the City of Pleasantville as may be necessary, appropriate and desirable; provided, however, that the expenditures of the Board shall not exceed the amounts appropriated therefore.
- (18) Issue subpoenas, administer oaths and take testimony in the exercise of its duties (wherein the provisions of N.J.S.A. 2A67A-1 et seq. shall govern).



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- (19) Conduct, when authorized by the Governing Body, a preliminary investigation and hearing and make a recommendation pursuant to N.J.S.A. 40A:12A-6b as to whether an area is In Need of Redevelopment;
  - (20) Make recommendations concerning a redevelopment plan pursuant to N.J.S.A. 40A:12A-7e or prepare a redevelopment plan pursuant to N.J.S.A. 40A:12A-7f;
  - (21) Make recommendations concerning the determination of an area in need of rehabilitation pursuant to N.J.S.A. 40A:12A-14.
- P. Appeals. Any interested person may appeal any final decision of the Planning Board to the court of proper jurisdiction; to the Board of Public Utility Commissioners in the cases specified in and pursuant to the provisions of N.J.S.A. 40:55D-19; and, to the extent and in the manner authorized by New Jersey law, to any court of competent jurisdiction.

**§300-12 Zoning Board of Adjustment; Establishment; Composition**

- A. There is herewith established, pursuant to N.J.S.A. 40:55D-69, a Zoning Board of Adjustment for the City of Pleasantville ("Zoning Board" or "Board of Adjustment"). Such Zoning Board shall consist of seven (7) regular members, which all shall be appointed by the Governing Body.
- B. Alternate Members: There shall be appointed to the Zoning Board by the Governing Body not more than two (2) Alternate Members, who shall be designated by the Chair of the Board as "Alternate No. 1" and "Alternate No. 2."

Alternate Members may participate in all matters but may not vote except in the absence or disqualification of a regular member. Participation of Alternate Members shall not be deemed to increase the size of the Zoning Board established by ordinance of the Governing Body pursuant to N.J.S.A. 40:55D-69. A vote shall not be delayed in order that a regular member may vote instead of an Alternate Member. Alternate Members shall serve in rotation in the event that a choice must be made as to which Alternate Member is to vote.

- C. Temporary Members: If the Board of Adjustment lacks a quorum because any of its regular or Alternate Members is prohibited by N.J.S.A. 40:55D-69 from acting on a matter due to the member's personal or financial interests therein, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as Temporary Members of the Zoning Board in order of seniority of continuous service to the Planning Board until there are in attendance the minimum number of Zoning Board members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between Class IV members of equal seniority, the Chair of the Planning Board shall make the choice.
- D. All members of the Zoning Board shall be, at the time of appointment and throughout their term as a member of the Zoning Board, residents of the City of Pleasantville. No member of the Zoning Board may hold any elective office or position in the City.
- E. Educational Requirements
  - (1) No person shall be seated as a member or Alternate Member of the Board of Adjustment who has not agreed to take the basic course land use law and planning required to be offered by the New Jersey Department of Community Affairs pursuant to N.J.S.A. 40:55D-23.3a;
  - (2) No person shall retain a seat as a member or Alternate Member of the Board of Adjustment who has not successfully complete such course within 18 months of assuming Board membership.

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(3) Exceptions to the foregoing are:

- (a) any person who is licensed as a professional planner and maintains such license in good standing as of the date upon which that person would otherwise be required to demonstrate compliance with the provisions of N.J.S.A. 40:55D-23.3; and
- (b) any person who offers proof of having completed a more extensive course in land use law and planning than that required by 40:55D-23.3 within 12 months of the date upon which that person would otherwise be required to demonstrate compliance with 40:55D-23.3 and which, in the determination of the Commissioner of the New Jersey Department of Community Affairs, is equivalent to or more extensive than that course offered pursuant to 40:55D-23.3;

F. Terms of Office. The term of each member shall be four (4) years. Members of the Board of Adjustment on the Effective Date of this Chapter shall continue in office until the completion of their terms as provided by law immediately prior to the effective date of this Chapter. Any new appointments or reappointments to the Board of Adjustment shall be governed by the provisions of this Chapter.

Alternate Members: The terms of the Alternate Members shall be for two (2) years, except that the terms of the Alternate Members shall be such that the term of not more than one (1) Alternate Member shall expire in any one (1) year; provided, however, that in no instance shall the terms of the Alternate Members first appointed exceed (2) years. A vacancy occurring otherwise than by expiration of term shall be fixed by the appointing authority for the unexpired term only.

G. Vacancy. Permanent vacancies on the Zoning Board shall be filled by appointment, as provided above, for the unexpired term of the former member whose place has become vacant.

H. Removal. Any member of the Board of Adjustment may be removed by the City Council for cause. If the member being removed for cause so requests, a public hearing shall be granted. Cause for removal of a member shall include any undisclosed or unlawful conflict of interest; any violation of the codes, ordinances or rules applicable to the member's performance of his/her duties; any unwillingness or inability to carry out such duties in a prompt, conscientious and competent manner; any conduct tending to cast doubt upon the integrity or objectivity of the member in performing such duties; or any other specific conduct of the member found by the City Council to be detrimental to the proper functioning of the Board.

The Zoning Board of Adjustment may, if its adopted rules so permit, recommend to the Governing Body that one or more of its members be removed, provided that such recommendation include specific reasons for such recommendation.

I. Compensation: Members of the Board of Adjustment shall serve without compensation but shall be entitled, to the extent that available funds are appropriated by the City Council in its budget therefore, to reimbursement for reasonable expenses necessarily incurred in the performance of their duties.

J. Conflicts of Interest: No member or Alternate Member of the Zoning Board shall be permitted to act on any matter in which he/she has, either directly or indirectly, any personal or financial interest. Whenever any such member shall recuse him-/her-self from acting on a particular matter by reason of such conflict of interest, such member shall not continue to sit with the Board on the hearing of such matter, nor shall he/she participate in any discussions or proceedings related thereto. Nothing herein shall deny a Board member who has recused him-/her-self from a particular matter the right to speak for or against, or otherwise comment on such matter during the Board hearing related thereto, provided that any such comment is made during the public portion of the Board hearing on such matter and further provided that such recused member identifies for the record that such comments are personal and in no way reflect an official position as a member of the Board or the position of the Board.

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**K. Officers; Solicitor; Professional Experts; Staff**

- (1) Chair and Vice Chair: The Board of Adjustment shall annually elect a Chair and a Vice Chair from its members. The Chair shall preside at all meetings and hearings and fulfill the customary functions of that office. In the absence of the Chair, the Vice Chair shall act as Chair and shall have all the powers of the Chair. The Vice Chair shall have such other powers and duties as may from time to time be provided by the rules of the Board. The presiding officer of the Board may administer oaths.

An Alternate Member shall not serve as Chair or Vice Chair of the Zoning Board.

- (2) Solicitor: The Board of Adjustment shall employ or contract for the services of legal counsel, to be known as the Zoning Board Solicitor, and shall fix the compensation of said Solicitor at such amount as the Board may deem reasonable.

The Zoning Board Solicitor shall be an attorney, other than the Municipal Attorney (City Solicitor) or an attorney on his/her staff, who is licensed to practice law in the State of New Jersey.

- (3) The Zoning Board Solicitor shall act as legal advisor to the Board, and he/she or his/her delegate shall attend all hearings of the Zoning Board unless excused by the Chair; shall attend any meetings of the Board at which his/her presence is requested; shall review and give an opinion concerning the legal sufficiency of any provision, code, ordinance, rule or regulation or amendments thereto relating to land use development and regulation presently in force or proposed for adoption by any official, department, bureau, board, commission or agency of the City; and shall be available, on reasonable request, for consultation with the Board of Adjustment concerning matters properly subject to its jurisdiction and authority. The Zoning Board Solicitor or his/her delegate shall also provide advice and aid to the Zoning Officer in the enforcement of this Chapter and shall, where directed by the Board of Adjustment, initiate such legal actions as may be necessary to the proper enforcement of this Chapter.

- (4) Professional Experts: The Zoning Board shall employ or contract for the services of professional experts, including, but not limited to, a Professional Engineer and Professional Planner to be known as the Zoning Board Engineer and Zoning Board Planner, respectively, and shall fix the compensation of such professionals at such amount as the Board may deem reasonable.

- (5) The Zoning Board Engineer shall be a Professional Engineer and the Zoning Board Planner shall be a Professional Planner. Both shall be licensed to practice their professions by the State of New Jersey.

- (6) The Zoning Board Engineer and Planner shall act as engineering and planning advisor to the Board, and they or their delegates shall attend all hearings of the Zoning Board unless excused by the Chair; shall attend any meetings of the Board at which their presence is requested; shall review and render opinions concerning the engineering and planning sufficiency of any provision, code, ordinance, rule or regulation or amendments thereto relating to land use development and regulation presently in force or proposed for adoption by any official, department, bureau, board, commission or agency of the City; and shall be available, on reasonable request, for consultation with the Board of Adjustment concerning matters properly subject to its jurisdiction and authority. The Zoning Board Engineer and Planner, or their delegates, shall also provide advice and aid to the Zoning Officer in the enforcement of this Chapter.

- (7) The Zoning Board Engineer shall also perform such duties as may be required in accordance with N.J.S.A. 40:55D-1 et seq.

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- (8) Staff: The Zoning Board shall select a Secretary who may or may not be a member or Alternate Member of the Zoning Board or a municipal employee, and create and fill such other offices as established by this Chapter.
- (9) Other: The Zoning Board may also employ or contract for such experts, consultants and other staff and services as it may deem necessary, and to fix the compensation thereof at such amount as the Board may deem reasonable.

**L. Quorum; Voting**

- (1) No action shall be taken at any Board of Adjustment meeting or hearing without a quorum, consisting of four (4) members, being present. Except as otherwise required in §300-37D.(1)(d), the concurring votes of a majority of the members voting, but not fewer than three (3) votes, shall be necessary to any action by the Board of Adjustment.
- (2) A member absent from any portion of a meeting or hearing or, where a meeting or hearing is carried over to two (2) or more sessions, from one (1) or more of the sessions shall be eligible to vote upon the matter heard, notwithstanding such absence, provided that such Board member shall first certify on the record that he/she has read a transcript or listened to a recording of the session or sessions or part thereof from which he/she was absent.

**M. Meetings; Hearings; Procedures**

- (1) The Board of Adjustment shall fix the time and place for holding its regular meetings, provided that a meeting shall be scheduled not less than once each month and shall be held as scheduled unless canceled for lack of applications for development to process or other business to conduct. The Board of Adjustment may provide for special meetings at the call of the Chair or at the request of any two (2) of its members, which shall be held after notice to its members and the public in accordance with the provisions of the Open Public Meetings Act (P.L. 1975, c. 231) and the rules of the Board of Adjustment. All regular meetings and all special meetings of the Board of Adjustment Board shall be open to the public; provided, however, that in accordance with N.J.S.A. 40:55D-9, the Board may meet in executive session for the purpose of discussing and studying any matters to come before it, and these sessions shall not be deemed a regular or special meeting.
- (2) All testimony at any meeting of the Board of Adjustment shall be given under oath.
- (3) All hearings of the Board of Adjustment shall be set, noticed and conducted in accordance with the provisions of §300-29.
- (4) The Board of Adjustment shall adopt its own rules for the conduct of its business, meetings and hearings not inconsistent with this Chapter and the statutes of the State of New Jersey. Such rules shall be filed with the Board Secretary, and copies thereof shall be available to any person upon request and the payment of a fee in accordance with §300-9. Any rule so adopted which relates solely to the conduct of the Board's meetings or hearings and which is not mandated by this Chapter or the statutes of the State of New Jersey may be waived by the Board upon good cause being shown.

**N. Minutes; Transcripts; Records; Decisions**

- (1) Minutes of every regular or special meeting and of every hearing shall be kept and shall include the names of the persons appearing and addressing the Board of Adjustment and of the persons appearing by attorney, the action taken by the Board of Adjustment, the findings, if any, made by it and reasons therefore.

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- (2) A verbatim recording of the proceedings of every hearing, by either stenographic, mechanical or electronic means, shall be kept.
- (3) All minutes, verbatim recordings, applications, requests, exhibits and papers filed in any proceeding before the Board of Adjustment, and the decision and report or reports of the Board shall constitute the record of any matter brought before the Board. The records of the Board's activity shall be made available for public inspection during normal business hours at the office of the Board Secretary. Any interested party shall have the right to compel production of such records for use and evidence in any legal proceedings concerning the subject matter of such records. Such interested party shall be charged a fee for reproduction of such records in accordance with §300-9.
- (4) Every decision of the Board of Adjustment shall be by written resolution, which shall include findings of fact, shall refer to the evidence in the record and to the exhibits, plans or specifications upon which such decision is based, shall specify the reason or reasons for such decision and shall contain a conclusion or statement separate from the findings of fact which shall set forth the specific relief granted, whether relief is granted subject to expressly stated modifications or is denied. Every resolution shall expressly set forth any limitations or conditions imposed on any approval granted or any development, work or use authorized.
- (5) In reaching its decision on any such application, the Board of Adjustment may rely on the personal knowledge of its members, on its inspections of the property and on any reports available to it; provided, however, that reliance on such matter shall not be allowed unless the Board shall have made the particular knowledge, inspection or report a matter of record at the public hearing and afforded every party reasonable time to respond to it.
- (6) The Board of Adjustment shall take no final or binding vote on any decision pertaining to any application unless it shall first have before it the written resolution herein required; provided, however, that where special circumstances so warrant, the Board of Adjustment may take final action on any such application prior to the preparation of such resolution, but in such event it shall, before taking such action, first state its findings and conclusions as above required at a meeting open to the public and shall, in addition, state the special circumstances warranting such action.
- (7) In any case where this Chapter, or where N.J.S.A. 40:55D-1 et seq., provides that the failure of the Board of Adjustment to act within a fixed period shall be deemed a grant or denial of or a recommendation upon an application, such failure shall, notwithstanding the absence of required findings and conclusions, be considered to be a decision or recommendation of the Board rendered on the day following the expiration of such fixed period.
- (8) Within 10 days following any decision on such application, the Zoning Board Secretary shall mail notice thereof to each person entitled to notice pursuant to §300-29. A brief notice of the decision of the Board shall be placed in a newspaper having general circulation.
- (9) As to other matters brought before the Board of Adjustment, the Board shall prepare such reports and make such communications as it shall deem appropriate to the subject matter.

**O. Powers and Duties**

The Board of Adjustment shall be empowered to exercise all duties and responsibilities conferred to it by N.J.S.A. 40:55D-70 and this Chapter. Specifically:

- (1) In accordance with N.J.S.A. 40:55D-70a, hear and decide appeals from any action taken by an Administrative Officer pursuant to the terms of this Chapter where it is alleged that there is error

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in any order, requirement, decision or refusal of such Officer based on or made in the enforcement of this Chapter.

In exercising such power, the Board of Adjustment shall have the power to reverse, affirm or modify, in whole or in part, the order, requirement, decision or determination subject of such appeal and, to such end, shall have all the powers of such Administrative Officer with respect to the subject matter of such appeal.

- (2) Hear and decide requests for interpretations of the Zoning Map or the provisions of this Chapter in accordance with N.J.S.A. 40:55D-70b;
- (3) Hear and decide requests for interpretations of special questions upon which the Board is authorized to pass by this Chapter in accordance with N.J.S.A. 40:55D-70b;
- (4) Review and approve or disapprove requests for variances from the requirements of this Chapter in accordance with N.J.S.A. 40:55D-70c;
- (5) Review and approve or disapprove requests for variances from the requirements of this Chapter in accordance with N.J.S.A. 40:55D-70d-1, 2, 4, 5 & 6;
- (6) Review and approve or disapprove site plans and subdivision plats in connection with its review of an application for a use variance in accordance with N.J.S.A. 40:55D-37, 59 and 70d;
- (7) Direct or order the issuance of a permit for a building or structure in the bed of a mapped street or Public Drainageway, Flood Control Basin or Public Area reserved on the Official Map in accordance with N.J.S.A. 40:55D-34;
- (8) Direct or order the issuance of a permit for a building or structure not related to a street in accordance with N.J.S.A. 40:55D-36;
- (9) Appoint legal counsel, professional experts and other staff;
- (10) Assemble data on a continuing basis as a part of a continuous planning process, including the Annual Report required under N.J.S.A. 40:55D-70.1.
- (11) Subject to the right of the applicant to receive a decision within the time periods specified by this Chapter, make referrals in addition to those expressly required by this Chapter to persons or agencies for their recommendations;
- (12) Aid and assist City Council and the departments and agencies of the City in implementing general plans and in planning, developing and completing specific projects;
- (13) Review and report on any matter referred to it by City Council or the Planning Board;
- (14) Perform such other advisory duties as are assigned to it by ordinance or resolution of City Council for the aid and assistance of City Council or other agencies or officers;
- (15) Upon reasonable, written request, make its special knowledge and expertise available to any official, department, bureau, board, commission or agency of the City, county, state or federal governments to aid them in the performance of their respective duties relating to the planning and development of the City and its region, and to participate in the preparation and review of programs or plans required by state or federal law or regulation;

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- (16) In furtherance of the above jurisdiction and authority, to make such investigations, maps and reports and recommendations in connection therewith relating to the planning and development of the City of Pleasantville as may be necessary, appropriate and desirable; provided, however, that the expenditures of the Board shall not exceed the amounts appropriated therefore.
- (17) Issue subpoenas, administer oaths and take testimony in the exercise of its duties (wherein the provisions of N.J.S.A. 2A:67A-1 et seq. shall govern).
- P. Appeals. Any interested person may appeal any final decision of the Board of Adjustment to the court of proper jurisdiction; to the Board of Public Utility Commissioners in the cases specified in and pursuant to the N.J.S.A. 40:55D-19, and, to the extent and in the manner authorized by New Jersey law, to any court of competent jurisdiction.

**§300-13 Zoning Office, Zoning Officer, Board Secretary; Establishment, Compensation**

A. Zoning Officer

- (1) There is herewith established, pursuant to N.J.S.A. 40:55D-18, a Zoning Office for the City of Pleasantville, which Office shall be the Administrative Office charged with the day-to-day administration of this Chapter.
- (2) There is herewith established within the Zoning Office, pursuant to N.J.S.A. 40:55D-3 and 40:55D-18, a Zoning Officer for the City of Pleasantville, who shall be the Administrative Officer charged with the day-to-day administration of this Chapter.
- (3) The Zoning Officer shall be an employee of the City. While the Zoning Officer may hold more than one title or position within the City, such individuals shall hold no elective office therein. The Zoning Officer shall be compensated in the amount of funds appropriated for such purpose by the City Council.
- (4) Power and Duties

The Zoning Officer shall be empowered to exercise all duties and responsibilities conferred to it by N.J.S.A. 40:55D-1 et seq., including, but not limited to:

- (a) The administration and enforcement of this Chapter, and in exercising such duties, shall have all the powers necessary to such administration and enforcement.
- (b) The supervision and management of the affairs and activities of the Zoning Office and its employees, and may employ such technical assistants, clerks, secretaries and such other persons as shall be authorized by action of the City Council, and shall pay for their services and any other necessary and proper expenses, but only out of such appropriations as may from time to time be made by the City Council for such purposes.
- (c) Consistent with the express standards, purposes and intent of this Chapter, promulgate, adopt, issue and enforce such procedural rules, regulations and forms as are, in his/her opinion, necessary to the effective administration and enforcement of the provisions of this Chapter.
- (d) Should the Planning Board or Zoning Board of Adjustment, within nine (9) months following the adoption of this Chapter, fail to adopt rules and regulations to govern the conduct of business as required by §300-11M.(3) and §300-12M.(4) respectively, the Zoning Officer shall, within one (1) year following the adoption of this Chapter, promulgate and issue such rules. Unless the respective Board shall, within 30 days following such issuance, object by formal motion to such rules and adopt rules for itself as herein required, such rules so issued

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shall be deemed for all purposes to be the rules required by this Chapter to be adopted by the respective Board and shall, after issuance, govern the conduct of the business of the respective Boards. Rules so issued may be amended or modified by respective Board in the same manner as if adopted by such Board. All rules, regulations and forms issued by the Zoning Officer shall be kept on file in the Zoning Office, shall be filed with the City Clerk and shall be public records of the City, open to inspection by interested parties at reasonable times and upon reasonable notice. Copies thereof shall be available for sale in the Zoning Office at a fee in accordance with §300-9.

- (e) Provide a written or verbal report to City Council when directed, but in no case less often than quarterly, summarizing for the period since the last such report, all Building Permits and Certificates of Occupancy issued by him, all identifiable complaints of violations filed with the Zoning Office, and actions taken consequent thereto.

**B. Staff Secretary(ies) to the Planning Board and Zoning Board of Adjustment**

- (1) There is herewith established within the Zoning Office, pursuant to N.J.S.A. 40:55D-24 & 69, Staff Secretaries for the Planning Board and the Zoning Board of Adjustment, who shall be the Administrative Staff Officers charged with the management of the day-to-day functions of the Planning Board and Zoning Board of Adjustment. While such position(s) shall ultimately be responsible to the Board to which he/she is appointed, the daily activities of such position(s) shall be supervised by the Zoning Officer.

- (2) Such Secretary(ies) shall be employees of the City. While they may hold more than one title or position within the City, such individuals shall hold no elective office therein. Nothing herein shall preclude the Planning Board Secretary from serving as the Secretary to the Zoning Board of Adjustment or the Zoning Board Secretary from serving as Secretary to the Planning Board. The Staff Secretary(ies) shall be compensated in the amount of funds appropriated for such purpose by the City Council.

**(3) Power and Duties**

The Staff Secretaries shall be empowered to exercise all duties and responsibilities conferred by N.J.S.A. 40:55D-24 & 69, including, but not limited to:

- (a) Provide the agendas for and attend the meetings and hearings of each respective Board;
- (b) Inform each respective Board of all facts and information at his/her disposal with respect to any matter brought before such Board;
- (c) Keep minutes of every meeting, including the names of persons appearing and addressing the respective Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefore;
- (d) Keep verbatim recordings of the proceedings of every hearing, by either stenographic, mechanical or electronic means.
- (e) Give notice, 30 days prior to the expiration of the term of any member of either such Board, of the date on which the term of such member will expire to such member, to the City Council and to the Mayor; and
- (f) Perform such other duties as may be assigned by the Zoning Officer, this Chapter and by the rules of such respective Boards.



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**C. Records**

The Planning Board or Zoning Board Secretary, as the case may be, shall maintain the following as public records of the City, open to inspection by interested parties at reasonable times and upon reasonable notice:

- (1) Permanent and current records of this Chapter, including all maps; amendments; conditional use, subdivision plat and site plan approvals and denials; interpretations; and decisions rendered by the Zoning Office, the Planning Board, the Board of Adjustment and the City Council, together with relevant background files and materials;
- (2) Duplicate copies of all Zoning Permits, numbered consecutively and showing the fee charged therefore, issued or denied pursuant to this Chapter, together with such portions of the applications therefore as the Zoning Officer may consider necessary to the proper administration of this Chapter;
- (3) A current file of all certificates, permits or authorizations issued pursuant to this Chapter and all notices of violation, discontinuance or removal issued by or entrusted to the Zoning Office for such time as necessary to ensure continuous compliance with the provisions of this Chapter;
- (4) A current file of all interpretations issued by the Board of Adjustment.
- (5) A current file of all identifiable complaints of violations of this Chapter and the actions taken as a consequence of such complaint.
- (6) Current maps locating all applications for amendment, site plan / subdivision approvals, variances and appeals and indicating the disposition thereof;
- (7) Permanent and current records of all Planning Board and Board of Adjustment meetings, hearings and proceedings, minutes and transcripts taken therein and any correspondence of such Boards.

**D. Applications: Receipt; Processing; Referral to Interested Parties and Agencies.**

- (1) The Zoning Officer shall receive all applications required to be filed pursuant to this Chapter and such other applications as the ordinances of the City may from time to time require to be filed in such office. Such applications include, but are not necessarily limited to, applications for:
  - Zoning Permit;
  - Demolition Permit;
  - Mercantile License;
  - Appeal or Interpretation in accordance with N.J.S.A. 40:55D-70a or b; and
  - Construction or Building Permit;
  - Certificate of Occupancy;
  - Site Plan or Subdivision approval;
  - Variance relief in accordance with N.J.S.A. 40:55D-25 & 70c or d.
- (2) Upon receipt of any such application, the Zoning Officer shall review it for Completeness, and if any deficiencies are found, shall give notice of such deficiencies to the applicant, in writing, within 45 days following the original filing of such application.

In reviewing an application for Completeness, the Zoning Officer may request the assistance of the City Engineer, City Planner or other such professional as may be necessary and appropriate. Any costs incurred by the Zoning Officer for any such assistance shall be paid from the Escrow Fee required of each such application.

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- (3) After determination that an application is Complete, the Planning Board or Zoning Board Secretary, as the case may be, shall see to its expeditious processing, including actions to be taken by the Zoning Officer if it is within his/her power to do so, or its prompt referral to and retrieval from each official, department, bureau, board, commission or agency of the City or other government with any interest in or duty with respect to such application. To facilitate such referrals / retrieval, the Planning Board or Zoning Board Secretary, as the case may be, shall prepare, maintain and continually keep current a list or lists of all officials, departments, bureaus, boards, commissions and agencies which have, in writing, requested an opportunity to review or comment on various specified applications and proposals for various specified reasons and pursuant to various specified duties and authorities.
- (4) Notice of Hearing: The Planning Board or Zoning Board Secretary, as the case may be, shall give or cause to be given notice of hearings and meetings on applications pursuant to law and this Chapter.
- (5) Investigation: Whenever the Planning Board or the Board of Adjustment shall so request, by general rule or specific direction, the Zoning Officer shall conduct or cause to be conducted such surveys; investigations; field studies; the taking of photographs; and/or the making of charts and/or exhibits; as shall be necessary or convenient to the processing of any application filed with the City.
- (6) Plan review and Zoning Permits: Pursuant to §300-34A., the Zoning Officer shall review all applications for Zoning Permit and approve or disapprove such applications and issue or refuse to issue such Permits based on compliance or noncompliance with the provisions of this Chapter.
- (7) Acceptance of Guaranties: The Planning Board or Zoning Board Secretary, as the case may be, or his/her designee shall accept performance and maintenance guaranties required to be paid pursuant to this Chapter.
- (8) Notices: Pursuant to the provisions of §300-11N.(8) and §300-12N.(8), the Planning Board or Zoning Board Secretary, as the case may be, shall give or cause to be given notices of actions taken pursuant to this Chapter.

**E. Inspection and Enforcement**

- (1) In furtherance of the enforcement of this Chapter, the Zoning Officer shall undertake such regular and continuing programs of inspection of work approved and underway and of existing structures and uses as may be feasible and proper within the limits of staff and funds; shall undertake such inspections as may be necessary to the performance of the duties hereunder; and shall receive from any person complaints alleging, with particularity, a violation of this Chapter and, when appropriate, shall cause such investigations and inspections as may be warranted by such complaints to be made. Upon finding the existence of any violation of this Chapter, the Zoning Officer shall proceed as provided for in this Chapter.
- (2) The Zoning Officer shall cooperate with the City's Construction Code Official, Fire Inspector, Housing Inspector or other relevant personnel to coordinate enforcement and inspection activities under this Chapter with those conducted pursuant to the authority vested in such personnel so as to achieve the greatest efficiency and avoid unnecessary duplication of efforts.
- (3) Nothing in this subsection shall be interpreted to prevent any person entitled to relief in law or equity by reason of a violation of the provisions of this Chapter from bringing an appropriate action to secure such relief.

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**F. Reports Concerning Valuation, Assessment and Taxation of Land**

- (1) The Zoning Officer shall promptly inform the Atlantic County Tax Assessor of those parcels of land designated as an agricultural or horticultural use pursuant to the provisions of the Farmland Assessment Act of 1964 (N.J.S.A. 54:4-23.1 et seq.) which receive preliminary subdivision / site plan approval pursuant to the provisions of this Chapter.
- (2) The Zoning Officer shall cooperate with the Tax Assessor to establish a system to provide the City Tax Assessor with current information concerning any action taken pursuant to this Chapter which might affect the valuation, assessment or taxation of any parcel of real estate in the City.

**§300-14 Other Officials, Departments, Bureaus and Agencies**

In addition to the jurisdiction, authority and duties conferred upon them by other provisions of the codes and ordinances of the City of Pleasantville, every official, department, bureau and agency of the City shall have the following jurisdiction, authority and duties with relation to the administration and enforcement of this Chapter:

- A. Each official, department, bureau and agency shall have such duties and responsibilities with respect to land use and development regulations in the City as shall be conferred upon it by the various provisions of the codes, ordinances and regulations applicable to such official, department, bureau or agency. Where such duties and responsibilities require such official, department, bureau or agency to review plans or proposals for land use or development, such official, department, bureau or agency shall inform the Zoning Officer, in writing, of such requirement; of the particular provision of the code, ordinance or regulation which creates such requirement; of the particular type or category of plans or proposals which must be reviewed; of the stage in the planning, zoning and development process where such review would be most effective; and of the estimated time that would be required for such review in the normal case.
- B. Issuance of permits: No official, department, bureau or agency of the City shall issue any permit, license or approval in violation of the terms of this Chapter or which could result in work or the use of buildings, structures or land in violation of the provisions of this Chapter. Every official, department, bureau or agency of the City issuing permits, licenses or approvals, the use of which may result in a violation of the provisions of this Chapter, shall refer the application therefore to the Zoning Officer for a report on conformance with said provisions. The Zoning Officer shall promptly return such application with a report thereon, and if the report indicates that the use of such permit, license or approval will result in a violation of the provisions of this Chapter, the license, permit or approval shall not be issued.
- C. Cooperation and Technical Assistance: Upon reasonable request, each official, department, bureau and agency of the City shall cooperate fully with and offer technical aid, advice and expertise to the Planning Board, Board of Adjustment and the Zoning Officer to the end that the goals, policies and standards of the Master Plan and this Chapter may be expeditiously and effectively achieved.

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**ARTICLE V**  
**Planning Documents & Procedures**

**§300-15 Master Plan**

**A. Preparation and Adoption**

- (1) Pursuant to N.J.S.A. 40:55D-28, the Planning Board shall have authority to prepare and adopt a Master Plan for the City of Pleasantville, and, from time to time, prepare and adopt amendments thereto and reexaminations thereof.
- (2) The Master Plan shall be a compilation of policy statements; goals; standards; maps and diagrams; recommended planning, regulatory, fiscal and public works programs, together with all pertinent data relative to the past, present and future trends of the City with respect to its population, housing, economic, social and environmental development patterns; its land, water and natural resources and uses; its transportation facilities, public facilities and utilities; and any other matters relevant to the present and future patterns of life within the City, prepared and adopted by the Planning Board, or any internally consistent and complete portion of such compilation relating to any one (1) or more of the aforesaid subjects, together with such amendments thereto as may be adopted from time to time.
- (3) The Master Plan shall include as mandatory elements:
  - (a) A Statement of Objectives, Principles, Assumptions, Policies and Standards upon which the constituent proposals for the physical, economic and social development of the City are based;
  - (b) A Land Use Plan Element taking into account the relationship to the Statement detailed above, other Master Plan elements and natural conditions, including but not necessarily limited to topography, soil conditions, water supply, drainage, floodplain areas, marshes and woodlands; showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, recreational, educational and other public and private purposes, uses or combination of purposes or uses; stating the relationship of such purposes or uses to the existing and any proposed zone plan and zoning ordinance for the City; including a statement of the standards of population density and development intensity recommended for the City; showing the existing and proposed location of any airports and the boundaries of any airport safety zones delineated pursuant to the "Air Safety and Zoning Act of 1983 (N.J.S.A. 6:1-80 et seq.); and
  - (c) A Housing Plan Element pursuant to N.J.S.A. 52:27D-310, including, but not limited to, residential standards and proposals for the construction and improvement of housing;
  - (d) A specific policy statement indicating the relationship of the proposed development of the City, as developed in the Master Plan to:
    - the master plans of contiguous municipalities;
    - the Atlantic County Master Plan;
    - the State Development and Redevelopment Plan; and
    - the Atlantic County Solid Waste Management Plan required pursuant to the Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.).

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(4) The Master Plan may include as optional elements:

- (a) A Circulation Plan Element showing the location and types of facilities for all modes of transportation required for the efficient movement of people and goods into, about, and through the municipality, taking into account the functional highway classification system of the Federal Highway Administration and the types, locations, conditions and availability of existing and proposed transportation facilities, including air, water, road and rail;
- (b) A Utility Service Plan Element analyzing the need for and showing the future general location of water supply and distribution facilities, drainage and flood control facilities, sewerage and waste treatment, solid waste disposal and provision for other related utilities, and including any storm water management plan required pursuant to the provisions of N.J.S.A. 40:55D-93 et seq.;
- (c) A Community Facilities Plan Element showing the existing and proposed location and type of educational or cultural facilities, historic sites, libraries, hospitals, firehouses, police stations and other related facilities, including their relation to the surrounding areas;
- (d) A Recreation Plan Element showing a comprehensive system of areas and public sites for recreation;
- (e) A Conservation Plan Element providing for the preservation, conservation and utilization of natural resources, including, to the extent appropriate, open space, water supply, energy, forests, soils, marshes, wetlands, harbors, rivers and other waters, fisheries, endangered or threatened species, wildlife and other natural resources, and which systemically analyzes the impact of each other component and element of the Master Plan on the present and future preservation, conservation and utilization of those resources;
- (f) An Economic Plan Element considering all aspects of economic development and sustained economic vitality, including (a) a comparison of the types of employment expected to be provided by the economic development to be promoted with the characteristics of the labor pool resident in the City and nearby areas and (b) an analysis of the stability and diversity of the economic development to be promoted;
- (g) (To the extent applicable) a Historic Preservation Plan Element indicating the location and significance of historic sites and historic districts in the City; identifying the standards used to assess worthiness for historic site or district identification; and analyzing the impact of each component and element of the Master Plan on the preservation of historic sites and districts;
- (h) A Recycling Plan Element which incorporates the State Recycling Plan goals, including provisions for the collection, disposition and recycling of recyclable materials designated in the City's recycling ordinance, and for the collection, disposition and recycling of recyclable materials within any development proposal for the construction of 50 or more units of single-family residential housing or 25 or more units of multi-family residential housing and any commercial or industrial development proposal for the utilization of 1,000 s.f. or more of land;
- (i) (To the extent applicable) a Farmland Preservation Plan Element, including an inventory of farms properties in the City, a map of significant areas of agricultural land; a statement of municipal ordinances supporting and promoting agriculture as a business; a plan for preserving as much farmland as possible in the short term by leveraging monies made available by N.J.S.A. 13:8C-1 et al. through a variety of mechanisms (including, but not limited to, utilizing option agreements, installment purchases and encouraging donations of permanent development easements).

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- (j) (To the extent applicable) A Development Transfer Plan Element which sets forth the public purposes, the locations of sending and receiving zones and the technical details of a development transfer program based on the provisions of N.J.S.A. 40:55D-141.
  - (k) An Educational Facilities Plan Element incorporating the purposes and goals of the “long-range facilities plan” required to be submitted to the Commissioner of Education by school districts pursuant to N.J.S.A. 18A: 7G-4.
  - (l) A Green Buildings and Environmental Sustainability Plan Element providing for, encouraging and promoting the efficient use of natural resources and the installation and usage of renewable energy systems by considering the impact of buildings on the local, regional and global environment; allowing ecosystems of function naturally; conserving and reusing water; on-site treatment of storm water; and optimizing climatic conditions through site orientation and design.
  - (m) Appendices or separate reports containing the technical foundation for the Master Plan and its constituent elements;
  - (n) A proposed Official Map;
  - (o) A proposed Capital Improvement Program developed in accordance with N.J.S.A. 40:55D-29; and
  - (p) Such other elements as the Planning Board may find useful or appropriate.
- (5) The Master Plan and its plan elements may be divided into subplans and subplan elements projected according to periods of time or staging sequences.
- (6) General Purpose and Effect: Upon adoption, the Master Plan shall be considered an official statement of the policies of the City of Pleasantville with respect to the existing conditions and character and evolving (re)development of the various areas of the City; the proper objectives, standards and directions for future maintenance, growth and (re)development; the means to be employed to encourage future (re)development in the City in a manner that will protect such existing conditions and character; and the actions and programs to be undertaken by the City with respect to such issues.
- (7) Binding Effect: Upon adoption of the Master Plan, no development regulation, Official Map or Capital Improvement Program relating to the physical maintenance or development of the City or any land within it shall be enacted, established, amended or varied, and no public building, public improvement, public site or right-of-way or other public structure or land shall be authorized, established, developed, redeveloped or modified in location or extent, whether by a public agency or a developer pursuant to this Chapter, other than in accordance with the policies, goals, objectives, principles and standards of the plan or relevant element thereof.
- Notwithstanding the foregoing, the Governing Body may adopt a development regulation or an amendment or revision thereto; an Official Map or an amendment or revision thereto; or a Capital Improvement Program or an amendment or revision thereto, which, in whole or in part, is inconsistent with or not designed to effectuate the Master Plan, but only upon the affirmative vote of a majority of the full authorized membership of the City Council, with the reasons for so acting recorded as part of the minutes of such action.
- (8) Review for Compliance: Upon adoption of the Master Plan, the City’s development regulations, Capital Improvement Program, if any, Official Map and public projects shall be reviewed for compliance with said Master Plan pursuant to the provisions of §300-110. and recommendations thereto necessary to bring such documents into compliance with the Master Plan shall be promptly considered.

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- (9) For the purposes of §300-15A.(6), (7) and (8), the operative Master Plan for the City of Pleasantville as of the Effective Date of this Chapter is the 2008 Comprehensive Master Plan Update, City of Pleasantville, Atlantic County, N.J., prepared by Remington, Vernick & Walberg Engineers, dated September 8, 2008 and adopted by the Pleasantville Planning Board on November 13, 2008.

**B. Master Plan Procedures**

- (1) Plan Development: The Planning Board shall, with such assistance from City staff and professionals as it may deem necessary and appropriate, exercise the powers and duties delegated to it by this Chapter in the continuing development and revisions of the Master Plan.

The process of plan development and revision is necessarily an informal one, not readily adaptable to rigid procedures. However, the Planning Board, staff and professionals shall, in this undertaking, make all reasonable efforts to obtain the views, comments and criticisms of interested departments, bureaus, agencies, organizations, groups, firms and residents of the City.

- (2) Public Hearing: The Planning Board shall, prior to the adoption or amendment of the Master Plan, set, advertise and conduct at least one (1) public hearing thereon in accordance with the requirements for Master Plan in N.J.S.A. 40:55D-10, 11 & 13.

- (3) Adoption: Upon development of and public hearing on the Master Plan pursuant to subsections B.(1) and B.(2) hereinabove, the Planning Board may adopt, amend or reject the Master Plan or any constituent part thereof.

(4) Amendment

- (a) The Master Plan or any part thereof may be amended at any time in accordance with the provisions of this subsection. Such amendment may be initiated by City Council, the Planning Board or by any owner of property affected by the provisions of the Master Plan sought to be amended.
- (b) Amendments initiated by City Council or the Planning Board shall be processed as provided in subsections B.(1), B.(2) and B.(3) above, except that any amendment referred to the Planning Board by the City Council shall be set for hearing with all reasonable dispatch, and the Planning Board shall act on such proposed amendment not later than 30 days following the conclusion of such hearing.
- (c) Requests for Amendments initiated by an owner of affected property shall commence with an application addressed to the Planning Board and filed with the Zoning Officer. Nonrefundable application and hearing fees, in accordance with §300-9., shall accompany each such application. The application shall be in such form and contain such information as may from time to time be established by the Planning Board, but shall in no event contain less than the following information:

- [1] The name and address of the owner-applicant;
- [2] The address of the affected property;
- [3] Text and maps showing the proposed change or changes in the Master Plan;
- [4] A statement of the reason and necessity for the proposed change(s);

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- [5] A statement of any other applications relating to the affected property which have been or are intended to be filed pursuant to this Chapter, or any other law, ordinance or regulation of the City, county, state or federal government;
  - [6] A statement of the present use of the affected property and any proposed change in such use; and
  - [7] Such other and further information as the Zoning Officer or Planning Board may deem to be necessary or appropriate to a full and proper consideration and disposition of the particular application;
- (d) Upon receipt of a Complete application by the Zoning Officer, a hearing thereon shall be set, noticed and conducted by the Planning Board in accordance with the provisions of this Chapter. Within 30 days following the conclusion of such hearing, the Board shall either refuse the application or shall adopt the proposed amendment, with or without modifications. The Zoning Officer shall give notice of such decision pursuant to this Chapter.
- (5) Reexamination
- (a) The Governing Body shall, at least once every six (6) years, provide for a general reexamination of the Master Plan, this Chapter and all other development regulations adopted by the City. Such reexamination shall be conducted by the Planning Board, with such assistance as it may deem necessary and appropriate.
  - (b) The Planning Board shall prepare a written report, setting forth the findings of such reexamination, and shall transmit a copy thereof to the City Council, the Atlantic County Planning Board and the Municipal Clerks of each municipality adjoining the city limits of the City of Pleasantville. Said report shall address:
    - [1] The major problems and objectives relating to land development confronting the City at the time of the adoption or last revision or reexamination of the Master Plan;
    - [2] The extent to which such problems and objectives have been reduced or have increased subsequent to such date;
    - [3] The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for such Master Plan or regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources and change in state, county and City policies and objectives;
    - [4] The specific changes recommended for such Master Plan or regulations, if any, including underlying objectives, policies and standards, or whether a new Master Plan or new regulations should be prepared; and
    - [5] The recommendations of the Planning Board concerning the incorporation of Redevelopment Plans adopted pursuant to N.J.S.A. 40A:12A-1 et seq. into the Land Use Plan Element of the Master Plan, and recommended changes, if any, in the local development regulations necessary to effectuate any such Redevelopment Plans.
- (6) Filing: Upon adoption of the Master Plan, or any part thereof or any amendment or reexamination thereto, the Zoning Officer shall cause certified copies thereof to be placed on file in the Zoning Office and with the City Clerk, and shall cause a certificate evidencing the adoption of such plan or part or amendment thereof to be filed with the County Clerk of Atlantic County.



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(7) Review for Compliance & Document Amendments

Following the adoption of a Master Plan or any amendment thereto or reexamination thereof:

- (a) A review of such document shall be conducted by all City officials, departments, bureaus, boards, commissions or agencies whose activities, rules or regulations might be impacted by such Master Plan, or amendments or reexaminations thereof, and shall promptly consider such amendments thereto necessary to bring such activities, rules or regulations into compliance with the Master Plan.
- (b) The Zoning Officer or designee shall review such Master Plan, or amendments or reexaminations thereof, to determine what, if any, impacts the contents of such document might have on the provisions of this Chapter, and shall address any issues related to the continuing conformity of this Chapter with the Master Plan in a report to be prepared for the Governing Body.

Upon receipt of such report, the Governing Body shall, at its discretion, adopt such ordinances as it deems necessary and appropriate to effectuate the Master Plan, or amendments or reexaminations thereof.

(8) Review of Capital Projects for Compliance with Master Plan

- (a) Upon adoption of the Master Plan, the City Council and every Housing Authority, Parking Authority, Highway Authority, Special District or other authority, Redevelopment Agency, Board of Education or other similar public agency, whether state, county or municipal, shall, before taking any action necessitating the expenditure of any public funds incidental to the location, character or extent of any capital improvement project within the City of Pleasantville, refer the action involving such specific project to the Planning Board for review and recommendation in conjunction with the Master Plan.
- (b) Within 45 days following any such submission, or such shorter period as the submitting agency may require due to the necessity of acting on the subject matter within time limits imposed by this Chapter for such action or such longer period as may be agreed to by the submitting agency, the Planning Board shall review such action for conformity with the Master Plan and, if necessary, shall confer with the submitting agency with regard to suggested alterations in the proposed project, and shall transmit its recommendation(s) for approval, disapproval or modification of the proposed project and action to the submitting agency, stating, in detail, the reasons for such recommendation(s).
- (c) No such agency shall take any action with respect to a matter submitted pursuant to this subsection prior to the receipt of the Planning Board's recommendation(s) or the expiration of the aforesaid time period without such recommendation(s) having been issued by the Board.
- (d) With respect to submissions by any agency, department or official of the City, if the Planning Board has issued its approval or has failed to act with respect to a submission within the aforesaid time periods, the submitting agency may then, but not before, proceed to take action on the proposed project. If the Planning Board has recommended disapproval, then the submitting agency shall take no action to approve the proposed project and shall undertake no work with respect to the proposed project unless such action, work or project shall have first been approved by an affirmative vote of a majority of the full authorized membership of the City Council on a motion expressly setting forth the reasons for such action.

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- (e) No City official, agency or department shall issue any permit, approval or authorization necessary in conjunction with any capital project subject to this subsection, nor issue or authorize any funds or expenditures for such project, unless the agency responsible for such project shall have first complied with the provisions of this subsection.

**§300-16 Official Map**

**A. Preparation; Adoption**

- (1) In conjunction with the preparation of the Master Plan, the Planning Board shall prepare and the City Council may, by ordinance, adopt or amend an Official Map of the City of Pleasantville pursuant to the standards and procedures set forth in this Chapter.
- (2) The Official Map may consist of one (1) or more maps or map pages depicting the streets, public drainageways, flood control basins and public areas planned, proposed and existing in the City, and shall be final and conclusive with respect to the location and size of such streets, drainage and flood control systems and public areas shown thereon, whether the same shall be improved or unimproved, existing, planned or proposed.
- (3) The Official Map shall implement and shall be consistent with the Master Plan, except to the extent that deviations from the Master Plan are authorized pursuant to this Chapter.

**B. Effect**

- (1) Reservation of Public Ways and Areas: Upon adoption of the Official Map, or any amendments thereto, the City may, upon receiving an application for development, reserve for future public use the aforesaid streets, ways, basins and areas in the manner provided in this Chapter.
- (2) Permits in Mapped Areas: Upon adoption of the Official Map, or any amendment thereto, no permit for any building or structure in the bed of any street, drainageway, flood control basin or public area shown thereon shall be issued by any official, board or agency of the City unless an Official Map variance has been authorized and the issuance of such permit has been directed pursuant to this Chapter.
- (3) Permits for Structures Not Abutting a Street: Upon adoption of the Official Map, or any amendment thereto, no permit for the erection of any building or structure shall be issued unless:
  - (a) A street shown on the Official Map, or any amendment thereto, and improved in accordance with the requirements of this Chapter, provides access to such building or structure;
  - (b) A street so improved and providing such access is either an existing public street, a street shown on a plat approved by the Planning Board or a street shown on a plat duly filed with the Atlantic County recorder's office prior to the adoption of any ordinance requiring the approval of such plat by the City of Pleasantville; or
  - (c) A variance from such requirements has been granted and the issuance of such permit has been directed pursuant to §300-37E.
- (4) Public Improvements: Public improvements shown on the Official Map, whether provided by a public agency or by a developer pursuant to this Chapter, shall be laid out, designed, sized and installed as shown on the Official Map.

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C. Binding Effect: The Official Map, upon being proposed by the Planning Board as part of the Master Plan, shall have the same binding effect as the Master Plan. In addition, following its adoption by the City Council, the Official Map shall have the effect specified in this section.

D. Official Map Procedures

(1) Map Development: The Planning Board, with the assistance of the Zoning Officer, shall exercise the powers and duties delegated to it by this Chapter in the preparation of a proposed Official Map, and amendments thereto, in conjunction with the adoption of a Master Plan.

(2) Hearing on the proposed Official Map: The Planning Board shall, prior to making its recommendations on a proposed Official Map to the City Council, set, notice and conduct at least one (1) public hearing on the proposed Official Map. Such hearing may be conducted simultaneously with the hearing required on the Master Plan pursuant to §300-15B.(2), but separate notices of such hearings shall be given in accordance with the requirements of N.J.S.A. 40:55D-15.

(3) Adoption: Upon development of the proposed Official Map and holding a public hearing on the proposed Official Map pursuant to subsections D.(1) and D.(2) above, the Planning Board shall recommend such Official Map to City Council for adoption as the Official Map of the City. City Council may, after setting, noticing and conducting a hearing pursuant to this Chapter, adopt such Official Map, with or without modifications, by the adoption of any ordinance so providing; provided, however, that no modification of the Official Map as recommended by the Planning Board shall be adopted except by the affirmative vote of a majority of the full authorized membership of City Council, with the reasons for said modifications recorded in the minutes of the Council. Where City Council adopts an Official Map as recommended by the Planning Board, but which is inconsistent with the Master Plan, said adoption shall be by the affirmative vote of a majority of the full authorized membership of City Council, with the reasons for said inconsistencies recorded in the minutes of the Council. The Zoning Officer shall give notice of such decision pursuant to this Chapter.

(4) Amendment:

(a) The Official Map, or any part thereof, may be amended at anytime in accordance with the provisions of this subsection. Such amendment may be initiated by City Council, the Planning Board or by any owner of property affected by the provisions of the Official Map sought to be amended.

(b) Prior to the layout, widening, changing the course of or closing of any street or widening or changing the boundaries of a flood control basin in a public area, an amendment to the Official Map must be obtained in conformity with the requested change.

(c) After adoption by the Planning Board of the Master Plan, or amendments thereto, the Planning Board shall initiate an amendment to the Official Map pursuant to this section, which amendment shall reflect any such changes in the Master Plan.

(d) After adoption by City Council of a Capital Improvement Program or any amendments thereto, the Planning Board shall initiate an amendment to the Official Map pursuant to this section, which amendment shall reflect any such changes in the Capital Improvement Program.

(e) Amendments initiated by City Council or the Planning Board shall be processed as provided in §300-16D., except that any amendment referred to the Planning Board by City Council shall be set for hearing with all reasonable dispatch, and the Planning Board shall act on such proposed amendment not later than 30 days following the conclusion of such hearing.

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- (f) Amendments initiated by an owner of affected property shall commence with an application addressed to the Planning Board and filed with the Zoning Officer. Nonrefundable application and hearing fees, in accordance with §300-9, shall accompany each such application. The application shall be in such form and contain such information as may from time to time be established by the Planning Board, but shall in no event contain less than the following information:
- [1] The name and address of the owner-applicant;
  - [2] The address of the affected property;
  - [3] Text and maps showing the proposed change or changes in the Official Map;
  - [4] A statement of the reason and necessity for the proposed change(s);
  - [5] A statement of any other applications relating to the affected property which have been or are intended to be filed pursuant to this Chapter, or any other law, ordinance or regulation of the City, county, state or federal government;
  - [6] A statement of the present use of the affected property and any proposed change in such use; and
  - [7] Such other and further information as the Zoning Officer or Planning Board may deem to be necessary or appropriate to a full and proper consideration and disposition of the particular application.
- (g) Upon receipt of a Complete application by the Zoning Officer, a hearing thereon shall be set, noticed and conducted by the Planning Board in accordance with the provisions of this Chapter. Within 30 days following the conclusion of such hearing, the Board shall either refuse the application or shall adopt the proposed amendment, with or without modifications. The Zoning Officer shall give notice of such decision pursuant to this Chapter.
- (5) Map Filing: The ordinance by which City Council adopts the Official Map, or any amendment thereto, shall provide that the Zoning Officer shall cause certified copies thereof to be placed on file in the Zoning Office and with the City Clerk, and shall cause a certificate evidencing the adoption of such plan or part or amendment thereof to be filed with the County Clerk of Atlantic County.

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**ARTICLE VI**  
**Zoning Districts, Zoning Map & Boundary Lines**

**§300-17 Zoning Districts**

A. For the purpose of this Chapter, there is herein established the following Zoning Districts for the City of Pleasantville.

(1) Residential Zoning Districts

R-50	Single-Family Residential (50' frontage & 5,000 s.f.)
R-60	Single-Family Residential (60' frontage & 6,000 s.f.)
R-75	Single-Family Residential (75' frontage & 7,500 s.f.)
R-D	Residential Duplex
MF	Multi-Family Residential

(2) Commercial Zoning Districts

CBD	Central Business District
NC	Neighborhood Commercial
GC	General Commercial
RC	Regional Commercial
RSC	Regional Shopping Center
LI	Light Industrial

(3) Specialty Zoning Districts

BMU	Bayside Mixed-Use
CEM	Cemetery
CONSERV	Conservation
WR	Waterfront Residential

(4) Overlay Zoning Districts

Bayside Mixed Use Overlay Zone
City Center Support Overlay
Franklin Boulevard Professional Office Overlay
Main Street Neighborhood Commercial Overlay
New Road Professional Office Overlay

B. In addition to Zoning Districts, this Chapter recognizes the following Redevelopment Plans associated with specific Redevelopment Areas and Rehabilitation Areas designated under the New Jersey Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-6, 7 & 14).

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Block 189 Rehabilitation Area

California Avenue Rehabilitation Area

CARA Cambria Avenue Redevelopment Area

CCRA Center City Redevelopment Area

LBRA Lakes Bay Waterfront Redevelopment Area

NARA Narcissus Avenue Rehabilitation Area

WTRA Woodland Terrace Rehabilitation Area

**§300-18 Zoning District Map and District Boundary Lines Established; Interpretation**

**A. Zoning Map Established & Incorporated:**

- (1) There is hereby established and made part of this Chapter, maps entitled §300-75: Base Zoning and §300-76: Overlay Zoning; prepared by Remington, Vernick & Walberg Engineers (collectively referred to herein as “Zoning Map”).
- (2) The Zoning Map and all notations, references and other information depicted thereon shall have the same force and effect as if fully set forth or described in this Chapter.
- (3) The Zoning Map shall be properly attested and kept on file in the office of the Zoning Officer.

**B. Zoning District Boundary Lines**

- (1) The boundaries of each Zoning District established by this Chapter are depicted on the Zoning Map.
- (2) The boundaries of each City-designated Redevelopment Area, or Rehabilitation Area, for which a Redevelopment Plan has been adopted were established via the individual ordinances adopting each respective Redevelopment Plan and are similarly depicted on the Zoning Map.
- (3) Interpretation: In the event that any uncertainty exists with respect to the intended boundaries of the various Zoning Districts as shown on the Zoning Map, the following rules shall apply:

Unless otherwise indicated on the Zoning Map:

- (a) Zoning District Boundary Lines shall be construed to coincide with the center lines of a man-made street, alley, parkway, railroad or other right-of-way or such lines as may be extended therefrom.
- (b) Where a Zoning District Boundary Line depicted on the Zoning Map appears to coincide with the line of a man-made street, alley, parkway, railroad or other right-of-way, the center line of such man-made street, alley, parkway, railroad or other right-of-way shall be construed to be the boundary of such Zoning District.
- (c) Where a Zoning District Boundary Line depicted on the Zoning Map appears to coincide with a natural shoreline or waterline of a bay, lake, pond or other such feature, such lines shall be construed to be the boundary of such Zoning District.
- (d) Where a Zoning District Boundary Lines depicted on the Zoning Map appears to coincide with a platted Lot Line, such platted line shall be construed to be the boundary of such Zoning District.

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- (e) Any Zoning District Boundary Line not conforming with the foregoing subsections B. (3)(a) through B.(3)(d) shall be determined by the use of the scale shown on the Zoning Map.
- (f) Where a single Lot held in single ownership on the Effective Date of this Chapter is divided by one or more Zoning District Boundary Line(s), the entire Lot shall be construed to be within the less restrictive of the Zoning Districts dividing such Lot, unless any portion of the Lot's Frontage lies within a commercial Zoning District, wherein the entire Lot shall be construed to be within the commercial zoning district.

Individual Lots in common ownership but considered merged by the Tax Assessor shall not be considered "a single Lot held in single ownership" for the purposes of this section.

- (g) Zoning Map dimensions are in feet and are measured horizontally.
- (h) Zoning District Boundary Lines extend vertically in both directions, and apply to all air, surface and subsurface rights attendant to a particular Lot.
- (i) Overlay Zoning District Boundary Lines for the Main Street Neighborhood Commercial Zoning District shall be considered to be the lesser of one (1) lot or 250' from the Street Line in depth.
- (j) In cases of uncertainty, disagreement or dispute as to the true location of any Zoning District Boundary Line, conclusive determination of such location shall lie with the Zoning Board of Adjustment.

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**ARTICLE VII**  
**Zoning District Regulations**

**§300-19 General District Regulations**

Following the Effective Date of this Chapter, the following regulations shall apply to development in all Zoning Districts, Specialty Zoning Districts and Overlay Zoning Districts, in the City of Pleasantville:

- A. The regulations, standards, controls and designations established by this Chapter apply to every structure, Lot and use within each Zoning District in the City.

Such regulations were crafted with reasonable consideration to, among other things, the character of the various Zoning Districts within the City and their peculiar suitability to particular uses and building controls, and with a view of conserving the value of property and encouraging the most appropriate uses of lands for the various sections of the City.

- B. No building or structure shall be erected, placed, moved, altered, converted, constructed, reconstructed, enlarged, extended, reduced repaired maintained, occupied or used, in whole or in part, nor shall any lands be designed, used or physically altered for any purpose or in any manner except in conformity with regulations established by this Chapter for the Zoning District in which such building or land is located.
- C. Required: No activity pursuant to §300-19B. shall be undertaken unless a Zoning Permit evidencing the compliance of such use, building or structure with the provisions of this Chapter shall have first been issued pursuant to §300-34. Exceptions to this provision are Exempt Development and any use, building or structure requiring subdivision or site plan approval and/or variance relief by the Planning Board or Zoning Board of Adjustment, as the case may be.
- D. No Yard or Open Space required in connection with any building or use shall be considered as providing any required Yard or Open Space for any other building or use on the same or other Lot.
- E. No Lot shall be formed from part of a Lot already occupied by a building unless such building, all Yards and Open Spaces connected therewith and the remaining Lot comply with all requirements of this Chapter for the Zoning District in which such Lot is located. No permit shall be issued for the erection of a building on any new Lot thus created unless such building and Lot comply with the provisions of this Chapter.
- F. Uses not expressly permitted by this Chapter are prohibited.
- G. Unless otherwise specifically permitted by this Chapter, no more than one (1) Principal Building and one (1) Principal Use shall be permitted on a Lot.
- H. No Lot, building, structure or use, whether Principal or Accessory, shall cause any noise; dust; heat smoke; fumes; odor; glare; flash; vibration; shock wave; heat; electronic impulses, radiation; effluent; or any other externality of whatever type or source, which shall result in a Nuisance, as herein defined, of sufficient intensity to impact the quiet enjoyment and/or routine activities of neighboring or nearby Lots, buildings, structures or uses.
- I. No flammable or explosive liquids, solids or gases shall be stored above ground, except for fuel tanks or drums expressly designed and rated for such purpose, and which are directly connected with energy producing devices or heating appliances located and operated on the same Lot as such tanks or drums.
- J. No outdoor storage facility shall be permitted unless enclosed by an approved safety fence and supported by an adequate concrete foundation. Such facility shall be screened from view by appropriate landscaping.



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- K. No outdoor storage of waste, trash, garbage, refuse, recycling, or other like and similar solid waste or discarded materials shall be permitted unless enclosed in a container with operable lid or other closing mechanism designed for such purpose, which shall be located within a facility described in §300-19 J.
- L. No materials or waste shall be deposited upon a Lot in such form or manner that they may be transferred off the Lot by natural causes or forces.
- M. No use or activity associated with a use shall encroach onto a public right-of-way or obstruct pedestrian or vehicular circulation thereon.
- N. Unless otherwise specifically permitted by this Chapter, no merchandise, products, appliances, equipment or similar materials or objects shall be stored or displayed outside except in conformance with §300-19I. through M. Additionally, no such item shall be so stored or displayed unless:
- (1) it is intended to be used or sold on the subject premises;
  - (2) with the exception of sales merchandise to be displayed during daylight hours only, all such stored or displayed items are fully screened from view;
  - (3) provisions N.(1) and N.(2) do not apply to inventoried vehicles for sale or rent or to vehicles parked overnight that are necessary and required for the operation of the facility upon which said vehicles are located.
- O. Access for Emergency Responders: In order to provide for proper emergency access to buildings and structures for fire, police and other emergency responders, all development within the City of Pleasantville shall provide:
- (1) An open and clear driveway or access lane for a minimum 12' horizontal and vertical clearance to within 25' of any Principal Building.
  - (2) Such access lane shall be maintained clear of any obstructions or vegetative growth, other than those provided via an approved Landscaping Plan.
  - (3) The Fire Official may require and designate public or private fire lanes as necessary for the efficient and effective operation of fire apparatus.
  - (4) No building or structure shall be situated closer than 15' from an adjacent building or structure, whether on the same Lot or adjacent Lots.
- P. Flag Lots: Flag Lots are prohibited.
- Q. Temporary Uses

In order to provide the City with a degree of flexibility in the approval process, and to relieve users of the requirement to make application for land uses approvals for certain limited uses of lands and buildings, Temporary Uses are permitted as, and only as, expressly provided herein.

- (1) No Temporary Use shall be established or maintained unless a Zoning Permit evidencing the compliance of such use with the provisions of this section and other applicable provisions of this Chapter shall have first been issued pursuant to §300-34.
- (2) In addition to all of the use limitations applicable in the Zoning District in which it is located, no Temporary Use shall be permitted unless it complies with the following restrictions:

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- (a) No temporary use shall be operated during any hours or on any days of the week except such as are designated by the Zoning Officer in the Zoning Permit required by Q.(1) herein on the basis of the nature of the Temporary Use and the character of the surrounding area and uses.
  - (b) No sign in connection with a temporary use shall be permitted except in accordance with the provisions of §300-57 through §300-64.
- (3) Particular Temporary Uses permitted. Subject to the use limitations set forth in section as to the specific regulations and time limits for Temporary Uses, and subject to all other applicable regulations of the District in which the Temporary Use is to be located, the following Temporary Uses of land, and no others, are permitted in the Zoning Districts and only the Zoning Districts herein specified:
- (a) Mobile homes. Mobile homes shall be permitted in any district as a Temporary residence during the reconstruction of a dwelling unit damaged or destroyed by any means not within the control of the owner. Such use shall be limited to the period of such reconstruction and, in any event, no longer than 12 months following such damage or destruction. No such use shall be undertaken unless such mobile home shall have first been properly connected to all required public utilities.
  - (b) Craft Shows, Exhibits and Sales. Indoor and outdoor art and craft shows, exhibits and sales on private property or, subject to the approval of the agency having jurisdiction, on any public property in any Commercial Zoning District and, subject to proper approval of the relevant authorities, in any public park in a Residential Zoning District shall be permitted. Such use shall be limited to a period not to exceed five (5) days.
  - (c) Christmas Tree / Holiday Ornament Sales. The sale of Christmas Trees or other Holiday Ornaments shall be permitted in any Commercial Zoning District and in any Residential Zoning District on property owned by any not-for-profit group or organization when conducted by such group or organization, and when approved by the Zoning Officer on the basis of the adequacy of the parcel size, parking provisions and traffic access, and the absence of undue adverse impact on other properties in such Residential District. Such use shall be limited to a period not to exceed 60 days, and need not comply with the yard and setback requirements of this Chapter, except that no tree or ornament shall be displayed so as to obstruct the Sight Triangles required by §300-47B.
  - (d) Construction Staging, Contractors' Office Trailers and Related Construction Uses and Structures. Contractors' offices and equipment sheds containing no sleeping or cooking accommodations, construction staging and all other uses and structures related to the construction of a project, shall be permitted in any district when accessory to a construction project. Such uses and structures shall be limited to a period not to exceed the duration of such project.
  - (e) Real Estate Office Trailers: Real estate office trailers containing no sleeping or cooking accommodations (unless located in a model dwelling unit) and model dwelling units in any Zoning District when accessory to a new development or renovation to an existing development. Such use shall be limited to the earlier of the period of the active selling or leasing of units in such development or 45 days after the issuance of a Temporary Certificate of Occupancy for the last such unit to be sold or leased. Upon the occurrence of either event, such real estate offices shall be removed. In no event shall the Temporary Use be continued once the last Temporary Certificate of Occupancy or Certificate of Occupancy for the development has been issued.

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- (f) Carnivals, Circuses or Tent Revivals. A carnival, Circus or Tent Revival shall be permitted in any Commercial Zoning District or in any Residential Zoning District on property owned by any not-for-profit group or organization or Place of Worship, when approved by the Zoning Officer on the basis of the adequacy of the parcel size, parking provisions and traffic access and the absence of undue adverse impact on surrounding properties in the Residential District. Such use shall be limited to a period not to exceed 21 days and need not comply with the front yard requirements of this Chapter, except that no use, structures or equipment shall be so located as to obstruct the sight triangles required by §300-47B. Such use need not comply with the maximum height requirements of this Chapter.
  - (g) Freestanding Outdoor Produce Sales, Flea Markets and Other Similar Uses. These uses shall be permitted in the Regional Commercial Zoning District on property owned by a not-for-profit group. The use shall be limited to a maximum of five (5) days of operation at any one period, not to exceed a frequency of four (4) times a year. The rescheduling of rain-out days will be approved by the Zoning Officer, but under no circumstances shall the days be added to another scheduled five-day event. No improvements shall be required on the property on which these uses are located, but, at a minimum, the site area shall be clean and well-maintained at all times.
- (4) Bulk Regulations. Except as expressly provided otherwise in Q.(3), every Temporary Use shall comply with the Bulk Regulations applicable in the Zoning District in which such Temporary Use is located.
- (5) Parking and Loading. Before approving any Temporary Use, the Zoning Officer shall make an assessment of the total number of off-street parking and loading spaces which will be reasonably required for such use, on the basis of the particular use, its intensity and the availability of other parking and loading facilities in the area, and shall approve such Temporary Use only if such off-street parking and loading is provided.

**§300-20 Conformity Required; Nonconforming Uses and Structures**

The following provisions shall apply to all buildings and uses existing on the Effective Date of this Chapter, wherein such buildings and uses do not conform to the requirements set forth in this Chapter; to all buildings and uses that became nonconforming by reason of any subsequent amendment to this Chapter or the Zoning Map which is a part hereof; and to all conforming uses.

- A. Except as provided in §300-20A.(5), following the Effective Date of this Chapter, any use, building or structure lawfully existing at the time of enactment of this Chapter, but not in conformity with the provisions of this Chapter for the Zoning District in which such use, building or structure is located, may be continued indefinitely, subject to the following limitations:
- (1) Expansion or Alteration: No nonconforming use, building or structure shall be enlarged, extended, increased, altered or relocated to a different portion of the lot or parcel of land occupied by such use, building or structure on the Effective Date of this Chapter, or of any applicable amendment thereto, nor shall any external evidence of such nonconforming use, building or structure be increased by any means whatsoever; except whereby through such action the use, building or structure is made conforming.
  - (2) Change from Nonconforming to Nonconforming: No nonconforming use, building or structure shall be changed to another nonconforming use, building or structure without appropriate variance relief from the Board of Adjustment.

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(3) Restoration of Nonconforming Buildings:

- (a) Any nonconforming building or structure which shall be damaged by reason of event of windstorm, flood, fire, explosion or other natural or man-made disaster, of any kind, may be restored to its pre-event condition within 12 months of such damage. No action resulting in an increase in any structural nonconformity shall be made without approval of the Planning Board or Zoning Board of Adjustment, as the case may be.
- (b) If the restoration of such building is not completed within said 12-month period, such building shall be deemed to have been abandoned, unless a use shall have been carried on without interruption in an undamaged portion of such building. In case of such abandonment, such building or structure may not be rebuilt, restored or repaired except in conformity with this Chapter.
- (c) In the event that such damage to the nonconforming building or structure exceeds 50% of its replacement value as calculated by the City's Construction Code Official as of the date of the damage, such building or structure shall be deemed to be completely destroyed, and such building or structure may not be rebuilt, restored or repaired except in conformity with this Chapter.

(4) Restoration of Conforming Building with Nonconforming Use:

- (a) An otherwise conforming building or structure hosting a nonconforming use wherein such building or structure shall be damaged by reason of event of windstorm, flood, fire, explosion or other natural or man-made disaster, of any kind, may be restored to its pre-event condition and the nonconforming use reinstated within 12 months of such damage. No action resulting in an increase in any nonconformity shall be made without approval of the Planning Board or Zoning Board of Adjustment, as the case may be.
- (b) If the restoration of such building or structure is not completed such that the nonconforming use is resumed within said 12-month period, the physical operation of the nonconforming use shall be deemed to have ceased, unless such nonconforming use shall have been carried on without interruption in an undamaged portion of such building.

(5) Continuation of Use upon Destruction of Structure: Where a nonconforming use is undertaken in a nonconforming structure, the destruction of the nonconforming structure shall serve to eliminate the lawful pre-existence of the nonconforming use. For the purpose of this subsection, "destruction" is defined in accordance with A.(3)[c] hereinabove.

(6) Reestablishment: No nonconforming use shall be reestablished after the physical operation thereof has ceased and discontinued, for any reason, for a period of not less than 12 months, and upon a finding of intentional abandonment by the Zoning Officer. Intent to resume active operation of a nonconforming use after cessation thereof, without actual physical resumption of activities, shall not confer the right to do so.

(7) Reversion Prohibited: No nonconforming use, building or structure which has been changed into a conforming use, building or structure may be returned to the prior nonconforming use, building or structure or converted to another nonconforming use, building or structure.

(8) Safety: Nothing in this section shall be deemed to prevent normal maintenance and repair of any building, or the carrying out, upon issuance of a building permit, of major structural alterations or demolitions necessary in the interest of public safety. In granting such a permit, the Construction Code Official shall state the precise reason(s) to the Board of Adjustment why such alterations were deemed necessary.

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- (9) Approved Construction: Nothing in this section shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued prior to the Effective Date of this Chapter.

**B. Nonconforming Lots of Record:**

- (1) In any Zoning District where Single-Family Detached Dwellings are permitted, a Single-Family Detached Dwelling, along with such accessory buildings or structures which may be normal and customary thereto, may be erected on any single Lot which was Of Record at the Effective Date of this Chapter, notwithstanding limitations imposed by other provisions of this Chapter. Such a Nonconforming Lot of Record must be in separate ownership and not of contiguous frontage with other lots in the same ownership.

Such provision shall apply even though such Lot fails to meet the requirements for Lot Size or Lot Width, or both, applicable in the Zoning District in which such Lot is located; provided, however, that such Nonconforming Lot of Record shall conform with all other District requirements, and further provided that any Nonconforming Lot of Record sold after the Effective Date of this Chapter shall be subject to all Zoning District regulations applicable as provided in this Chapter.

- (2) Where two (2) or more individual Lots, combinations of Lots, or portions of Lots with continuous frontage in single ownership are Of Record at the Effective Date of this Chapter, and where all of the individual Lots, combinations of Lots, or portions of Lots do not meet the requirements established for Lot Size and Lot Width for the Zoning District in which such Lots, combination of Lots or portions of Lots are located, the lands involved shall be considered to be a single, undivided parcel for purposes of this Chapter, and no portion of such parcel shall be used or sold in a manner which diminishes compliance with the Lot Size and Lot Width requirements of the Zoning District in which such parcel is located; nor shall any division of any parcel be made which creates a Lot whose Lot Size or Lot Width does not conform to the requirements of the Zoning District in which such Lot or parcel is located.

**§300-21 Deconversion of Illegal Nonconforming Residential Uses, Buildings or Structures**

**A. Purpose.**

Conversion of existing buildings to increase the number of dwelling units contained in them presents problems not encountered when new buildings are designed and constructed for the same number of units. Such conversions can adversely affect a neighborhood originally designed for low-density development through overcrowding and its concomitant problems of inadequate recreational space, inadequate parking and overtaxed municipal services. These, in turn, may contribute to the physical decline and deterioration of the area.

The intent of this section is to establish standards to prevent the overcrowding of dwelling units and overly dense development of neighborhoods and to ensure satisfactory amenities in neighborhoods as conversions take place.

- B.** The following provisions identify the practices and procedures for the identification and deconversion of illegal nonconforming residential uses, buildings and structures.

- (1) No residential building shall be sold, transferred, altered, renovated or reconstructed, and no dwelling unit conversion shall be undertaken, without the part responsible therefore first obtaining a Zoning Permit certifying that such residential building is in compliance with the requirements of this Chapter as relates to the Zoning District in which such building is located.

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- (2) Any City employee vested with the responsibility of making inspections, whether they be building inspections, construction inspections, mercantile inspections, land use inspections or any other type of inspection, is required to report, in writing, any activity or situation which in his/her judgment may be in violation of this section. The Zoning Officer shall notify all employees subject to this section.
- (3) Any designated representative of the City who makes an inspection in order to issue any certificate, license or permit shall determine the appropriate Zoning District in which the subject property is located, and shall refuse to issue, or cause to be issued, any such certificate, license or permit if the property, structure or use(s) thereon do(es) not conform with the requirements of the Zoning District in which such property is located. Any such nonconformity shall be referred to the Zoning Officer or his/her designee, whereupon one of the following determinations shall be made:
- (a) Where City records support lawful preexistence of the nonconformity, the Zoning Officer shall issue a letter to the property owner, via certified mail, advising him/her of the nonconforming condition of the property and the necessity of obtaining a Certificate of Nonconformity from the Zoning Officer, if such nonconformity was discovered within one (1) year of any change in this Chapter resulting in such nonconformity, or from the Zoning Board of Adjustment in all other cases.
  - (b) Where City records do not support the lawful preexistence of the nonconformity, the Zoning Officer shall issue a letter to the property owner, via certified mail, advising him/her of the nonconforming condition of the property and that one of the following steps are necessary:
    - [1] The property owner is required to file for a Certificate of Nonconformity with the Zoning Board of Adjustment;
    - [2] The property owner is required to file for a zoning variance with the Zoning Board of Adjustment; or
    - [3] The property owner is required to deconvert the nonconforming dwelling unit(s).
  - (c) Any individual and/or entity who receives written notice from the Zoning Officer in accordance with this subsection (3) and does not file an appropriate application with the Zoning Officer or Zoning Board of Adjustment pursuant to such subsection within 30 days of receipt such letter must commence the deconversion of the nonconforming dwelling unit(s) as follows (and the letter issued by the Zoning Officer under subsection (3)(b) advising the property owner that the nonconforming property, structure or use(s) shall specifically state):
    - [1] the kitchen (sink, cooking appliances, dishwasher and cabinets) in any illegal dwelling unit shall be completely removed and the unit returned to its original room configuration; all dead bolts on all interior entry doors must be removed, holes repaired and doors painted or finished.

All separate doorbells, mailboxes, doorknockers and separate utility meters must be removed;
    - [2] the deconversion shall be completed within 90 days of the date of such letter. In the event that more than three (3) units are to be deconverted, the Zoning Officer may, at his/her discretion, extend the time period for deconversion for an additional 60 days; and
    - [3] at the termination of such 90-day period, the Zoning Officer or designee shall inspect the property.
    - [4] If more than three (3) units are to be deconverted, the Zoning Officer may extend the period of time to complete such deconversion for a period not to exceed an additional 60 days.

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- (d) If the steps of deconversion are not followed precisely, then a summons shall be issued along with a certified letter advising the property owner that a penalty of \$2,000 per violation will be sought by the City in Municipal Court in the event that the owner is found guilty.
- (e) Upon successful completion of the Deconversion, the Zoning Officer shall note that fact in a ledger to be maintained by his/her office and shall schedule a follow-up inspection one year from the date that the conversion was completed. The Zoning Officer shall also issue a letter to all utilities advising said utilities of the legal use of the building; the actions taken by the City to deconvert the building to its proper use; and the requirement that any action to return the building to an illegal use be reported to the Zoning Officer.

**§300-22 Residential Zoning Districts**

- A. Purpose: The purpose and intent of the City's Residential Zoning Districts is to permit residential development of varied sizes and densities within the City of Pleasantville in order to provide for a range of housing types throughout the community; thereby providing a realistic opportunity for residency, including home-ownership, to the full spectrum of socio-economic groups in as fair and equitable a manner as is practicable.

Subject to the applicable provisions of §300-51 (Design Standards):

B. Single-Family Residential - 50 ("SFR-50" or "R-50") Zoning District

- (1) Purpose: The SFR-50 Zoning District was crafted to provide for relatively higher-density single-family residential development on 5,000 s.f. lots with 50' of street frontage / lot width.
- (2) Permitted Principal Structures and Uses:
  - (a) Single-Family Detached Dwellings;
  - (b) Traditional public, private and parochial schools, serving grades pre-K-12, under the authority of the New Jersey Department of Education and subject to the requirements of the *Municipal Land Use Law*;
  - (c) Places of Worship;
  - (d) Parks, play-grounds and public active or passive open space owned or operated by the City of Pleasantville;
  - (e) Administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or Federal governmental services;
  - (f) Family Day-Care Homes;
  - (g) Public Utility [Central] Substations.
- (3) Permitted Accessory Structures and Uses
  - (a) Typical Residential Amenities as defined in §300-10, subject to the provisions of §300-51;
  - (b) Home Occupations, as defined in §300-10, when accessory to a Permitted residential use;
  - (c) Public Utility Cabinets.

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(4) Permitted Conditional Structures and Uses

Professional offices, conditioned upon such use being a part of a residential-looking structure which may or may not contain residential living quarters, and further conditioned upon such bulk standards as may be appropriate to the use and type of structure proposed for the R-50 Zoning District, and all parking being on-site and restricted to the side or rear yard area of the lot.

(5) Bulk Requirements for Principal Structures:<sup>13</sup>

Minimum Lot Area	5,000 s.f. <sup>14</sup> A single-family dwelling unit and its customary accessory buildings may be constructed on a single Lot of Record in existence prior to the Effective Date of this Chapter, provided that such Lot is not less than 10% of the required Minimum Lot Area (i.e., 4,500 s.f.), and is not contiguous to other vacant lot(s) in common ownership. In the case of Corner Lots, the Minimum Lot Area may be reduced from the required minimum by 10% plus any lands dedicated in order to create a curve at the intersections of the Street Lines.	
Minimum Lot Width	50' A single-family dwelling unit and its customary accessory buildings may be constructed on a single Lot of Record in existence prior to the Effective Date of this Chapter, provided that such Lot is not less than 10% of the required Minimum Lot Width (i.e. 45'), and is not contiguous to other vacant lot(s) in common ownership. In the case of Corner Lots, the Minimum Lot Area may be reduced from the required minimum by 10% plus any lands dedicated in order to create a curve at the intersections of the Street Lines.	
Minimum Lot Depth	100'	
Minimum Setbacks	Front Yard	20'
	Side Yard	6' minimum, 20' total
	Rear Yard	30'
	Notwithstanding any minimum setbacks, no Principal Structure may be located closer than 15' to a Principal Structure located on the same or an adjacent lot.	
Maximum Building Height	the lower of 2½ stories or 35'.	
Maximum Coverage	Principal Structure	30%
	Impervious	60%

(6) Bulk Requirements for Accessory Structures:

Minimum Setbacks	Front Yard	No Accessory Structure shall be located between a Lot's Front Lot Line and a line drawn parallel to the rear line of the Principal Building or Structure on such Lot and extending to the Side Lot Lines of such Lot.
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<sup>13</sup> See definitions "Lot, Corner", "Lot Depth", "Lot Frontage, Primary", "Lot Frontage, Secondary" and "Lot Line, Front" for measurements related to Corner Lots.

<sup>14</sup> translating to a density of 8.7 dwelling units per acre.



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(cont)	Side Yard	5'
	Rear Yard	5'
Maximum Building Height	the lower of 1 story or 15'.	
Maximum Coverage	All Accessory Structures	500 s.f.

(7) Off-Street Parking: As detailed in §300-55.

**C. Single-Family Residential – 60 (“SFR-60” or “R-60”) Zoning District**

(1) Purpose: The SFR-60 Zoning District was crafted to provide for relatively moderate-density single-family residential development on 6,000 s.f. lots with 60’ of street frontage / lot width.

(2) Permitted Principal Structures and Uses:

(a) Single-family detached dwellings;

(b) Traditional public, private and parochial schools, serving grades pre-K-12, under the authority of the New Jersey Department of Education and subject to the requirements of the *Municipal Land Use Law*;

(c) Places of Worship;

(d) Parks, play-grounds and public active or passive open space owned or operated by the City of Pleasantville;

(e) Administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or Federal governmental services;

(f) Family Day-Care Homes;

(g) Public Utility [Central] Substations.

(3) Permitted Accessory Structures and Uses:

(a) Typical Residential Amenities, as defined in §300-10, subject to the provisions of §300-51;

(b) Home Occupations, as defined in §300-10, when accessory to a Permitted residential use;

(c) Public Utility Cabinets.

(4) Permitted Conditional Structures and Uses.

Professional offices, conditioned upon such use being a part of a residential-looking structure which may or may not contain residential living quarters, and further conditioned upon such bulk standards as may be appropriate to the use and type of structure proposed for the R-60 Zoning District, and all parking being on-site and restricted to the side or rear yard area of the lot.

(5) Bulk Requirements for Principal Structures:<sup>15</sup>

<sup>15</sup> See definitions “Lot, Corner”, “Lot Depth”, “Lot Frontage, Primary”, “Lot Frontage, Secondary” and “Lot Line, Front” for measurements related to Corner Lots.

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Minimum Lot Area	6,000 s.f. <sup>16</sup> A single-family dwelling unit and its customary accessory buildings may be constructed on a single Lot of Record in existence prior to the Effective Date of this Chapter, provided that such Lot is not less than 10% of the required Minimum Lot Area (i.e., 5,400 s.f.), and is not contiguous to other vacant lot(s) in common ownership. In the case of Corner Lots, the Minimum Lot Area may be reduced from the required minimum by 10% plus any lands dedicated in order to create a curve at the intersections of the Street Lines.	
Minimum Lot Width	60' A single-family dwelling unit and its customary accessory buildings may be constructed on a single Lot of Record in existence prior to the Effective Date of this Chapter, provided that the Width of such Lot is not less than 10% of the required Minimum Lot Width (i.e., 54'), and is not contiguous to other vacant lot(s) in common ownership. In the case of Corner Lots, the Minimum Lot Width may be reduced from the required minimum by 10% plus any lands dedicated in order to create a curve at the intersections of the Street Lines.	
Minimum Lot Depth	100'	
Minimum Setbacks	Front Yard	20'
	Side Yard	6' minimum, 15' total
	Rear Yard	30'
	Notwithstanding any minimum setbacks, no Principal Structure may be located closer than 15' to a Principal Structure located on the same or an adjacent lot.	
Maximum Building Height	the lower of 2½ stories or 35'.	
Maximum Coverage	Principal Structure	30%
	Impervious	60%

(6) Bulk Requirements for Accessory Structures:

Minimum Setbacks	Front Yard	No Accessory Structure shall be located between a Lot's Front Lot Line and a line drawn parallel to the rear line of the Principal Building or Structure on such Lot and extending to the Side Lot Lines of such Lot.
	Side Yard	5'
	Rear Yard	5'
Maximum Building Height	the lower of 1 story or 15'.	
Maximum Coverage	All Accessory Structures	500 s.f.

(7) Off-Street Parking: As detailed in §300-55.

<sup>16</sup> translating to a density of 7.26 dwelling units per acre.

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**D. Single-Family Residential – 75 (“SFR-75” or “R-75”) Zoning District**

(1) Purpose: The SFR-75 Zoning District was crafted to provide for relatively lower-density single-family residential development on 7,500 s.f. lots with 75’ of street frontage / lot width.

(2) Permitted Principal Structures and Uses:

- (a) Single-family detached dwellings;
- (b) Traditional public, private and parochial schools, serving grades pre-K-12, under the authority of the New Jersey Department of Education and subject to the requirements of the *Municipal Land Use Law*;
- (c) Places of Worship;
- (d) Parks, play-grounds and public active or passive open space owned or operated by the City of Pleasantville;
- (e) Administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or Federal governmental services;
- (f) Family Day-Care Homes;
- (g) Public Utility [Central] Substations;

(3) Permitted Accessory Structures and Uses:

- (a) Typical Residential Amenities, as defined in §300-10, subject to the provisions of §300-51;
- (b) Home Occupations, as defined in §300-10, when accessory to a Permitted residential use;
- (c) Public Utility Cabinets.

(4) Permitted Conditional Structures and Uses:

Professional offices, conditioned upon such use being a part of a residential-looking structure which may or may not contain residential living quarters, and further conditioned upon such bulk standards as may be appropriate to the use and type of structure proposed for the R-75 Zoning District, and all parking being on-site and restricted to the side or rear yard area of the lot.

(5) Bulk Requirements for Principal Structures:<sup>17</sup>

Minimum Lot Area	<p style="text-align: right;">7,500 s.f.<sup>18</sup></p> <p>A single-family dwelling unit and its customary accessory buildings may be constructed on a single Lot of Record in existence prior to the Effective Date of this Chapter, provided that such Lot is not less than 10% of the required Minimum Lot Area (i.e., 6,750 s.f.), and is not contiguous to other vacant lot(s)</p>
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<sup>17</sup> See definitions “Lot, Corner”, “Lot Depth”, “Lot Frontage, Primary”, “Lot Frontage, Secondary” and “Lot Line, Front” for measurements related to Corner Lots.

<sup>18</sup> translating to a density of 5.8 dwelling units per acre

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	in common ownership. In the case of Corner Lots, the Minimum Lot Area may be reduced from the required minimum by 10% plus any lands dedicated in order to create a curve at the intersections of the Street Lines.	
Minimum Lot Width	<sup>75'</sup> A single-family dwelling unit and its customary accessory buildings may be constructed on a single Lot of Record in existence prior to the Effective Date of this Chapter, provided that the Width of such Lot is not less than 10% of the required Minimum Lot Width (i.e., 67.5'), and is not contiguous to other vacant lot(s) in common ownership. In the case of Corner Lots, the Minimum Lot Width may be reduced from the required minimum by 10% plus any lands dedicated in order to create a curve at the intersections of the Street Lines.	
Minimum Lot Depth	100'	
Minimum Setbacks	Front Yard	20'
	Side Yard	6' minimum, 15' total
	Rear Yard	30'
	Notwithstanding any minimum setbacks, no Principal Structure may be located closer than 15' to a Principal Structure located on the same or an adjacent lot.	
Maximum Building Height	the lower of 2½ stories or 35'.	
Maximum Coverage	Principal Structure	30%
	Impervious	60%

(6) Bulk Requirements for Accessory Structures

Minimum Setbacks	Front Yard	No Accessory Structure shall be located between a Lot's Front Lot Line and a line drawn parallel to the rear line of the Principal Building or Structure on such Lot and extending to the Side Lot Lines of such Lot.
	Side Yard	5'
	Rear Yard	5'
Maximum Building Height	the lower of 1 story or 15'.	
Maximum Coverage	All Accessory Structures	500 s.f.

(7) Off-Street Parking: As detailed in §300-55.

E. Residential Duplex ("R-D") Zoning District

- (1) Purpose: The RD Zoning District was crafted to provide a setting for a relatively new residential building type in the City and thereby assist in achieving the purpose and intent of the City's Residential Zoning Districts as detailed in §300-22A.

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(2) Permitted Principal Structures and Uses:

- (a) Single-Family Semi-Detached (Duplex) Dwelling Units, as defined in §300-10;
- (b) 2-Family Stacked (Multi-Story) Dwelling Units, as defined in §300-10;
- (c) Places of Worship;
- (d) Parks, play-grounds and public active or passive open space owned or operated by the City of Pleasantville;
- (e) Administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or Federal governmental services;
- (f) Family Day-Care Homes;

(3) Permitted Accessory Structures and Uses:

- (a) Typical Residential Amenities, as defined in §300-10, subject to the provisions of §300-51;
- (b) Home Occupations, as defined in §300-10, when accessory to a Permitted residential use;
- (c) Public Utility Cabinets.

(4) Permitted Conditional Structures and Uses.

Professional offices, conditioned upon such use being a part of a residential-looking structure which may or may not contain residential living quarters, and further conditioned upon such bulk standards as may be appropriate to the use and type of structure proposed for the R-D Zoning District, and all parking being on-site and restricted to the side or rear yard area of the lot.

(5) Bulk Requirements for Principal Structures:<sup>19</sup>

Minimum Lot Area	4,000 s.f. <sup>20</sup>	
Minimum Lot Width	40'	
Minimum Lot Depth	100'	
Minimum Setbacks	Front Yard	25'
	Side Yard	0' interior, 15' exterior (end unit).
	Rear Yard	25'
	Notwithstanding any minimum setbacks, no Principal Structure may be located closer than 15' to a Principal Structure located on the same or an adjacent lot.	
Maximum Building Height	the lower of 2½ stories or 35'.	
Maximum Coverage	Principal Structure	30%
	Impervious	60%

<sup>19</sup> See definitions "Lot, Corner", "Lot Depth", "Lot Frontage, Primary", "Lot Frontage, Secondary" and "Lot Line, Front" for measurements related to Corner Lots.

<sup>20</sup> translating to a density of 10.89 dwelling units per acre.

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(8) Bulk Requirements for Accessory Structures:

Minimum Setbacks	Front Yard	No Accessory Structure shall be located between a Lot's Front Lot Line and a line drawn parallel to the rear line of the Principal Building or Structure on such Lot and extending to the Side Lot Lines of such Lot.
	Side Yard	5'
	Rear Yard	5'
Maximum Building Height	the lower of 1 story or 15'.	
Maximum Coverage	All Accessory Structures	500 s.f.

(9) Off-Street Parking: As detailed in §300-55.

F. Multi-Family Residential ("MF") Zoning District

(1) Purpose: The MF Zoning District was crafted to permit residential development of varied sizes, types and densities within the City of Pleasantville and thereby assist in achieving the purpose and intent of the City's Residential Zoning Districts as detailed in §300-22A.

(2) Permitted Principal Structures and Uses:

- (a) Apartments and Multi-Family Buildings, as defined in §300-10;
- (b) Townhouses, as defined in §300-10;
- (c) Garden Apartments, as defined in §300-10;
- (d) 3-4 Family Semi-Detached ('Tri' Or 'Quad') Dwelling Units, as defined in §300-10;
- (e) Traditional public, private and parochial schools, serving grades pre-K-12, under the authority of the New Jersey Department of Education and subject to the requirements of the *Municipal Land Use Law*;
- (f) Places of Worship;
- (g) Parks, play-grounds and public active or passive open space owned or operated by the City of Pleasantville;
- (h) Administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or Federal governmental services;
- (i) Family Day-Care Homes;
- (j) Public Utility [Central] Substations;

(3) Permitted Accessory Structures and Uses:

- (a) Typical Residential Amenities, as defined in §300-10, subject to the provisions of §300-51;

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- (b) Home Occupations, as defined in §300-10, when accessory to a Permitted residential use;
- (c) Public Utility Cabinets;
- (d) Signs;
- (e) Stormwater Management and related structures, subject to the provisions of Chapter 251 of the City Code.

(4) Permitted Conditional Structures and Uses:

Professional offices, conditioned upon such use being a part of a residential-looking structure which may or may not contain residential living quarters, and further conditioned upon such bulk standards as may be appropriate to the use and type of structure proposed for the MF Zoning District, and all parking being on-site and restricted to the side or rear yard area of the lot.

(5) Bulk Requirements for Principal Structures:<sup>21</sup>

Minimum Tract Area	43,560 s.f. (1 acre) Individual Lots within a Tract may be designed to facilitate the buildings and units proposed in accordance with the various definitions of residential structural types detailed within this Chapter.	
Minimum Tract Width	No minimum is established.	
Minimum Tract Depth		
Minimum Setbacks	25' from all Lot Lines. However, no structure may be located closer to a Lot Line than a distance equal to $\frac{1}{3}$ of the height of the building.	
Minimum Distance between Buildings	Where two (2) exterior facing walls of Principal Structures contain window or door openings to habitable rooms:	the greater of 40' or $\frac{1}{2}$ of the combined height of the facing walls, but in no case more than 100'.
	Where two (2) exterior facing walls of Principal Structures contain no windows (other than [typically small] kitchen or bathroom windows) or doors:	16' regardless of wall height.
	Special exceptions may be granted where comparable standards of light, air, ventilation, safety and privacy may be obtained.  Notwithstanding any minimum setbacks or distance between buildings, no Principal Structure may be located closer than 15' to a Principal Structure located on the same or an adjacent lot.	
Maximum Building Height	70'	
Maximum Coverage	Principal Structure	30%
	Impervious	60%
Density	No traditional dwelling unit per acre (du/ac) density figure is mandated. Density is regulated by Minimum Tract Size and the various definitions of residential structural types detailed within this Chapter.	

<sup>21</sup> See definitions "Lot, Corner", "Lot Depth", "Lot Frontage, Primary", "Lot Frontage, Secondary" and "Lot Line, Front" for measurements related to Corner Lots.

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(6) Bulk Requirements for Accessory Structures:

Minimum Setbacks	Front Yard	No Accessory Structure shall be located between a Lot's Front Lot Line and a line drawn parallel to the rear line of the Principal Building or Structure on such Lot and extending to the Side Lot Lines of such Lot.
	Side Yard	5'
	Rear Yard	5'
Maximum Building Height	the lower of 1 story or 15'.	
Maximum Coverage	All Accessory Structures	500 s.f.

(7) Off-Street Parking: As detailed in §300-55.

(8) Access to all residential units and public areas shall be in accordance with the International Building Code and the Americans with Disabilities Act.

(9) Design Standards: All structures in the MF Zoning District shall comply with the Design Standards set forth in §300-51.

**§300-23 Commercial Zoning Districts**

A. The purpose and intent of the City's Commercial Zoning Districts is to provide locations for a variety of commercial, service and light-industrial facilities, at varied and appropriate intensities, in order to supply goods and services to address the needs of and otherwise support the residents of the City of Pleasantville, as well as the residents, businesses and visitors to the Greater Pleasantville Area; including, but not limited to, the Atlantic City casino industry, the regional tourism industry and the general economic base of Atlantic County; while protecting the City's residential neighborhoods.

B. Central Business ("CBD") Zoning District

(1) Purpose: The Central Business (Zoning) District was crafted to provide for an appropriate mix of retail- and service-oriented commercial, office and other uses, with supportive residential above, designed to strengthen and enhance the City's economic base, generate significant employment opportunities (including opportunities for City residents) and stimulate new tax ratables in a transit-oriented, mixed-use community with a traditional urban fabric within the City's historic downtown commercial core.

(2) Permitted Principal Structures and Uses:

- (a) Downtown-Oriented Commercial and Service Activities, as defined in §300-10;
- (b) Professional and administrative offices;
- (c) Eating and Drinking Establishments, including Restaurants and Taverns, but excluding Drive-In Restaurants, Fast-Food Restaurants and Bars;
- (d) Specialized entertainment venues such as performing arts centers, theaters, movie theaters, and other like and similar attractions;



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- (e) Within the context of Permitted Principal Uses 5) and 6), nightlife establishments that serve alcoholic beverages shall be permitted, provided that cooked-to-order food is prepared and served on the premises;<sup>22</sup>
- (f) Administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or Federal governmental services;
- (g) Public or private recreation facilities and/or training facilities offering life skills or career educational courses;
- (h) Commercial Parking Facilities owned and/or operated by the City of Pleasantville Parking Utility (Created via Ordinance No. 34-2002);

(3) Permitted Accessory Structures and Uses:

- (a) Employee lounge and cafeteria functions and other back-of-the-house facilities normal and customary to an otherwise permitted use;
- (b) Off-Street Parking Lots / Parking Facilities;
- (c) Off-Street Loading facilities;
- (d) Telecommunications / Satellite Dish Antennae and Related Systems.
- (e) Solar Energy Systems;
- (f) Automated Teller / Cash Dispensing Machines (ATMs), provided that, if accessed from the exterior of a building, such machines shall be installed within the wall of the building; it being the intent not to permit free-standing exterior ATM kiosks. ATM kiosks wholly located and accessed from the interior of a building are permitted.
- (g) Storage sheds, tool sheds or other maintenance-related structures;
- (h) Fences and walls;
- (i) Signs;
- (j) Public Utility Cabinets;
- (k) Home Occupations, as defined in §300-10, when accessory to a Conditional residential use;
- (l) Typical Residential Amenities, as defined in §300-10, when accessory to a Conditional residential use.

(4) Permitted Conditional Structures and Uses

- (a) Multiple Principal Uses within a single building shall be allowed, provided that each such use is a Permitted Principal Use within the Central Business District, and further provided that each such use is located within a separately-identifiable and fully securable space (it being the City's intention to prohibit an entity from subleasing a small portion of a larger,

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<sup>22</sup> By way of interpretation, restaurant facilities with entertainment [dinner theaters] shall be permitted while facilities which do not serve food [nightclubs] shall not be permitted.

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single floor area). Within this context, multiple corporate entities may operate out of a single space, provided that such entities are subsidiaries or related companies.

(b) Commercial Centers, as defined in §300-10;

(c) Residential dwelling units in the form of Apartments, including Age-Restricted Housing for qualifying individuals other than Nursing Homes or related facilities; conditioned upon the Design Standards detailed in §300-51.

(d) Child-Care Centers.

(5) Bulk Requirements for Principal Structures:<sup>23</sup>

Minimum Lot Area	5,000 s.f.	
Minimum Lot Width	50'	
Minimum Lot Depth	100'	
Minimum Setbacks	Front Yard	0'
	Side Yard	0' interior, 12' exterior (end unit).
	Rear Yard	20'
	Notwithstanding any minimum setbacks, no Principal Structure may be located closer than 15' to a Principal Structure located on the same or an adjacent lot.	
Maximum Building Height	the lower of 4 stories or 48'.	
Maximum Coverage	Principal Structure	65%
	Impervious	80%

(6) Bulk requirements for Accessory Structures:<sup>23</sup>

Minimum Setbacks	Front Yard	No Accessory Structure shall be located between a Lot's Front Lot Line and a line drawn parallel to the rear line of the Principal Building or Structure on such Lot and extending to the Side Lot Lines of such Lot.
	Side Yard	5'
	Rear Yard	5'
Maximum Building Height	the lower of 1½ stories or 20'.	
Maximum Coverage	All Accessory Structures	500 s.f.

(7) Bulk requirements for Conditional Uses:

(a) Commercial Centers, as defined in §300-10;

In addition to the Bulk requirements for Principal Structures in the CBD Zoning District detailed under §300-23B.(5) the Maximum Total Floor Area for a Commercial Center in the CBD shall be not more than 49,999 s.f.

<sup>23</sup> See definitions "Lot, Corner", "Lot Depth", "Lot Frontage, Primary", "Lot Frontage, Secondary" and "Lot Line, Front" for measurements related to Corner Lots.

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- (b) Residential dwelling units in the form of Apartments, including Age-Restricted Housing for qualifying individuals other than Nursing Homes or related facilities; conditioned upon the Design Standards detailed in §300-51.
- (c) The Bulk requirements for Principal Structures in the CBD Zoning District detailed under §300-23B. (5) shall apply to the Structural Types conditionally permitted;
- (d) Density: No traditional dwelling unit per acre (du/ac) density figure is mandated. Density shall be regulated by Minimum Lot Size and the various definitions of residential structural types conditionally permitted.

(e) Child-Care Centers:

The Bulk requirements for Principal Structures in the CBD Zoning District detailed under §300-23B.(5) shall apply.

- (8) Off-Street Parking and Loading: In addition to any requirements specified in §300-51, off-street parking and loading shall be as detailed in §300-55 & 56.
- (9) Design Standards: All structures in the CBD Zoning District shall comply with the Design Standards set forth in §300-51.

**C. General Commercial (“GC”) Zoning District**

- (1) Purpose: The General Commercial Zoning District was crafted to provide for an appropriate mix of retail-oriented commercial, office and other uses, with supportive residential above, designed to support the needs of the residents and businesses of the City.
- (2) Permitted Principal Structures and Uses:
  - (a) General Commercial and Service Activities, as defined in §300-10;
  - (b) Neighborhood-Oriented Commercial and Service Activities, as defined in §300-10;
  - (c) Professional and administrative offices;
  - (d) Medical / Dental Complexes, as defined in §300-10;
  - (e) Eating and Drinking Establishments, including Restaurants, Drive-In Restaurants and Fast-Food Restaurants with window-service for takeout fare; Bars; and Taverns;
  - (f) Appliance Repair;
  - (g) Self-Service Laundry Facilities (Laundromats), including washing, drying, folding and other operations conducted by employees of the facility;
  - (h) Fraternal, social, educational, charitable or eleemosynary facilities;
  - (i) Administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or Federal governmental services;
  - (j) Public or private training facilities offering life skills or career educational courses;

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- (k) Commercial Parking Facilities owned and/or operated by the City of Pleasantville Parking Utility (Created via Ordinance No. 34-2002).

(3) Permitted Accessory Structures and Uses:

- (a) Employee lounge and cafeteria functions and other back-of-the-house facilities normal and customary to an otherwise permitted use;
- (b) Off-Street Parking Lots / Parking Facilities;
- (c) Off-Street Loading facilities;
- (d) Storage sheds, tool sheds or other maintenance-related structures;
- (e) Fences and walls;
- (f) Signs;
- (g) Telecommunications / Satellite Dish Antennae and Related Systems;
- (h) Solar Energy Systems;
- (i) Automated Teller / Cash Dispensing Machines (ATMs), provided that, if accessed from the exterior of a building, such machines shall be installed within the wall of the building; it being the intent not to permit free-standing exterior ATM kiosks. ATM kiosks wholly located and accessed from the interior of a building are permitted;
- (j) Public Utility Cabinets;
- (k) Home Occupations, as defined in §300-10, when accessory to a Conditional residential use;
- (l) Typical Residential Amenities, as defined in §300-10, when accessory to a Conditional residential use;
- (m) Typical amenities when accessory to a Conditional Hotel and Motel use as detailed in §300-10.

(4) Permitted Conditional Structures and Uses:

- (a) Commercial Centers, as defined in §300-10;
- (b) Residential dwelling units in the form of Apartments, including Age-Restricted Housing for qualifying individuals other than Nursing Homes or related facilities; conditioned upon conformance with §300-51;
- (c) Child-Care Centers;
- (d) Automobile fueling stations, with or without automotive and/or marine engine, body or interior repair, which may or may not include convenience stores on premises;
- (e) Automated or manual car washes;
- (f) Automobile or Watercraft Sales through franchise dealers, with servicing limited to inventoried vehicles and fuel dispensing if integral to the operation of the facility and not open to the public;
- (g) Hotels and Motels.

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(5) Bulk Requirements for Principal Structures:<sup>24</sup>

Minimum Lot Area	100,000 s.f.	
Minimum Lot Width	100'	
Minimum Lot Depth		
Minimum Setbacks	Front Yard	20'
	Side Yard	10'
	Rear Yard	20'
	Notwithstanding any minimum setbacks, no Principal Structure may be located closer than 15' to a Principal Structure located on the same or an adjacent lot.	
Maximum Building Height	the lower of 2½ stories or 35'.	
Maximum Coverage	Principal Structure	60%
	Impervious	80%

(6) Bulk Requirements for Accessory Structures:<sup>24</sup>

Minimum Setbacks	Front Yard	No Accessory Structure shall be located between a Lot's Front Lot Line and a line drawn parallel to the rear line of the Principal Building or Structure on such Lot and extending to the Side Lot Lines of such Lot.
	Side Yard	5'
	Rear Yard	5'
Maximum Building Height	the lower of 1½ stories or 20'.	
Maximum Coverage	All Accessory Structures	500 s.f.

(7) Bulk requirements for Conditional Uses:

(a) Commercial Centers, as defined in §300-10;

Minimum Lot Area	43,560 s.f. (1 acre)	
Minimum Lot Width	200'	
Minimum Lot Depth	100'	
Minimum Setbacks	Front Yard	20'
	Side Yard	10' (each)
	Rear Yard	20'
	Notwithstanding any minimum setbacks, no Principal Structure may be located closer than 15' to a Principal Structure located on the same or an adjacent lot.	
Maximum Building Height	the lower of 3 stories or 48'.	
Maximum Coverage	Principal Structure	60%
	Impervious	80%
Maximum Total Floor Area	49,999.99 s.f.	

<sup>24</sup> See definitions "Lot, Corner", "Lot Depth", "Lot Frontage, Primary", "Lot Frontage, Secondary" and "Lot Line, Front" for measurements related to Corner Lots.

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- (b) Residential dwelling units in the form of Apartments, including Age-Restricted Housing for qualifying individuals other than Nursing Homes or related facilities; conditioned upon conformance with §300-51;

[1] The Bulk requirements for Principal Structures in the General Commercial Zoning District detailed under §300-23C.(5) shall apply to the Structural Types conditionally permitted;

[2] Density: No traditional dwelling unit per acre (du/ac) density figure is mandated. Density shall be regulated by Minimum Lot Size and the various definitions of residential structural types conditionally permitted.

(c) Child-Care Centers

The Bulk requirements for Principal Structures in the General Commercial Zoning District detailed under §300-23C.(5) shall apply.

- (d) Automobile fueling stations, with or without automotive and/or marine engine, body or interior repair, which may or may not include convenience stores on premises; Automated or manual car washes:

Minimum Lot Area	15,000 s.f.	
Minimum Lot Width	100'	
Minimum Lot Depth		
Minimum Setbacks	Front Yard	20'
	Side Yard	10' (each)
	Rear Yard	20'
	Underground Storage Tanks	25' from any Lot Line.
	Fuel Pump	20' from any Lot Line.
	Notwithstanding any minimum setbacks, no Principal Structure may be located closer than 15' to a Principal Structure located on the same or an adjacent lot.	
Maximum Building Height	the lower of 1½ stories or 25' (accessory buildings: 10')	
Maximum Coverage	Principal Structure	60%
	Impervious	80%

- (e) Automobile or Watercraft Sales through franchise dealers;

Minimum Lot Area	43,560 s.f. (1 acre)	
Minimum Lot Width	N/A	
Minimum Lot Depth		
Minimum Setbacks	50' from any Lot Line, with no vehicle placed closer than 20' to the Front Lot Line or 20' from any Side or Rear Lot Line if adjacent to a residential use.	
Maximum Building Height	the lower of 2½ stories or 35' (accessory buildings: 20' and 1½ stories)	
Maximum Coverage	Principal Structure	60%
	Impervious	80%

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(f) Hotels and Motels:

Minimum Lot Area	43,560 s.f. (1 acre)	
Minimum Lot Width	200'	
Minimum Lot Depth		
Minimum Setbacks	Front Yard	40'
	Side Yard	25' (each)
	Rear Yard	25'
	Notwithstanding any minimum setbacks, no Principal Structure may be located closer than 15' to a Principal Structure located on the same or an adjacent lot.	
Maximum Building Height	the lower of 5 stories or 60' (accessory buildings: 20' and 1½ stories)	
Maximum Coverage	Principal Structure	60%
	Impervious	80%
Off-Street Parking and Loading	In addition to any requirements specified in §300-51, off-street parking and loading shall be as detailed in §300-55 & 56.	

- (8) Design Standards: All structures in the GC Zoning District shall comply with the Design Standards set forth in §300-51.

**D. Neighborhood Commercial (“NC”) Zoning District**

- (1) Purpose: The Neighborhood Commercial Zoning District was crafted to provide for an appropriate mix of low-impact, residentially-oriented retail and service activities necessary to address the routine needs of the residents of the City; without (generally, negatively) impacting the surrounding community.
- (2) Permitted Principal Structures and Uses:
- (a) Neighborhood-Oriented Commercial and Service Activities, as defined in §300-10;
  - (b) Professional and administrative offices;
  - (c) Eating and Drinking Establishments, including Restaurants with window-service for takeout fare, but excluding Drive-In Restaurants and Fast-Food Restaurants;
  - (d) Administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or Federal governmental services;
- (3) Permitted Accessory Structures and Uses:
- (a) Employee lounge and cafeteria functions and other back-of-the-house facilities normal and customary to an otherwise permitted use;
  - (b) Off-Street Parking Lots / Parking Facilities;
  - (c) Off-Street Loading facilities;
  - (d) Storage sheds, tool sheds or other maintenance-related structures;

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- (e) Fences and walls;
  - (f) Signs;
  - (g) Telecommunications / Satellite Dish Antennae and Related Systems;
  - (h) Solar Energy Systems
  - (i) Automated Teller / Cash Dispensing Machines (ATMs), provided that, if accessed from the exterior of a building, such machines shall be installed within the wall of the building; it being the intent not to permit free-standing exterior ATM kiosks. ATM kiosks wholly located and accessed from the interior of a building are permitted;
  - (j) Public Utility Cabinets;
  - (k) Home Occupations, as defined in §300-10, when accessory to a Conditional residential use;
  - (l) Typical Residential Amenities, as defined in §300-10, when accessory to a Conditional residential use.
- (4) Permitted Conditional Structures and Uses:
- (a) Small (carry-in) Appliance Repair;
  - (b) Self-Service Laundry Facilities (Laundromats) wherein all washing, drying, folding and other operations are conducted solely by the patrons of the facility;
  - (c) Medical / Dental Complexes, as defined in §300-10, limited to buildings conforming with SFR-75 bulk regulations;
  - (d) Residential dwelling units in the form of Apartments, including Age-Restricted Housing for qualifying individuals other than Nursing Homes or related facilities; conditioned upon conformance with §300-51.
- (5) Bulk Requirements for Principal Structures:<sup>25</sup>

Minimum Lot Area	5,000 s.f.	
Minimum Lot Width	50'	
Minimum Lot Depth	100'	
Minimum Setbacks	Front Yard	20'
	Side Yard	10' (each)
	Rear Yard	20'
	Notwithstanding any minimum setbacks, no Principal Structure may be located closer than 15' to a Principal Structure located on the same or an adjacent lot.	
Maximum Building Height	the lower of 2½ stories or 35'	
Maximum Coverage	Principal Structure	60%
	Impervious	80%
Off-Street Parking and Loading	In addition to any requirements specified in §300-51, off-street parking and loading shall be as detailed in §300-55 & 56.	

<sup>25</sup> See definitions "Lot, Corner", "Lot Depth", "Lot Frontage, Primary", "Lot Frontage, Secondary" and "Lot Line, Front" for measurements related to Corner Lots.



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(6) Bulk Requirements for Accessory Structures:<sup>26</sup>

Minimum Setbacks	Front Yard	No Accessory Structure shall be located between a Lot's Front Lot Line and a line drawn parallel to the rear line of the Principal Building or Structure on such Lot and extending to the Side Lot Lines of such Lot.
	Side Yard:	5'
	Rear Yard:	5'
Maximum Building Height	the lower of 1 story or 15'.	
Maximum Coverage	All Accessory Structures	500 s.f.

(7) Bulk requirements for Conditional Uses:

(a) Small (carry-in) Appliance Repair:

- [1] Maximum Gross Floor Area of 1,875 s.f.;
- [2] Such uses shall conform to the Bulk requirements for Principal Uses in the SFR-75 Zoning District.

(b) Self-Service Laundry Facilities (Laundromats):

- [1] Structure shall be sufficient to accommodate a maximum of 20 washers and 20 dryers;
- [2] Such uses shall conform to the Bulk requirements for Principal Uses in the SFR-50 Zoning District.

(c) Medical / Dental Complexes, as defined in §300-10, shall conform with the Bulk requirements for Principal Uses in the SFR-75 Zoning District;

(d) Residential dwelling units in the form of Apartments, including Age-Restricted Housing for qualifying individuals other than Nursing Homes or related facilities; conditioned upon conformance with §300-51;

- [1] The Bulk requirements for Principal Structures in the Neighborhood Commercial Zoning District detailed under §300-23D.(5) shall apply to the Structural Types conditionally permitted;
- [2] Density: No traditional dwelling unit per acre (du/ac) density figure is mandated. Density shall be regulated by Minimum Lot Size and the various definitions of residential structural types conditionally permitted.

(8) Off-Street Parking and Loading: In addition to any requirements specified in §300-51, off-street parking and loading shall be as detailed in §300-55 & 56.

(9) Design Standards: All structures in the NC Zoning District shall comply with the Design Standards set forth in §300-51.

<sup>26</sup> See definitions "Lot, Corner", "Lot Depth", "Lot Frontage, Primary", "Lot Frontage, Secondary" and "Lot Line, Front" for measurements related to Corner Lots.

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**E. Regional Commercial (“RC”) Zoning District**

- (1) Purpose: The Regional Commercial Zoning District was crafted to provide for an appropriate mix of retail-oriented commercial, office and other uses, with supportive residential above, designed to support the needs of the residents and businesses of the City of Pleasantville as well as those of eastern Atlantic County.
- (2) Permitted Principal Structures and Uses:
  - (a) General Commercial and Service Activities, as defined in §300-10;
  - (b) Regionally-Oriented Commercial and Service Activities, as defined in §300-10;
  - (c) Permitted Principal Uses (a) and (b) may be located on individual Lots or within Commercial Centers, as defined in §300-10;
  - (d) Professional and administrative offices;
  - (e) Medical / Dental Complexes, as defined in §300-10;
  - (f) Administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or Federal governmental services;
  - (g) Eating and Drinking Establishments, including Restaurants, Drive-In Restaurants and Fast-Food Restaurants with window-service for takeout fare; Bars; and Taverns;
  - (h) Commercial Parking Facilities owned and/or operated by the City of Pleasantville Parking Utility (Created via Ordinance No. 34-2002).
- (3) Permitted Accessory Structures and Uses:
  - (a) Employee lounge and cafeteria functions and other back-of-the-house facilities normal and customary to an otherwise permitted use;
  - (b) Off-Street Parking Lots / Parking Facilities;
  - (c) Off-Street Loading facilities;
  - (d) Storage sheds, tool sheds or other maintenance-related structures;
  - (e) Fences and walls;
  - (f) Signs;
  - (g) Telecommunications / Satellite Dish Antennae and Related Systems;
  - (h) Solar Energy Systems;
  - (i) Automated Teller / Cash Dispensing Machines (ATMs), provided that, if accessed from the exterior of a building, such machines shall be installed within the wall of the building; it being the intent not to permit free-standing exterior ATM kiosks. ATM kiosks wholly located and accessed from the interior of a building are permitted;

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- (j) Public Utility Cabinets;
- (k) Home Occupations, as defined in §300-10, when accessory to a Conditional residential use;
- (l) Typical Residential Amenities, as defined in §300-10, when accessory to a Conditional residential use;
- (m) Typical amenities when accessory to a Conditional Hotel and Motel use detailed in §300-10 herein.

(4) Permitted Conditional Structures and Uses:

- (a) Designed Shopping Centers, as defined in §300-10;
- (b) Residential dwelling units in the form of Apartments, including Age-Restricted Housing for qualifying individuals other than Nursing Homes or related facilities; conditioned upon conformance with §300-51.
- (c) Child-Care Centers;
- (d) Automobile fueling stations, with or without automotive and/or marine engine, body or interior repair, provided that a convenience store is located on premises;
- (e) Automated or manual car washes;
- (f) Automobile or Watercraft Sales through franchise dealers, with servicing limited to inventoried vehicles and fuel dispensing if integral to the operation of the facility and not open to the public;
- (g) Hotels and Motels;

(5) Bulk Requirements for Principal Structures District:<sup>27</sup>

Minimum Lot Area	43,560 s.f. (1 acre)	
Minimum Lot Width	200'	
Minimum Lot Depth	100'	
Minimum Setbacks	Front Yard	20'
	Side Yard	20' (each)
	Rear Yard	40'
	Notwithstanding any minimum setbacks, no Principal Structure may be located closer than 15' to a Principal Structure located on the same or an adjacent lot.	
Maximum Building Height	the lower of 3½ stories or 48'	
Maximum Coverage	Principal Structure	60%
	Impervious	80%
Off-Street Parking and Loading	In addition to any requirements specified in §300-51, off-street parking and loading shall be as detailed in §300-55 & 56.	

<sup>27</sup> See definitions "Lot, Corner", "Lot Depth", "Lot Frontage, Primary", "Lot Frontage, Secondary" and "Lot Line, Front" for measurements related to Corner Lots.

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(6) Bulk Requirements for Accessory Structures:<sup>28</sup>

Minimum Setbacks	Front Yard	No Accessory Structure shall be located between a Lot's Front Lot Line and a line drawn parallel to the rear line of the Principal Building or Structure on such Lot and extending to the Side Lot Lines of such Lot.
	Side Yard	10'
	Rear Yard	10'
Maximum Building Height	the lower of 1½ stories or 20'.	
Maximum Coverage	All Accessory Structures	500 s.f.

(7) Bulk requirements for Conditional Uses and Structures:<sup>28</sup>

(a) Designed Shopping Centers, as defined in §300-10;

Minimum Lot Area	2.5 acres	
Minimum Lot Width	200'	
Minimum Lot Depth	100'	
Minimum Setbacks	Front Yard	20'
	Side Yard	20' (each)
	Rear Yard	40'
	Notwithstanding any minimum setbacks, no Principal Structure may be located closer than 15' to a Principal Structure located on the same or an adjacent lot.	
Maximum Building Height	the lower of 5 stories or 60'	
Maximum Coverage	Principal Structure	60%
	Impervious	80%
Minimum Total Floor Area	50,000.00 s.f.	

(b) Residential dwelling units in the form of Apartments, including Age-Restricted Housing for qualifying individuals other than Nursing Homes or related facilities; conditioned upon conformance with §300-51.

- [1] The Bulk requirements for Principal Structures in the Regional Commercial Zoning District detailed under §300-23E.(5) shall apply to the Structural Types conditionally permitted;
- [2] Density: No traditional dwelling unit per acre (du/ac) density figure is mandated. Density shall be regulated by Minimum Lot Size and the various definitions of residential structural types conditionally permitted.

(c) Child-Care Centers:

The Bulk requirements for Principal Structures in the Regional Commercial Zoning District detailed under §300-23E.(5) shall apply.

<sup>28</sup> See definitions "Lot, Corner", "Lot Depth", "Lot Frontage, Primary", "Lot Frontage, Secondary" and "Lot Line, Front" for measurements related to Corner Lots.

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- (d) Automobile fueling stations, with or without automotive and/or marine engine, body or interior repair, which may or may not include convenience stores on premises; Automated or manual car washes:

Minimum Lot Area	15,000 s.f.	
Minimum Lot Width	100'	
Minimum Lot Depth		
Minimum Setbacks	Front Yard	20'
	Side Yard	10' (each)
	Rear Yard	20'
	Underground Storage Tanks	25' from any Lot Line.
	Fuel Pump	20' from any Lot Line.
	Notwithstanding any minimum setbacks, no Principal Structure may be located closer than 15' to a Principal Structure located on the same or an adjacent lot.	
Maximum Building Height	the lower of 1½ stories or 25' (accessory buildings: 10')	
Maximum Coverage	Principal Structure	60%
	Impervious	80%

- (e) Automobile or Watercraft Sales through franchise dealers;

Minimum Lot Area	43,560 s.f. (1 acre)	
Minimum Lot Width	N/A	
Minimum Lot Depth		
Minimum Setbacks	50' from any Lot Line, with no vehicle placed closer than 20' to the Front Lot Line or 20' from any Side or Rear Lot Line if adjacent to a residential use.	
Maximum Building Height	the lower of 2½ stories or 35' (accessory buildings: 20' and 1½ stories)	
Maximum Coverage	Principal Structure	60%
	Impervious	80%

- (f) Hotels and Motels:

Minimum Lot Area	43,560 s.f. (1 acre)	
Minimum Lot Width	200'	
Minimum Lot Depth		
Minimum Setbacks	Front Yard	40'
	Side Yards	25' (each)
	Rear Yard	25'
Maximum Building Height	the lower of 5 stories or 60' (accessory buildings: 20' and 1½ stories)	
Maximum Coverage	Principal Structure	60%
	Impervious	80%

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- (8) Off-Street Parking and Loading: In addition to any requirements specified in §300-51, off-street parking and loading shall be as detailed in §300-55 & 56.
- (9) Design Standards: All structures in the RC Zoning District shall comply with the Design Standards set forth in §300-51.

**F. Regional Shopping Center (“RSC”) Zoning District**

- (1) Purpose: The Regional Shopping Center Zoning District was crafted to promote large-scale development oriented to the shopping, resort, tourist and transportation needs of the region.

**(2) Redevelopment Process**

On May 17, 2004, via Resolution No. 124-2004, the City included the Regional Shopping Center Zoning District among lands declared to be In Need of Redevelopment under the *Local Redevelopment and Housing Law*; designating it the Gateway Redevelopment Area.

The purpose in designating the Gateway Redevelopment Area is to utilize the tools and powers available under the Redevelopment Law, as well as the Redevelopment Area’s location vis-à-vis the bucolic meadows, Atlantic City skyline and proximity to the Atlantic City Expressway in order to stimulate meaningful and valuable development as a replacement to the patchwork of underutilized and underproductive uses existing in this section of the City.

As of the adoption of this Chapter, no Redevelopment Plan for this Redevelopment Area had been adopted. Until such time as a Redevelopment Plan is adopted, RSC Zoning remains in effect.

**(3) Permitted Principal Structures and Uses:**

- (a) General Commercial and Service Activities, as defined in §300-10;
- (b) Regionally-Oriented Commercial and Service Activities, as defined in §300-10;
- (c) Personal Service Establishments;
- (d) Food Production Uses;
- (e) Florists;
- (f) Kennels;
- (g) Public Utility (Central) Substations;
- (h) Administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or Federal governmental services;

**(4) Permitted Accessory Structures and Uses:**

- (a) Employee lounge and cafeteria functions and other back-of-the-house facilities normal and customary to an otherwise permitted use;
- (b) Off-Street Parking Lots / Parking Facilities;
- (c) Off-Street Loading facilities;

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- (d) Storage sheds, tool sheds or other maintenance-related structures;
  - (e) Fences and walls;
  - (f) Signs;
  - (g) Telecommunications / Satellite Dish Antennae and Related Systems;
  - (h) Solar Energy Systems;
  - (i) Automated Teller / Cash Dispensing Machines (ATMs), provided that, if accessed from the exterior of a building, such machines shall be installed within the wall of the building; it being the intent not to permit free-standing exterior ATM kiosks. ATM kiosks wholly located and accessed from the interior of a building are permitted;
  - (j) Public Utility Cabinets;
  - (k) Typical amenities when accessory to a Hotel or Motel.
  - (l) Typical amenities when accessory to a Recreational Vehicle Park.
- (5) Permitted Conditional Structures and Uses.
- (a) Designed Shopping Centers, as defined in §300-10;
  - (b) Commercial Tour Bus Parking Facilities regulated by the South Jersey Transportation Authority.
  - (c) Commercial Private Automobile Parking Facilities;
  - (d) Recreational Vehicle Park;
  - (e) Eating and Drinking Establishments, including Restaurants, Drive-In Restaurants and Fast-Food Restaurants with window-service for takeout fare; Bars; and Taverns;
  - (f) Educational Uses, as defined in §300-10;
  - (g) Professional and administrative offices;
  - (h) Medical / Dental Complexes, as defined in §300-10;
  - (i) Specialized outdoor cultural and/or entertainment venues such as performing arts centers, theaters, movie theaters, and other like and similar attractions;
  - (j) Hotels and Motels, including those with Conference Facilities.
- (6) Bulk Requirements for Principal Structures:<sup>29</sup>

Minimum Lot Area	1.5 acres
Minimum Lot Width	No Minimum Established.
Minimum Lot Depth	

<sup>29</sup> See definitions “Lot, Corner”, “Lot Depth”, “Lot Frontage, Primary”, “Lot Frontage, Secondary” and “Lot Line, Front” for measurements related to Corner Lots.

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Minimum Setbacks	In addition to the minimum 25' landscaped buffer zone detailed in §300-69F.(3):	
	Front Yard	40' Parking is prohibited within the first 25' of the Front Yard.
	Side Yards	20' (each)
	Rear Yard	40'
	Notwithstanding any minimum setbacks, no Principal Structure may be located closer than 15' to a Principal Structure located on the same or an adjacent lot.	
Maximum Building Height	the greater of 20 stories or 2.5 times the distance from the nearest residential structure.	
Maximum Coverage	Principal Structure	38%
	Impervious	80%

(7) Bulk Requirements for Accessory Structures:<sup>30</sup>

Minimum Setbacks	In addition to the minimum 25' landscaped buffer zone detailed in §300-69F.(3):	
	Front Yard	No Accessory Structure shall be located between a Lot's Front Lot Line and a line drawn parallel to the rear line of the Principal Building or Structure on such Lot and extending to the Side Lot Lines of such Lot.
	Side Yard	10'
	Rear Yard	10'
Maximum Building Height	the lower of 1½ stories or 20'.	
Maximum Coverage	All Accessory Structures	500 s.f.

(8) Bulk Requirements for Conditional Uses<sup>30</sup>

(a) Designed Shopping Centers, as defined in §300-10;

Minimum Lot Area	1.5 acres	
Minimum Lot Width	No Minimum Established.	
Minimum Lot Depth	No Minimum Established.	
Minimum Setbacks	In addition to the minimum 25' landscaped buffer zone detailed in §300-69F.(3):	
	Front Yard	40' Parking is prohibited within the first 25' of the Front Yard.
	Side Yards	20' (each)
	Rear Yard	40'

<sup>30</sup> See definitions "Lot, Corner", "Lot Depth", "Lot Frontage, Primary", "Lot Frontage, Secondary" and "Lot Line, Front" for measurements related to Corner Lots.



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	Notwithstanding any minimum setbacks, no Principal Structure may be located closer than 15' to a Principal Structure located on the same or an adjacent lot.	
Maximum Building Height	the lower of 5 stories or 60'	
Maximum Coverage	Principal Structure	60%
	Impervious	80%
Minimum Total Floor Area	50,000.00 s.f.	

(b) Commercial Tour Bus Parking Facilities; Commercial Private Automobile Parking Facilities; Recreational Vehicle Park.

Minimum Lot Area	5 acres under the following standards	
	Commercial Tour Busses	50 per acre
	Recreational Vehicles	40 per acre
	Commercial Private Automobiles	145 per acre
Minimum Lot Width	No Minimum Established.	
Minimum Lot Depth	No Minimum Established.	
Minimum Setbacks	In addition to the minimum 25' landscaped buffer zone detailed in §300-69F.(3):	
	Front Yard	40' Parking is prohibited within the first 25' of the Front Yard.
	Side Yards	20' (each)
	Rear Yard	40'
Maximum Building Height	Notwithstanding the definition of Building Height or convention for of measuring Building Height established in this Chapter, and with the exception of telecommunications antennae, no portion of any structure under this use shall exceed 35' from mean sea level.	
Maximum Coverage	Principal Structure	5%
	Impervious	80%

(c) Eating and Drinking Establishments, including Restaurants, Drive-In Restaurants and Fast-Food Restaurants with window-service for takeout fare; Bars; and Taverns;

Minimum Lot Area	43,560 s.f. (1 acre)	
Minimum Lot Width	No Minimum Established.	
Minimum Lot Depth		
Minimum Setbacks	In addition to the minimum 25' landscaped buffer zone detailed in §300-69F.(3):	
	Front Yard	40' Parking is prohibited within the first 25' of the Front Yard.
	Side Yards	20' (each)
	Rear Yard	40'
Maximum Building Height	the greater of 20 stories or 2.5 times the distance from the nearest residential structure;	
Maximum Coverage	Principal Structure	38%
	Impervious	80%

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- (d) Educational Uses; Professional, Administrative and Consulting Services offices; Medical / Dental Complexes.

Minimum Lot Area	2.5 acres	
Minimum Lot Width	No Minimum Established.	
Minimum Lot Depth		
Minimum Setbacks	In addition to the minimum 25' landscaped buffer zone detailed in §300-69F.(3):	
	Front Yard	40' Parking is prohibited within the first 25' of the Front Yard.
	Side Yards	20' (each)
	Rear Yard	40'
Maximum Building Height	the greater of 20 stories or 2.5 times the distance from the nearest residential structure;	
Maximum Coverage	Principal Structure	35%
	Impervious	80%
Floor Area Ratio	2.5	

- (e) Specialized outdoor cultural and/or entertainment venues such as performing arts centers, theaters, movie theaters, and other like and similar attractions:

Minimum Lot Area	1.5 acres	
Minimum Lot Width	No Minimum Established.	
Minimum Lot Depth		
Minimum Setbacks	In addition to the minimum 25' landscaped buffer zone detailed in §300-69F.(3):	
	Front Yard	40' Parking is prohibited within the first 25' of the Front Yard.
	Side Yards	20' (each)
	Rear Yard	40'
Maximum Building Height	the greater of 20 stories or 2.5 times the distance from the nearest residential structure;	
Maximum Coverage	Principal Structure	5%
	Impervious	80%
Floor Area Ratio	0.10	

- (f) Hotels and Motels, including those with Conference Facilities.

Minimum Lot Area	43,460 s.f. (1 acre)	
Minimum Lot Width	No Minimum Established.	
Minimum Lot Depth		
Minimum Setbacks	In addition to the minimum 25' landscaped buffer zone detailed in §300-69F.(3):	

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	Front Yard	40' Parking is prohibited within the first 25' of the Front Yard.
	Side Yards	20' (each)
	Rear Yard	40'
Maximum Building Height	the greater of 20 stories or 2.5 times the distance from the nearest residential structure;	
Maximum Coverage	Principal Structure	With Structured Parking: 50% Without Structured Parking: 40%
	Impervious	80%
Floor Area Ratio	3.5, exclusive of structured parking.	

(9) Off-Street Parking and Loading: In addition to any requirements specified in §300-51, off-street parking and loading shall be as detailed in §300-55 & 56.

(10) Design Standards: All structures in the RSC Zoning District shall comply with the Design Standards set forth in §300-51.

**G. Light Industrial (“L-I”) Zoning District**

(1) Purpose: The Light Industrial Zoning District was crafted to provide for and encourage light industrial concentrations (limited to those uses specifically enumerated) in locations which will adequately accommodate such development, while not negatively impacting the public health, safety and general welfare of adjacent residential neighborhoods or the natural environment in close proximity to such (light industrial) uses.

(2) Permitted Principal Structures and Uses:

- (a) Light Industrial operations, as defined in §300-10 (“Industrial, Light”), within a completely enclosed building
- (b) Fully enclosed warehouse or storage establishments;
- (c) Research and design laboratories;
- (d) Administrative offices, open-air yard storage and other municipally-sponsored facilities, uses and activities as may be necessary and convenient to the provision of municipal, county, state or Federal governmental services or the support of the general welfare of the community by the City of Pleasantville;
- (e) Public Utility [Central] Substations;
- (f) Self-operated rental (mini) storage facilities, including rental of moving vehicles and equipment (trucks, vans, lifts, etc.);
- (g) Automobile repair establishments, including auto-body repair and car washes;
- (h) Contractor's warehouse and offices, including material or design showrooms;
- (i) Wholesale distribution centers, including contractor's wholesale supply facilities and wholesale produce or other food-related wholesale operation.

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(3) Permitted Accessory Structures and Uses:

- (a) Employee lounge and cafeteria functions and other back-of-the-house facilities normal and customary to an otherwise permitted use;
- (b) Outdoor or garaged storage of vehicles, limited to those incidental to an approved permitted use;
- (c) Enclosed storage and maintenance areas incidental to the permitted Principal Permitted use;
- (d) Over-the-counter retail sales to the public, provided that such retail sales are incidental to an approved permitted use, subject to the Bulk regulations of §300-23G.(5);
- (e) Subject to site plan approval by the Planning Board or Zoning Board of Adjustment, the case may be, exterior storage of merchandise, products, equipment or similar material incidental to a principal permitted use, provided that such storage is screened from view from any public right-of-way or adjacent residential property by a fence or wall, as well as by an appropriate combination of plant material in order to soften the appearance of said fence or wall. The adequacy and acceptability of the landscaping plan shall be determined by the approving Board;
- (f) Off-Street Parking Lots / Parking Facilities;
- (g) Off-Street Loading facilities;
- (h) Fences and walls;
- (i) Signs;
- (j) Telecommunications / Satellite Dish Antennae and Related Systems;
- (k) Solar Energy Systems;
- (l) Automated Teller / Cash Dispensing Machines (ATMs), provided that, if accessed from the exterior of a building, such machines shall be installed within the wall of the building; it being the intent not to permit free-standing exterior ATM kiosks. ATM kiosks wholly located and accessed from the interior of a building are permitted;
- (m) Public Utility Cabinets;

(4) Permitted Conditional Structures and Uses.

- (a) Multiple Principal Uses within a single building shall be allowed, provided that each such use is a Permitted Principal Use within the Light Industrial Zoning District, and further provided that each such use is located within a separately-identifiable and fully securable space (it being the City's intention to prohibit an entity from subleasing a small portion of a larger, single floor area). Within this context, multiple corporate entities may operate out of a single space, provided that such entities are subsidiaries or related companies.
- (b) Administrative office uses when accessory to a permitted Principal or Conditional Use. While Accessory in nature, such offices shall be subject to the Bulk requirements for Conditional Uses and not the 500 s.f. maximum for Accessory Structures;
- (c) Open-air lots or enclosed storage facilities for inventoried vehicles intended for on-or off-site sale rental;

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(d) Open-air lots, limited to the temporary storage of towed vehicles by, or under a contract with, the City of Pleasantville.

(5) Bulk Requirements for Principal Structures:<sup>31</sup>

Minimum Lot Area	43,460 s.f. (1 acre)	
Minimum Lot Width	100'	
Minimum Lot Depth		
Minimum Setbacks	In addition to the minimum 25' landscaped buffer zone detailed in §300-69F.(3):	
	Front Yard	45'
	Side Yards	30' (each)
	Rear Yard	45'
	Notwithstanding any minimum setbacks, no Principal Structure may be located closer than 15' to a Principal Structure located on the same or an adjacent lot.	
Maximum Building Height	the lower of 3½ stories or 48'	
Maximum Coverage	Principal Structure	60%
	Impervious	80%
Floor Area Ratio	3.5, exclusive of structured parking.	

(6) Bulk requirements for Accessory Structures<sup>31</sup>

Minimum Setbacks	Front Yard	No Accessory Structure shall be located between a Lot's Front Lot Line and a line drawn parallel to the rear line of the Principal Building or Structure on such Lot and extending to the Side Lot Lines of such Lot.
	Side Yard	20'
	Rear Yard	20'
Maximum Building Height	the lower of 1½ stories or 20'.	
Maximum Coverage	All Accessory Structures	500 s.f.

(7) Bulk requirements for Conditional Uses:<sup>31</sup>

Administrative office uses when accessory to a permitted Principal or Conditional Use, limited to 25% of the total floor space of the host building.

(8) Off-Street Parking and Loading: In addition to any requirements specified in §300-51, off-street parking and loading shall be as detailed in §300-55 & 56.

(9) Design Standards: All structures in the LI Zoning District shall comply with the Design Standards set forth in §300-51.

<sup>31</sup> See definitions "Lot, Corner", "Lot Depth", "Lot Frontage, Primary", "Lot Frontage, Secondary" and "Lot Line, Front" for measurements related to Corner Lots.

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**§300-24 Specialty Zoning Districts**

A. The purpose and intent of the City's Specialty Zoning Districts is to provide locations for a variety of mixed or other specialized uses which, due to the nature, combination or intensity of activities anticipated therein or their location vis-à-vis sensitive environmental or other resources, do not readily lend themselves to traditional City Zoning classifications.

B. Bayside Mixed-Use ("BMU") Zoning District

(1) Purpose: The Bayside Mixed Use Zoning District was crafted to provide for an appropriate mix of development intensity and land uses which, when placed in juxtaposition to the bucolic meadow and Atlantic City Skyline views on the eastern edge of the City, favorable proximity to the mixed-use City Center Redevelopment Area and Central Business District, and access to the Atlantic City Expressway, create a very attractive setting for higher density market rate and luxury vertical development in order to take advantage of such amenities and maximize Pleasantville's location, not as just the gateway to Atlantic City, but as a separate viable location in which people want to live, work and play.

(2) Permitted Principal Structures and Uses:

Conditioned upon conformance with the provisions of §300-51, all of the following Principal Uses shall be permitted as multiple uses within a single building.

With the exception of Administrative offices and related facilities for governmental use, Public Utility (Central) Substations and Passive Public Open Space, no non-residential structure or use shall be permitted absent a Permitted Residential use.

All Residential uses shall be located above the ground-floor. With the exception of Eating and Drinking Establishments, retail uses shall be limited to the ground floor. Non-retail commercial uses may be located above the ground floor where appropriate.

- (a) Residential dwelling units in the form of Apartments, including Age-Restricted Housing for qualifying individuals other than Nursing Homes or related facilities;
- (b) Downtown- and Regionally-Oriented Commercial and Service Activities, as defined in §300-10;
- (c) Eating and Drinking Establishments, including Restaurants and Taverns, but excluding Drive-In Restaurants, Fast-Food Restaurants and Bars;
- (d) Specialized entertainment venues such as performing arts centers, theaters, movie theaters, and other like and similar attractions;
- (e) Within the context of Permitted Principal Uses [3] and [4], nightlife establishments that serve alcoholic beverages shall be permitted, provided that cooked-to-order food is prepared and served on the premises;<sup>32</sup>
- (f) Retail liquor stores, provided that they obtain an appropriate license from the New Jersey Division of Alcoholic Beverage Control and maintain same in good standing;
- (g) Professional and administrative offices;

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<sup>32</sup> By way of interpretation, restaurant facilities with entertainment [dinner theaters] shall be permitted while facilities which do not serve food [nightclubs] shall not be permitted.

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- (h) Libraries; museums (cultural or popular); art galleries; studios for artists, musicians, photographers and other artisans; and like and similar activities.
  - (i) Administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or Federal governmental services;
  - (j) Public Utility (Central) Substations;
  - (k) Passive Public Open Space;
  - (l) Medical Complexes, as defined in §300-10;
- (3) Permitted Accessory Structures and Uses:
- (a) Employee lounge and cafeteria functions and other back-of-the-house facilities normal and customary to an otherwise permitted use;
  - (b) Off-Street Parking Lots / Parking Facilities;
  - (c) Off-Street Loading facilities;
  - (d) Storage sheds, tool sheds or other maintenance-related structures;
  - (e) Fences and walls;
  - (f) Telecommunications / Satellite Dish Antennae and Related Systems;
  - (g) Solar Energy Systems;
  - (h) Automated Teller / Cash Dispensing Machines (ATMs), provided that, if accessed from the exterior of a building, such machines shall be installed within the wall of the building; it being the intent not to permit free-standing exterior ATM kiosks. ATM kiosks wholly located and accessed from the interior of a building are permitted;
  - (i) Signs;
  - (j) Public Utility Cabinets;
  - (k) Typical Residential Amenities, as defined in §300-10;
  - (l) Home Occupations, as defined in §300-10, when accessory to a Permitted residential use;
- (4) Bulk Requirements for Principal Structures:<sup>33</sup>

Minimum Lot Area	43,460 s.f. (1 acre)
Minimum Lot Width	200'
Minimum Lot Depth	100'
Minimum Setbacks	In addition to the minimum 25' landscaped buffer zone detailed in §300-69F.(3):

<sup>33</sup> See definitions "Lot, Corner", "Lot Depth", "Lot Frontage, Primary", "Lot Frontage, Secondary" and "Lot Line, Front" for measurements related to Corner Lots.

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	Front Yard	0', provided the abutting sidewalk is 15' in width. Otherwise, such width as to create a 15'-wide public sidewalk between the curb and the Front Façade.
	Side Yards	Same as Front Yard
	Rear Yard	10'
	Milan Avenue	10'
	Engersoll Avenue	25'
	The western BMU Zone Boundary Line north of Engersoll Avenue	30'
	Notwithstanding any minimum setbacks, no Principal Structure may be located closer than 15' to a Principal Structure located on the same or an adjacent lot.	
Maximum Building Height	Subject to the Building Envelope Regulations under §300-511: The lower of 12 stores or 150'.	
Maximum Coverage	Principal Structure	60%
	Impervious	80%
Residential Density	No traditional dwelling unit per acre (du/ac) density figure is mandated. Density shall be regulated by Minimum Lot Size and the various definitions of residential structural types conditionally permitted.	

(5) Bulk Requirements for Accessory Structures:<sup>34</sup>

Minimum Setbacks	Front Yard	No Accessory Structure shall be located between a Lot's Front Lot Line and a line drawn parallel to the rear line of the Principal Building or Structure on such Lot and extending to the Side Lot Lines of such Lot.
	Side Yard	5'
	Rear Yard	5'
Maximum Building Height	the lower of 1½ stories or 20'.	
Maximum Coverage	All Accessory Structures	500 s.f.

(6) Off-Street Parking and Loading: In addition to any requirements specified in §300-51, off-street parking and loading shall be as detailed in §300-55 & 56.

(7) Design Standards: All structures in the BMU Zoning District shall comply with the Design Standards set forth in §300-51.

**C. Cemetery ("CEM") Zoning District**

(1) Permitted Principal Structures and Uses:

<sup>34</sup> See definitions "Lot, Corner", "Lot Depth", "Lot Frontage, Primary", "Lot Frontage, Secondary" and "Lot Line, Front" for measurements related to Corner Lots.



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Above or below ground interment.

(2) Permitted Accessory Structures and Uses:

- (a) Maintenance buildings.
- (b) Roads and pathways.
- (c) Directional signs.

(3) Area and Bulk Requirements:

Minimum Lot Area	43,460 s.f. (1 acre)	
Minimum Lot Width	200'	
Minimum Lot Depth	N/A	
Minimum Setbacks	Underground Burial Sites:	10' from property line.
	Above-Ground Structures:	15' from property line.
Maximum Building Height	15'	

(4) Miscellaneous Requirements:

- (a) Normal interment activities do not require approval.
- (b) Any structure 1,000 s.f. or larger (outside dimensions) requires Minor Site Plan approval.
- (c) Cemetery grounds and landscaping shall be maintained at all times.
- (d) Stormwater Management and related structures, subject to the provisions of Chapter 251 of the City Code.

**D. Conservation ("CONSERV") Zoning District**

- (1) Purpose: Recognizing that Pleasantville is located in New Jersey's Coastal Zone and that certain portions of the City ~ specifically those on its northeast and southeast edges ~ are extremely environmentally sensitive, the Conservation Zoning District was crafted to protect this natural environment where appropriate and foster resource-friendly development where possible.
- (2) The regulations established for the Conservation Zoning District are those of the City of Pleasantville. While such regulations were designed to conform with CAFRA and the Coastal Zone Management Rules, they do not substitute for CAFRA, the CZM, or any other law, code, rule or regulation established by any State or Federal agency. All development within the Conservation Zoning District shall comply with such laws, codes, rules and regulations as applicable.
- (3) All Structures and Uses in the Conservation Zoning District shall be considered Conditional Structures and Uses and shall be subject to review and approval by the Planning Board or Zoning Board of Adjustment, as the case may be, pursuant to N.J.S.A. 40:55d-67 and N.J.S.A. 40:55d-70-3.
- (4) Permitted Principal and Accessory Structures and Uses:
  - (a) Public Parks, Playgrounds and other Open Space, whether active or passive;
  - (b) Public Conservation Areas;

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(c) Such educational, recreational or eco-tourism structures and activities as may be permitted by relevant Governmental Agencies having jurisdiction over this section of the City, including observation decks / overlooks, scenic / nature trails, environmental interpretation stations and like and similar uses

(d) Public Utility Cabinets;

(e) Such environmental protection measures as may be required by relevant Governmental Agencies having jurisdiction over this section of the City.

(5) Bulk Requirements for Principal and Accessory Structures:<sup>35</sup>

No requirements established. This Chapter defers specific requirements for the physical development in the Conservation Zoning District to the various Governmental Agencies having jurisdiction over this section of the City.

E. Waterfront Residential (“WR”) Zoning District

(1) Purpose: The Waterfront Residential Zoning was crafted to provide a setting for a number of relatively new residential building types in the City and thereby assist in achieving the purpose and intent of the City’s Residential Zoning Districts as detailed in §300-22 while encouraging the redevelopment of the Lakes Bay waterfront section of the City.

(2) Permitted Principal Structures and Uses:

(a) Single-Family Detached Dwelling Units;

(b) Single-Family Semi-Detached (Duplex) Dwelling Units, as defined in §300-10;

(c) 2-Family Stacked (Multi-Story) Dwelling Units, as defined in §300-10;

(d) 3-4 Family Semi-Detached (‘Tri’ Or ‘Quad’) Dwelling Units, as defined in §300-10;

(e) Townhouses, as defined in §300-10;

(f) Garden Apartments, as defined in §300-10;

(g) Apartments and Multi-Family Dwellings, including Age-Restricted Housing for qualifying individuals other than Nursing Homes or related facilities; conditioned upon conformance with the requirements of §300-51.

(h) Administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or Federal governmental services;

(i) Places of Worship;

(j) Parks, play-grounds and public active or passive open space owned or operated by the City of Pleasantville;

(k) Public Utility [Central] Substations.

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<sup>35</sup> See definitions “Lot, Corner”, “Lot Depth”, “Lot Frontage, Primary”, “Lot Frontage, Secondary” and “Lot Line, Front” for measurements related to Corner Lots.

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- (l) Professional offices as part of a residential-looking structure which may or may not contain residential living quarters, conditioned upon such bulk standards as may be appropriate to the use and type of structure proposed for the Zoning District in which the property is located, and further conditioned upon all parking being on-site with controlled ingress and egress points and restricted to the side or rear yard area of the lot.
- (3) Permitted Accessory Structures and Uses:
- (a) Typical Residential Amenities, as defined in §300-10;
  - (b) Home Occupations, as defined in §300-10, when accessory to a Permitted residential use;
  - (c) Public Utility Cabinets;
  - (d) Stormwater Management and related structures, subject to the provisions of Chapter 251 of the City Code.
- (4) The following Structures and Uses shall conform to the Bulk Requirements and Design Standards for the SFR-75 Zoning District (§300-22D. & §300-51):
- (a) Single-Family Detached Dwelling Units:
  - (b) Places of Worship;
  - (c) Parks, play-grounds and public active or passive open space owned or operated by the City of Pleasantville;
  - (d) Administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or Federal governmental services;
- (5) The following Structures and Uses shall conform to the Bulk Requirements and Design Standards for the R-D Zoning District (§300-22E. & §300-51):
- (a) Single-Family Semi-Detached (Duplex) Dwelling Units, as defined in §300-10: Shall conform to the Bulk Requirements for the R-D Zoning District;
  - (b) 2-Family Stacked (Multi-Story) Dwelling Units, as defined in §300-10.
- (6) The following Structures and Uses shall conform to the Bulk Requirements and Design Standards for the MF Zoning District (§300-22F & §300-51):
- (a) Townhouses, as defined in §300-10;
  - (b) 3-4 Family Semi-Detached ('Tri' Or 'Quad') Dwelling Units, as defined in §300-10;
  - (c) Garden Apartments, as defined in §300-10;
  - (d) Apartments and Multi-Family Dwellings, including Age-Restricted Housing for qualifying individuals other than Nursing Homes or related facilities.
- (7) Off-Street Parking and Loading: As detailed in §300-55 & 56.
- (8) Signs: As detailed in §300-57 through §300-64.

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- (9) Design Standards: In addition to the regulations referenced in §300-24E.(4),(5)&(6), all structures in the WR Zoning District shall comply with the requirements §300-51.

**§300-25 Overlay Zoning Districts**

- A. The purpose and intent of the City's Overlay Zones is to provide locations in specific sections of the City for a variety of specialized land uses which may be appropriate for and benefit from being sited in such locations but which do not necessitate the removal or displacement of the existing land uses in such locations; and therefore do not require change in the Base (i.e. underlying) Zoning of such locations.

The benefit of such Overlay Zoning is to permit certain land uses in an area without rendering the existing land uses nonconforming.

B. Bayside Mixed-Use Overlay ("BMU Overlay") Zone

- (1) Purpose: The Bayside Mixed Use Overlay Zone was crafted to take advantage of the locational amenities described under §300-24B. without imposing non-conforming status on the existing land uses in such locations.

- (2) Permitted Principal Structures and Uses:

Conditioned upon conformance with the requirements of §300-51, all of the following Principal Uses shall be permitted as multiple uses within a single building. With the exception of Administrative offices and related facilities for governmental use, Public Utility (Central) Substations and Passive Public Open Space, no non-residential structure or use shall be permitted absent a Permitted Residential use.

- (a) Residential dwelling units in the form of Apartments, including Age-Restricted Housing for qualifying individuals other than Nursing Homes or related facilities;
- (b) Eating and Drinking Establishments, including Restaurants and Taverns, but excluding Drive-In Restaurants, Fast-Food Restaurants and Bars;
- (c) Professional and administrative offices;
- (d) Libraries; museums (cultural or popular); art galleries; studios for artists, musicians, photographers and other artisans; and like and similar activities;
- (e) Administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or Federal governmental services;
- (f) Public Utility (Central) Substations;
- (g) Passive Public Open Space;

- (3) Permitted Accessory Structures and Uses:

Those Accessory Structures and Uses permitted in the BMU Zoning District (§300-24B.).

- (4) Bulk Requirements for Principal and Accessory Structures.<sup>36</sup>

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<sup>36</sup> See definitions "Lot, Corner", "Lot Depth", "Lot Frontage, Primary", "Lot Frontage, Secondary" and "Lot Line, Front" for measurements related to Corner Lots.

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The Bulk Requirements for Principal and Accessory Structures in the BMU Zoning District (§300-24B.(4) & (5)) shall govern.

(5) Off-Street Parking and Loading:

Off-Street Parking and Loading: For non-residential uses, the Off-Street Parking and Loading for the BMU Zoning District (§300-24B.(5)) shall govern. For residential uses, off-street parking and loading shall be as detailed in §300-55 & 56.

(6) Design Standards: All structures in the BMU Overlay Zone shall comply with the Design Standards set forth in §300-51.

**C. City Center Support (“CC Support”) Overlay Zone**

(1) Purpose: The City Center Support Overlay Zone was crafted to increase the number of housing units in the City’s downtown area in order to support the commercial uses within City Center Redevelopment Area ~ thereby making the Redevelopment Projects therein attractive to potential retailers ~ and to provide an appropriate buffer between the more intense Redevelopment Area and the less intense single-family development surrounding Redevelopment Area, without imposing non-conforming status on the existing land uses in such locations.

(2) Permitted Principal Structures and Uses:

Conditioned upon conformance with the requirements of §300-51, all of the following Principal Uses shall be permitted as multiple uses within a single building. Non-residential uses shall be limited to the ground floor, with residential space required above. No such use shall be permitted absent the Residential use.

- (a) Residential dwelling units in the form of Apartments, Garden Apartments and Townhouses, including Age-Restricted Housing for qualifying individuals other than Nursing Homes or related facilities;
- (b) Downtown-Oriented Commercial and Service Activities, as defined in §300-10;
- (c) Administrative offices and related facilities as may be necessary and convenient to the provision of municipal, county, state or Federal governmental services;

(3) Permitted Accessory Structures and Uses:

- (a) Employee lounge and cafeteria functions and other back-of-the-house facilities normal and customary to an otherwise permitted use;
- (b) Off-Street Parking Lots / Parking Facilities;
- (c) Off-Street Loading facilities;
- (d) Telecommunications / Satellite Dish Antennae and Related Systems;
- (e) Solar Energy Systems;
- (f) Automated Teller / Cash Dispensing Machines (ATMs), provided that, if accessed from the exterior of a building, such machines shall be installed within the wall of the building; it being the intent not to permit free-standing exterior ATM kiosks. ATM kiosks wholly located and accessed from the interior of a building are permitted.

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- (g) Storage sheds, tool sheds or other maintenance-related structures;
- (h) Fences and walls;
- (i) Signs;
- (j) Public Utility Cabinets;
- (k) Home Occupations, as defined in §300-10, when accessory to a Conditional residential use;
- (l) Typical Residential Amenities, as defined in §300-10, when accessory to a Conditional residential use.

**(4) Bulk Requirements for Principal Structures:<sup>37</sup>**

Minimum Lot Area	9,600 s.f.	
Minimum Lot Width	60'	
Minimum Lot Depth	100'	
Minimum Setbacks	Front Yard	0'
	Side Yard	0' interior, 12' exterior (end unit)
	Rear Yard	20'
	Notwithstanding any minimum setbacks, no Principal Structure may be located closer than 15' to a Principal Structure located on the same or an adjacent lot.	
Maximum Building Height	the lower of 4 stories or 48'.	
Maximum Coverage	Principal Structure	60%
	Impervious	80%

**(5) Bulk requirements for Accessory Structures:<sup>37</sup>**

Minimum Setbacks	Front Yard	No Accessory Structure shall be located between a Lot's Front Lot Line and a line drawn parallel to the rear line of the Principal Building or Structure on such Lot and extending to the Side Lot Lines of such Lot.
	Side Yard	5'
	Rear Yard	5'
Maximum Building Height	the lower of 1½ stories or 20'.	
Maximum Coverage	All Accessory Structures	500 s.f.

- (6) Off-Street Parking and Loading:** For non-residential uses, the Off-Street Parking and Loading for the CBD Zoning District (§300-23B.(8)) shall govern. For residential uses, off-street parking and loading shall be as detailed in §300-55 & 56.

- (7) Design Standards:** All structures in the CC Support Overlay Zone shall comply with the Design Standards set forth in §300-51.

<sup>37</sup> See definitions "Lot, Corner", "Lot Depth", "Lot Frontage, Primary", "Lot Frontage, Secondary" and "Lot Line, Front" for measurements related to Corner Lots.

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**D. Neighborhood Commercial Overlay (“NC Overlay”) Zone**

- (1) Purpose: The Neighborhood Commercial Overlay Zone was crafted to maximize the commercial opportunities on Main Street (one of Atlantic County’s primary north / south corridors) in order to increase the goods and services available to the residents of the City without imposing non-conforming status on existing land uses.
- (2) Permitted Principal Structures and Uses:  
  
The Principal Structures and Uses for the NC Zoning District (§300-23D.(2)) shall be permitted in the NC Overlay Zone.
- (3) Permitted Accessory Structures and Uses:  
  
The Accessory Structures and Uses for the NC Zoning District (§300-23 D.(3)) shall be permitted in the NC Overlay Zone.
- (4) Bulk Requirements for Principal and Accessory Structures and Uses:  
  
The Bulk Requirements for Principal and Accessory Structures and Uses for the Base Zoning under the subject site shall govern.
- (5) Off-Street Parking and Loading: The Off-Street Parking and Loading for the NC Zoning District (§300-23 D.(8)) shall govern.
- (6) Design Standards: All structures in the NC Overlay Zone shall comply with the Design Standards set forth in §300-51.

**E. Professional Office Overlay (“PO Overlay”) Zone**

- (1) Purpose: The Professional Office Overlay Zone was crafted to retain the ability of Professionals to practice in very specific and otherwise residential sections of the City under limited circumstances.
- (2) Permitted Principal Structures and Uses:  
  
Professional Office Uses, as defined in §300-10.
- (3) Permitted Accessory Structures and Uses:  
  
The Accessory Structures and Uses for the Base Zoning under the subject site shall govern.
- (4) Bulk Requirements for Principal and Accessory Structures and Uses:  
  
The Bulk Requirements for Principal and Accessory Structures and Uses for the Base Zoning under the subject site shall govern.
- (5) Off-Street Parking and Loading: As detailed in §300-55 & 56.
- (6) Design Standards:  
  
In addition to the Design Standards for the Base Zoning under the subject site (§300-51), all buildings or structures developed or used under the Professional Office Overlay shall be constructed or, if existing, rehabilitated to appear as a residential building, and shall be in general architectural conformance with residential buildings in the surrounding neighborhood.

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**ARTICLE VIII**  
**Land Use Approvals**

**§300-26 Application Submission Process**

A. Purpose.

- (1) The purpose of this section is to establish a unified set of procedures and standards governing applications for Land Use review and approval.
- (2) Consistent with the structure of the *New Jersey Municipal Land Use Law*, this section makes no distinction between Site Plan and Subdivision approvals, but does distinguish between Major Site Plans and Subdivisions and Minor Site Plans and Subdivisions, as same are defined in this Chapter.
- (3) The regulations established herein are designed to insure that development in the City of Pleasantville is consistent with the Pleasantville Master Plan, and Capital Improvement Program, Official Map and this Chapter, and that adequate consideration will be given to critical on-tract and off-tract engineering, planning and design elements in order to insure the least possible adverse effect upon, and the greatest possible benefit to, the public health, safety and welfare as a result of public and private development. Toward such end, it is the purpose of this section to assure that all development requiring Land Use approval are located, planned, designed, constructed and serviced to:
  - (a) Provide for adequate light, air and privacy;
  - (b) Secure safety from fire, flood and other danger;
  - (c) Be served by or provide adequate public improvements, public sites and rights-of-way and essential public and quasi-public services and facilities;
  - (d) Provide the most beneficial relationship between land use, structural form and traffic circulation, having particular regard to the avoidance of congestion in the streets and highways and the adequate provision for pedestrian and vehicular movement and adequacy of parking and loading;
  - (e) Prevent the pollution of air, water and land;
  - (f) Assure the adequacy of drainage facilities;
  - (g) Safeguard the water table;
  - (h) Provide for open space through the most efficient design and layout of the land;
  - (i) Insure the proper use and management of the natural resources in the City in order to preserve the integrity and stability of such features and to ensure appropriate development while minimizing negative impacts to such features;
  - (j) Provide for the orderly layout and design of new Subdivisions and Resubdivisions; and
  - (k) In the case of subdivisions, provide for the proper conveyance of land by insuring accurate legal descriptions and the proper placement of survey monumentation.



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**B. Procedures**

- (a) All applications for Land Use Approval, including Pre-application Conferences and Applications for Site Plan Approval, Subdivision Approval and Variance relief, shall be submitted to the Zoning Officer, who shall review the application against the appropriate City Checklist (§300-77) for the purpose of determining if such application is Complete or Incomplete as required under N.J.S.A. 40:55D-10.3.
- (b) Site Plans which include design of drainage, pavement, curbing, walkways, embankments, horizontal and vertical geometrics, utilities and other pertinent structures shall be prepared, signed and sealed by a New Jersey licensed Professional Engineer.

A New Jersey Registered Architect may prepare a Site Plan if limited to general locations.

Topographical and Boundary Survey information, including all subdivisions, shall be provided by or attributed to a New Jersey licensed Professional Land Surveyor.

- (c) Upon receipt, the Zoning Officer, or his/her designee, shall process the application and shall assign each application an Application Number. Once an application has been assigned a number, such number shall appear on all papers, maps, plats or plans and other documents submitted for processing in conjunction with the application.
- (d) No application will be processed which does not include the appropriate Application Fees and Escrow Deposits.

It shall be the Applicant's responsibility to insure that Application Fees and Escrow Deposits are sufficient to address all approvals required, consistent with the Fee Schedule found at §300-9. The City reserves the right to require additional Application Fees and Escrow Deposits should the Completeness Review or Technical Review of the Application find that additional approvals are required.

Once such additional approvals have been identified, the City and/or its professionals shall immediately cease review of the subject application and issue a letter to the Board Secretary informing the Secretary of the situation. The Board Secretary shall immediately inform the Applicant of the necessity for additional funds. The review of the application shall not resume until the appropriate funds have been submitted.

- (e) Exempt Development / Administrative Review.

An administrative review by the Zoning Officer shall replace review and approval by the Planning Board or Zoning Board of Adjustment, as the case may be, when the application qualifies as an Exempt Development as defined in §300-10.

The Zoning Officer reserves the right to consult with the City's Planning, Engineering, Landscaping and other professionals as necessary during the course of such administrative review, with the costs therefore being paid by the Applicant.

**§300-27 Completeness**

- A. An application for Land Use Approval shall be complete for purposes of commencing the applicable time period for action by the Planning Board or Zoning Board of Adjustment, as the case may be, when so certified by the Zoning Officer. In performing the duties under this subsection, the Zoning Officer may solicit such assistance as may be required from the City Planner or the City Engineer.

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B. In the event that the Zoning Officer does not certify the application to be complete within 45 days of the date of its submission, the application shall be deemed complete as of the 46<sup>th</sup> day following its submission for purposes of commencing the applicable time period, unless:

- (1) the application lacks information indicated on the Application forms and applicable Checklist(s) (§300-77) provided to the applicant; and
- (2) the Zoning Officer or designee has notified the applicant, in writing, of the deficiencies in the application within 45 days of submission of the application.

C. An applicant may request a waiver of one or more Checklist requirements, and said request shall be granted by the Zoning Officer within the aforementioned 45 days.

It is specifically noted that the grant of any such waiver request shall be for determination of Completeness only. The grant of any such waiver request by the Zoning Officer notwithstanding, the Planning Board or the Zoning Board of Adjustment, as the case may be, may require submission of any waived item if deemed by the Board, in its sole discretion, to be necessary for the appropriate and thorough review of the subject application.

Accordingly, Applicants are advised when requesting waivers that such Board requirement may result in a delay in the hearing process.

D. If (subject to the grant of any such waiver request) an application is found to contain all of the information required by the appropriate Checklist(s):

- (1) The Zoning Officer shall certify that said application is Complete and shall process the application in the case of an application for Zoning Permit, or direct the application to the Planning Board Secretary or Zoning Board Secretary, as the case may be, to be scheduled for hearing.
- (2) The Board Secretary shall notify the applicant, in writing, that said application has been deemed Complete and that the applicant is required to submit the full number of Application Packages as is required by the applicable application Checklist.
- (3) Once the applicant has submitted the full number of Application Packages required by the applicable application Checklist, the Board Secretary shall schedule the application at a regularly scheduled Board meeting under the timeframes established by the *Municipal Land Use Law*.<sup>38</sup>
- (4) Once scheduled, the Board Secretary shall notify the applicant, in writing, that said application has been deemed scheduled for hearing. Such notice shall state the date, time and place of the scheduled hearing.
- (5) The Board secretary shall promptly distribute copies of the application package as follows:
  - (a) One (1) package to each member of the Planning Board or Zoning Board of Adjustment, as applicable;
  - (b) One (1) package each to the applicable Board Planner, Board Engineer and Board Solicitor;
  - (c) One (1) package to the Construction Official;
  - (d) One (1) package to the City Clerk; and

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<sup>38</sup> Including, but not limited to, N.J.S.A. 40:55D-46, 47, 48 & 50.

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- (e) At the direction of the Planning Board or Zoning Board of Adjustment, as applicable, additional copies to other City, county or state agencies.
- E. If an application is found to lack some of the information required by the Application forms and/or the appropriate Checklist(s), the Zoning Officer shall either:
- (1) Cause the applicant to be notified, in writing, that said application is incomplete, specifying the deficiencies in the application: or
  - (2) If the Zoning Officer reasonably concludes that the missing items of information are not necessary for the Board to make an informed decision on the application, the Zoning Officer may waive the requirement that said items be supplied *as a prerequisite for Completeness*, and certify that the application is Complete, notwithstanding the missing items. Such certification shall be for Completeness only, and does not limit the Board's right to demand such information if it, in its discretion, determines that such information is required to make an informed decision on the matter.
  - (3) An applicant who has been notified that the application is incomplete may request that one or more Checklist requirements be waived, in which event the Zoning Officer shall grant or deny the request within 45 days.
- F. An applicant who has been notified that the application is incomplete based on the Zoning Officer's denial of a request for Checklist item waiver, may appeal such decision of the Zoning Officer to the Zoning Board of Adjustment<sup>39</sup> within 20 days of the action under dispute. The Zoning Board shall have 120 days from the filing of such an appeal to render a decision.

Applications for appeal of a decision of the Zoning Officer shall be made in accordance with the Checklist F. included in §300-77, and shall be accompanied by a nonrefundable Application Fee and Escrow Fee in accordance with §300-9.

- G. On the date that an application is certified as Complete, or on the 46<sup>th</sup> day following the submission of an application in the event that the Zoning Officer fails to make a determination of Completeness, or upon the decision by the Zoning Board of Adjustment of an appeal of the Zoning Officer's determination that an application is Incomplete, as the case may be, the time period(s) within which the appropriate Board must act upon the application (pursuant to the *Municipal Land Use Law*<sup>39</sup>) shall commence.

In any case, the applicant is obliged to prove that he/she is entitled to approval of the application.

Notwithstanding any actions taken or decisions made attendant to the Completeness process, the Board may require, as part of its review of an application, correction of any information found to be in error, submission of additional information not specified in this Chapter or its accompanying Checklist(s) and/or revisions in the application documents as are reasonably necessary to make an informed decision as to whether the requirements for approval of the application have been met, provided that the application shall not be deemed incomplete for lack of any such addition information or revisions.

- H. No Application for Land Use Approval or other authorizations pursuant to this Chapter shall receive final approvals wherein taxes or assessments for local improvements are due or delinquent on the property for which the Application is made. The Zoning Officer, Planning Board or Zoning Board of Adjustment, as the case may be, is authorized to require payment of these sums as a condition of any approvals granted.

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<sup>39</sup> Pursuant to N.J.S.A. 40:55D-70 a, 72, 73 and 74.

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**§300-28 Review and Report by Board Professionals**

- A. Not less than 10 days prior to the scheduled Board hearing on an Application, the Engineer and Planner for the Planning Board or Zoning Board of Adjustment, as the case may be, and any other City official or consultant to which the application has been referred, shall file a written report thereon with the appropriate Board Secretary, setting forth their findings and determinations of conformance with this Chapter, as well as any applicable federal, state, county or municipal law, ordinance, regulation, plan or program; and setting forth any recommendations for modifications to the plans and/or recommended conditions of approval, if any, necessary to bring such plans into conformance with this Chapter and/or any applicable federal, state, county or municipal law, ordinance, regulation, plan or program; or to eliminate or minimize any adverse effect of the proposed development on those aspects of the public health, safety and general welfare of the community for which such official or professional has special responsibility. In addition to the Board Secretary, each official or professional shall transmit his/her report to the Applicant either directly or through the Applicant's professionals.

**§300-29 Notice Requirements**

A. Notices, General

- (1) Notice of every public hearing set pursuant to this Chapter shall be issued in the form and manner and to the persons specified in §300-29B. through E. Every notice shall include the date, time and place of such hearing; the nature of the matters to be considered by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the City Tax Assessor's office; and the location and times at which any maps and documents for which approval is sought are available.
- (2) All notices shall be given at least 10 days prior to the date for hearing (with the date of the hearing not counting toward the 10 day period). In every case where published notice is required, it shall be given by publication in the City's official newspaper of record.
- (3) In every case where personal notice is required, it shall be given either by serving a copy of the notice on the person in question or by mailing a copy of the notice by certified mail to the person in question.
- (4) Where notice to a property owner is required, notice shall be given to the owner as shown on the current tax duplicate in the Municipal Tax Assessor's office or to his agent in charge of the property at his address as shown on the current tax duplicate.
- (5) Notice to a partnership owner may be made by service upon any partner.
- (6) Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.
- (7) Notice by mail shall be deemed to be complete upon mailing. The failure to give personal notice to any property owner not shown on the latest current tax duplicate shall not invalidate any hearing or proceeding conducted pursuant to this Chapter.

B. Notice for all Public Meetings

Notice of the public meetings of the Planning Board and Zoning Board of Adjustment shall be issued by the Planning Board or Zoning Board Secretary, as the case may be, via publication.

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**C. Notice Concerning Master Plan**

In addition to the published notice required by §300-29B., the Planning Board Secretary shall give personal notice of every hearing on the adoption, revision or amendment of the Pleasantville Master Plan, in the form and manner specified in §300-29A. as follows:

- (1) The Clerk of all adjoining municipalities; and
- (2) The County Planning Board (accompanied by a copy of the proposed Master Plan or any proposed revision or amendment thereto).

**D. Notice Concerning Development Regulations & the Official Map**

In addition to the published notice required by §300-29B., personal notice of the adoption, revision or amendment of any development regulation or the Official Map shall be given, in the manner and form specified in §300-29 A. as follows:

- (1) The Clerk of an adjoining municipality in the case of a hearing involving property located within 200' of an adjoining municipality;
- (2) The County Planning Board (accompanied by a copy of the proposed development regulation, Capital Improvement Program, if any, or Official Map or any proposed revision or amendment thereto).

**E. Notice for Applications**

- (1) Once an Application has been deemed Complete and a hearing date scheduled, Applicants to the Planning Board or Zoning Board of Adjustment are required to issue notice of the Subject Application via publication and by certified mail or hand delivery to:
  - (a) all owners of property located within 200', in all directions, of the Subject Property, as shown on the City's current tax duplicate(s). Notice shall be made regardless of whether or not the property to be noticed is located within or without the City of Pleasantville;
  - (b) The Clerk of an adjoining municipality in the case of a hearing on an application for development involving property located within 200' of an adjoining municipality. Such notice shall be in addition to any notice required under subsection (1)(a) hereinabove;
  - (c) The County Planning Board in the case of an application for development of property adjacent to an existing County road or a proposed County road shown on the Official County Map or County Master Plan, or when adjoining other county land or situated within 200' a municipal boundary; and
  - (d) The New Jersey Commissioner of Transportation in the case of an application for development of property adjacent to a state highway.
  - (e) The Office of Smart Growth (or successor Agency) within the New Jersey Department of Community Affairs, of a hearing on an application for development of property which exceeds 150 acres or 500 dwelling units. The notice shall include a copy of any maps or documents required to be on file with the municipal clerk pursuant to §300-30E.
- (2) Notice must be published in the City's official newspaper of record at least 10 days prior to the scheduled meeting date (with the date of the meeting not counting toward the 10 day period).

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- (3) A Certified List of such property owners for mailed or hand-delivered notice may be purchased from the City's Tax Assessor and is required to be included in the Application Package as part of the Completeness review. Such Certified List of Property Owners must be less than three (3) months old to be considered current.
- (4) All such notice must be accomplished at least 10 days prior to the scheduled hearing date (with the date of the hearing not counting toward the 10 day period).
- (5) An Affidavit indicating Proof of Publication and Notification must be submitted to the Board Secretary not less than seven (7) days prior to the Board meeting on the matter. For Certified mailings, such Affidavit shall be accompanied by the (white) "Return Receipt Requested" slips from the postal service. For hand delivered notices, such Affidavit shall be accompanied by a copy of the notice which has been signed and dated by the noticed property owner. For published notice, a copy of the legal advertisement, with publication name and date shall be provided.

Such Affidavit shall be signed by the Applicant, whose signature shall be attested by a Notary Public.

- (6) Failure to notice properly or to provide evidence of proper notice will prevent the respective Board from hearing the application as scheduled; thereby requiring a rescheduling of the Application and the requirement that the Applicant reissue proper notice.

**§300-30 Public Hearings**

- A. The Planning Board or the Zoning Board of Adjustment, as the case may be, shall select a reasonable time and place for the public hearings on all matters properly brought before such Bodies for which a public hearing is required by this Chapter.
- B. Upon an application being deemed Complete, a public hearing scheduled and proper public notice made, the Planning Board or Zoning Board of Adjustment, as the case may be, shall hold a public hearing on each matter within the time limits established under this Chapter and the Municipal Land Use Law. The responsible Board shall render its decision by either approving the application outright, approving the application subject to conditions or denying the application.
- C. Failure of the Board to act within the time limits established or such longer period of time as may be agreed to by the applicant shall be deemed an approval of the application.
- D. Conduct of Hearings
  - (1) Any person may appear, testify, submit documentary evidence and present argument at a public hearing, either in person or by a duly authorized agent or attorney.
  - (2) Technical rules of evidence shall not be applicable at hearings held pursuant to this Chapter, but the responsible Board shall exclude irrelevant, immaterial and unduly repetitious evidence or arguments.
  - (3) Subject to the sound discretion of the responsible Board, the applicant or his representative, and any officer, department, bureau, board or commission of the City and any property owner or governmental agency entitled to mailed or personal notice under §300-29 may be permitted:
    - (a) to present witnesses, evidence and arguments on their own behalf and, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses, to cross-examine and impeach witnesses and evidence offered in opposition to their position;
    - (b) to examine and reproduce any documents produced at the hearing; and

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- (c) subject to the right of the applicant to a decision within any applicable time period, to be granted, upon request, one (1) continuance for the purpose of presenting evidence to rebut evidence introduced by any other person.

The date, time and place of the continued hearing shall be announced at the public hearing at which the vote of continuance is passed. The responsible Board, at its discretion, may require that the party requesting a continuance issue further notice pursuant to §300-29, or may, at its discretion, waive such further notice.

In granting, withholding or limiting such rights, the discretion of the responsible Board shall be governed by the goal of securing, in a timely fashion, all information, opinion and argument relevant and material to its deliberations. Such rights shall not, however, be granted where undue and unwarranted delay would result or where to do so would tend to produce no new evidence or arguments to aid the responsible Board in reaching its decision.

- (4) Subject to the right of the applicant to a decision within any applicable time limit, the responsible Board may at any time, on its own motion or at the request of any person, adjourn the hearing for a reasonable time and to a fixed date, time and place for the purpose of giving further notice, taking further evidence, gathering further information or for such other reason as the Board may find to be sufficient. The date, time and place of the adjourned hearing shall be announced at the public hearing at which the vote of adjournment is passed, and no further notice shall be required.
- (5) All testimony and evidence shall be given under oath or affirmation. The officer presiding at the hearing or such person as he may designate shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties. The provisions of the *County and Municipal Investigations Law* (N.J.S.A. 2A-67A-1 et seq.) shall apply to all hearings held pursuant to this Chapter.
- (6) Each Board shall provide for the verbatim recording of every hearing required to be held pursuant to this Chapter. Such recording shall be by either stenographic, mechanical or electronic means. The Board Secretary shall furnish a transcript, or duplicate recording in lieu thereof, to any interested person upon written request and the payment of a fee in accordance with §300-9.
- (7) All other matters pertaining to the conduct of hearings shall be governed by the provisions of this Chapter pertaining thereto and the rules promulgated by the Board conducting the hearing.

**E. Prehearing Availability of Application and Other Documents**

- (1) At any time following the issue of notice as required under §300-29, and upon reasonable request, any person may examine the application or other filing and all other documents on file with the Zoning Officer pertaining to the subject matter of such notice.
- (2) Any maps or documents for which approval is sought at a hearing required to be held pursuant to this Chapter shall be on file and available for public inspection at least 10 days prior to the date of the hearing. Such maps and documents shall be available for inspection during normal business hours at the office of the Zoning Officer.
- (3) Any person shall be entitled to copies of such application or other filing and such documents upon reasonable written request and payment of a fee in accordance with §300-9.
- (4) The applicant may produce other documents, records or testimony at the hearing to substantiate, clarify or supplement the previously filed maps and documents.

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- F. The responsible Board shall memorialize its action via a Decision & Resolution at the next scheduled meeting of the Board. Such Decision & Resolution shall be a conclusive, binding and final determination of the Board's action.
- G. A copy of each Decision & Resolution made following a hearing on an application for development or for an amendment or on an appeal to the Zoning Board of Adjustment, or certification of failure to act thereon, shall be mailed by the Board Secretary within 10 days following the date of the decision to the applicant or, if represented by an attorney, then to such attorney, without separate charge. In addition, the Board Secretary shall mail a Copy of any such decision to any person who shall, in writing, request a copy of such decision and pay a fee in accordance with §300-9.
- H. A copy of each such Decision & Resolution, or certification of failure to act thereon, shall be placed on file in the offices of the Board Secretary and the City Clerk. The Board Secretary shall make a copy of each such Decision & Resolution available to any interested party upon request and the payment of a fee in accordance with §300-9. All such Decisions & Resolutions shall be available for public inspection at the office of the Zoning Officer during normal business hours.
- I. Within 10 days following the date of the decision, the Applicant shall also cause a brief notice of the Decision & Resolution or certification of failure to act thereon, to be published in the official newspaper of the City of Pleasantville. The time for filing an appeal from any Decision & Resolution shall begin to run on the day such notice is first published.
- J. Development Regulations, Master Plan & Official Map
  - (1) Within 30 days following the date of adoption, revision or amendment of any development regulation or of the Pleasantville Master Plan, or Official Map, the Board Secretary shall give notice thereof to the County Planning Board. Every such notice shall be accompanied by a copy of the Development Regulation, Master Plan or Official Map, or any amendment or revision as adopted.
  - (2) Within 30 days following the adoption or amendment of the Pleasantville Official Map, such map, as adopted, revised or amended, shall be filed with the Pleasantville City Clerk.
  - (3) Copies of every Development Regulation and any revision or amendment thereto shall be filed in the office of the Pleasantville City Clerk and in the office of the Board Secretary. Such copies shall be maintained in each such office and shall be available to any interested party upon reasonable request and a payment of a fee in accordance with §300-9.
  - (4) No Development Regulation required to be filed with the County Planning Board and no Official Map required to be filed with the County Recording Officer pursuant to subsections J.(1) and J.(2) shall take effect until so filed.

**§300-31 Development Barred by Legal Action**

- A. Whenever an application for development has been granted pursuant to this Chapter and the developer is willing and able to proceed with the development but is barred from proceeding by a legal action instituted by any state agency, political subdivision or other party to protect the public health and welfare, or by a directive or order issued by any state agency, political subdivision or court of competent jurisdiction to protect the public health or welfare, the running of the period of approval under this Chapter shall be suspended for the period of time said legal action is pending or such directive or order is in effect.
- B. A developer may submit a development application pursuant to this Chapter which is directly or indirectly barred by a legal action instituted by a state agency, political subdivision or other party to protect the public health and welfare, or by a directive or order issued by any state agency, political



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subdivision or court of competent jurisdiction to protect the public health and welfare. The Board to which the application is submitted shall process the application as if no such bar existed, and any approval granted shall be conditioned upon the removal of such legal barrier to development.

**§300-32 Development Dependent on Other Agency Approval**

Whenever a developer submits an application for development pursuant to this Chapter which requires the approval of an agency outside the provisions of this Chapter, the responsible Board shall process the application as if no further approval was required, and any approval granted shall be conditioned upon the approval of such outside agency.

**§300-33 Successive Applications**

- A. Whenever any application, appeal or other request filed pursuant to this Chapter has been finally denied on its merits, a second application, appeal or other request seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought unless, in the opinion of the Board before which it is brought, substantial new evidence is available or a mistake of law or fact significantly affected the prior denial.
- B. Any such second application shall include a detailed statement of grounds justifying consideration of such application.
- C. Such application may be denied summarily and without hearing upon a finding that no grounds appear which warrant a new hearing. In any case where such application is set for hearing, the applicant shall be required to establish grounds warranting reconsideration of the merits of the application prior to being allowed to offer any evidence on the merits. Unless such grounds are established, the application may be summarily dismissed for such failure.

**§300-34 Applications**

A. Zoning Permits

(1) Authority

- (a) The Zoning Officer or his duly authorized delegate shall have authority to issue Zoning Permits in accordance with the provisions of this section.
- (b) Any Zoning Permit issued in conflict with the provisions of this Chapter shall be considered void ab initio (i.e., from the beginning).

(2) Purpose

A Zoning Permit is intended to serve the following general purposes:

- (a) To provide a procedure for reviewing plans for compliance with this Chapter;
- (b) As a means for evidencing such compliance;
- (c) As an adjunct to, and thus must be filed prior to or with, all other applications filed pursuant to this Chapter with respect to a specific use or development proposal. When so filed, a Zoning Permit serves as a vehicle for routine plan review by the Zoning Officer prior to consideration of special requests by other officers, boards and commissions, thus avoiding needless special reviews of defective plans.

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(3) Submission & Processing of Applications

(a) Unless a Zoning Permit shall have first been obtained from the Zoning Officer:

- [1] The construction, reconstruction, remodeling, alteration or moving of any structure shall not begin.
- [2] No land vacant on the Effective Date of this Chapter shall be used or occupied for any purpose.
- [3] The improvement of land preliminary to any use of such land shall not begin.
- [4] Building or other permits pertaining to the construction, reconstruction, remodeling, alteration or moving of any structure, or the use of any land or structure, shall not be issued by any official, officer, employee, department, bureau, board, commission or agency of the City.
- [5] No use or occupancy of any land or structure shall be changed to any other use or occupancy, whether or not construction, reconstruction, remodeling, alteration or moving is involved.
- [6] No Home Occupation shall be established.
- [7] No Group Family Household shall be established.

(b) In any case where a Zoning Permit is not required under this Chapter, the Zoning Officer shall, on written request, issue a binding certification of such fact.

(c) An application for a Zoning Permit shall be made, in writing, to the Zoning Officer, shall be in such form and contain such information and documentation as is required by Checklist A. and Checklist B. included in §300-77, and shall be accompanied by a nonrefundable Application Fee and Escrow Deposit in accordance with §300-9.

(d) The Zoning Officer shall act on an application for a Zoning Permit within 10 days following determination of a Completed application therefore, and shall promptly inform the applicant whether the application has been granted, denied, or will require review and approval beyond the jurisdiction of the Zoning Officer pursuant to the provisions of this Chapter.

(e) In any case where an application is granted, the Zoning Officer shall issue a Zoning Permit, which shall, either directly or by incorporation of explicitly identified plans and documents, describe the proposed construction, reconstruction, remodeling, alteration, moving or subdivision to which the Permit applies, and shall certify the compliance of such construction, reconstruction, remodeling, alteration, moving or subdivision with all or stated provisions of this Chapter.

(f) Every Zoning Permit issued shall state on its face, in bold, capital letters:

**THIS ZONING PERMIT IS SUBJECT TO CHANGES IN THE  
PLEASANTVILLE LAND MANAGEMENT CODE WHICH MAY  
OCCUR FROM TIME TO TIME.**

**THIS ZONING PERMIT DOES NOT SIGNIFY CONSTRUCTION  
CODE REVIEW OR APPROVAL. APPLICANT IS NOT  
AUTHORIZATION TO UNDERTAKE ANY WORK WITHOUT SUCH  
REVIEW AND APPROVAL (WHERE EITHER IS REQUIRED).**

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**BEFORE ANY STRUCTURE TO WHICH THIS ZONING PERMIT IS APPLICABLE MAY BE OCCUPIED OR USED FOR ANY PURPOSE, A CERTIFICATE OF OCCUPANCY OR OCCUPANCY PERMIT MUST BE OBTAINED IN ACCORDANCE WITH §300-43 AND CHAPTER 119 (CONSTRUCTION CODES, UNIFORM) OF THE PLEASANTVILLE CITY CODE.**

- (g) In any case where an application is denied, the Zoning Officer shall state the specific reasons therefore, shall cite the specific provisions of this Chapter upon which such denial is based and shall state any special approval procedure for relief of such denial available under this Chapter but beyond the jurisdiction of the Zoning Officer.
- (h) A duplicate copy of every Zoning Permit issued or denied pursuant to this section, numbered consecutively and showing the fee charged therefore, together with such portions of the application as the Zoning Officer may consider necessary for the proper administration of this Chapter, shall be kept on file by the Zoning Officer as a public record, open to inspection by interested parties at reasonable times and upon reasonable notice.
- (i) Effect of Approval
  - [1] The issuance of a Zoning Permit shall not authorize the establishment or extension of any use nor the development, construction, relocation, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any additional permits and approvals which may be required by the codes and ordinances of the City or other governmental agency, including but not limited to a Building Permit, a Certificate Of Occupancy and any special permits or approvals required pursuant to the provisions of this Chapter.
  - [2] Where the Permit relates to specific plans or is limited to a certification of compliance with specified provisions of this Chapter, such Permit shall not be construed to certify compliance as to any matter not shown on such plans or to any provision other than those specified.
- (j) Limitations on Approval

Except to the extent that, under this Chapter, Site Plan and/or Subdivision plat approvals confer specified rights on the applicant which are irrevocable for specified periods of time, the issuance of a Zoning Permit pursuant to this section shall not limit the right of the City to change the provisions of this Chapter in a manner considered appropriate by it, and upon the Effective Date of any such change, inconsistent with any certification contained in any such Permit, such Permit shall, to the extent of such inconsistency, be null, void and of no effect.

**§300-35 Preapplication Conference**

**A. Purpose**

Prior to filing any application for Site Plan or Subdivision approval, the prospective applicant may request a Preapplication Conference with the Planning Board or Planning & Redevelopment Advisory Committee. Included in such Preapplication Conference shall be relevant City / Board staff and consultants.

The Preapplication Conference shall be an informal, nonbinding review of the proposed project designed to broadly acquaint all parties with the project proposal, air views and concerns of all parties and provide the applicant with guidance and direction as to possible solutions to problematic project elements.

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**B. Submission & Processing of Applications**

A request for a Preapplication Conference shall be made, in writing, to the Planning Board Secretary. Requests shall be in such form as is required by Checklist A. and Checklist C. included in §300-77, and shall address as many submission items requested by Checklist A. and Checklist C. as is known at the time, but in any case shall include the information necessary to provide the Board with a complete understanding of the proposed project. Requests for Preapplication Conferences shall be accompanied by a nonrefundable Application Fee and Escrow Deposit in accordance with §300-9.

The Planning Board Secretary shall notify the applicant of the time and place of the Preapplication Conference, which shall be held within 45 days following determination that all information and documentation required by Checklist A. and Checklist C., and all Application Fees and Escrow Deposits have been submitted, or within such other time as may be consented to by the applicant.

**C. Effect of Approval**

None. The Preapplication Conference shall be an informal, nonbinding review of the proposed project.

An applicant may file a formal application for a land use approval at any time within 180 days following completion of the Preapplication Conference.

**§300-36 Site Plan and Subdivision Review & Approval**

**A. Authority**

(1) The City of Pleasantville hereby requires Site Plan review and approval for:

- (a) all new construction not classified as an Exempt Development (as defined in §300-10), providing that such development rises to the level of Minor or Major Site Plan (as defined in §300-10);
- (b) all Major Subdivisions;
- (c) any development requiring a variance under N.J.S.A. 40:55D-70(d);
- (d) all changes in use that increases the intensity of the use of the property;
- (e) any development involving the construction of any new structure in excess of (the lower of) three (3) stories or 35' in height;
- (f) any increase in building height of any existing structure resulting in such structure increasing beyond 2½ stories or 35' in height;
- (g) any development involving the construction or exterior alteration of any public or private school or other educational institution not under the jurisdiction of the New Jersey Department of Education, or any library, place of worship or place of public assembly;
- (h) subject to review and comment by the Planning Board under N.J.S.A. 40:55D-31;

- [1] any development involving the construction of any building to be constructed, owned, leased or operated by any unit of the national, state or local government, or the exterior alteration of any building to be constructed, altered, owned, leased or operated by any such governmental agency, or the use or development of any land to be owned, leased or operated by any such governmental agency;

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- [2] any development involving the construction or exterior alteration of any public or private school or other educational institution under the jurisdiction of the New Jersey Department of Education;
- (i) any development involving the physical expansion of any existing rooming house or lodging house or the increasing of the number of rooms in any existing rooming house or lodging house.
- (2) The City of Pleasantville hereby requires Subdivision review and approval for all Subdivisions and Resubdivisions of land.
- (3) The Planning Board shall, subject to the procedures, standards and limitations hereinafter set forth, have authority to review and approve or disapprove Site Plans and Subdivision plats as detailed in §300-36D., E., F.&G.
- (4) Such review and approval is required prior to any clearing or excavation of or removal of soil from a site, prior to any affirmative construction on a site, prior to the issuance of any Building Permit or Certificate of Occupancy and prior to the recording of any plat or plan.
- (5) Such review and approval shall be subject to the procedures, standards and limitations hereinafter set forth herein.
- (6) Approval by the Zoning Board of Adjustment may substitute for the approval of the Planning Board whenever the Board of Adjustment has jurisdiction over a Site Plan or Subdivision pursuant to this Chapter.
- B. Exempt Development as defined in §300-10 shall be exempt from the requirements of this section.
- C. Purpose.
  - (1) The purpose of this section is to establish a unified set of procedures and standards governing Site Plan and Subdivision review and approval.
  - (2) It is the purpose of the provisions of this section to assure that development will occur only as consistent with the Master Plan, any Capital Improvement Program, the Official Map and this Chapter, and that adequate consideration will be given to critical on-tract and off-tract engineering, planning and design elements so as to assure the least possible adverse effect upon and the greatest possible benefit to the public health, safety and welfare as a result of public and private development. In particular, it is the purpose of this section to insure that all development subject to these provisions are located, planned, designed, laid out, constructed and serviced to:
    - (a) Provide for adequate light, air and privacy;
    - (b) Secure safety from fire, flood and other danger;
    - (c) Be served by or provide adequate public improvements, public sites and rights-of-way and essential public and quasi-public services and facilities;
    - (d) Provide the most beneficial relationship between the land use, structural form and traffic circulation, having particular regard to the avoidance of congestion in the streets and highways and the adequate provision for pedestrian and vehicular movement of traffic and the adequacy of parking and loading;
    - (e) Prevent the pollution of air, water and land;

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- (f) Assure the adequacy of drainage facilities;
  - (g) Safeguard the water table;
  - (h) Insure the proper use and management of natural resources in order to preserve their integrity and stability and to ensure appropriate development while minimizing negative impacts to such features;
  - (i) Provide for open spaces through the most efficient design and layout of the land;
  - (j) Provide an orderly layout and design of new subdivisions and resubdivisions; and
  - (k) In the case of subdivisions, provide for the proper conveyance of land by ensuring accurate legal descriptions and the proper placement of monumentation.
- (3) Consistent with the structure of the *New Jersey Municipal Land Use Law*, this section makes no distinction between cases where Site Plan approval is required and those where Subdivision approval is required, but does distinguish between Major Site Plans and Subdivisions and Minor Site Plans and Subdivisions, as same are defined in this Chapter.

**D. Procedures, General**

- (1) The procedures established by this section are intended to serve as the principal development review mechanism for all significant development in the City, whether such development is permitted By-Right or requires discretionary (i.e., Variance) approval.
- (2) Requirements for By-Right Applications. The standards of this section are intended as minimum standards to be met by all developments subject to Site Plan and Subdivision review, and are designed to insure that development permitted By-Right in the various Zoning Districts will be adequately planned, designed and serviced to protect the public health, safety and welfare.
- (3) Requirements for Discretionary Approvals, Combined.
- (a) In cases where Discretionary Approval, as defined in §300-10, is required, the procedures for Site Plan and/or Subdivision approval established herein are designed to be concurrent with such Discretionary Approvals so that the applications for such approvals may be processed without the need for separate hearings and hearing notices.
  - (b) Where a development requires Site Plan and/or Subdivision approval in connection with another, Discretionary Approval pursuant to other sections of this Chapter, additional standards applicable to such Discretionary Approvals must be met; such standards being generally more demanding than the minimum standards established by this section; it being recognized that development subject to such Discretionary Approvals are generally those which are expected to have unusual impacts either on their immediate neighborhood or on the City in general.
- (4) Initiation. An application for Site Plan or Subdivision approval may be filed by the owner or other person having a contractual interest in the subject property.

**E. Minor Site Plans and Minor Subdivisions**

**(1) Purpose**

The provisions of this section shall apply only upon a finding by the Zoning Officer that the proposed development qualifies as a Minor Site Plan and/or Minor Subdivision, as defined in

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§300-10, and that no useful purpose would be served by the bifurcation of the application into Preliminary and Final phases and holding separate public hearings on each matter.

**(2) Submission & Processing of Applications**

- (a) Applications for Minor Site Plan and/or Minor Subdivision approval shall be in such form and shall contain such information and documentation as is required by Checklist A. and Checklist D. included in §300-77, and shall be accompanied by a nonrefundable Application Fee and Escrow Deposit, pursuant to §300-9.
- (b) Upon determination that an applicant has been deemed Complete in accordance with §300-27, the Planning Board or Zoning Board Secretary, as the case may be, shall notify the applicant of the time and place of the hearing on such matter.
- (c) The Planning Board or Zoning Board of Adjustment, as the case may be, shall act on an application for Minor Site Plan and/or Minor Subdivision approval within 45 days from the time the Application has been determined to be Complete, or within such other time as may be consented to by the applicant.

**(d) Effect of Approval**

Approval of a Minor Subdivision plat shall be deemed to be final approval of the subdivision, subject to any condition imposed.

**(e) Limitations on Approval / Expiration**

- [1] Approval of a Minor Subdivision shall expire 190 days from the date of memorialization of the Board Resolution approving the application, 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.), is filed by the applicant with the Atlantic County Recording Officer, the City Engineer and the Municipal Tax Assessor. Any such plat accepted for filing shall have been signed by the Chair and Secretary of the Planning Board, or Zoning Board of Adjustment, as the case may be, and referred to the Atlantic County Planning Board pursuant to this Chapter.
- [2] Alternatively, the filing and recording of Minor Subdivisions may be accomplished by deed, provided that such deed clearly describes the approved Minor Subdivision.
- [3] Approval of a Minor Site Plan or Subdivision by the Pleasantville Planning Board or Zoning Board of Adjustment, as the case maybe, shall not substitute for or limit the power of the Atlantic County Planning Board to review and approve a Minor Site Plan or Subdivision under its jurisdiction.

**F. Preliminary Major Site Plans & Preliminary Major Subdivisions**

**(1) Purpose**

- (a) A Preliminary Major Site Plan or Preliminary Major Subdivision plat is intended to serve as a working document in the development of a Final Major Site Plan or Final Major Subdivision plat and to provide sufficiently detailed information to allow an informed decision concerning the overall acceptability of a proposed development.
- (b) The Preliminary Major Site Plan or Preliminary Major Subdivision plat is the basis on which the required public hearing is held.

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- (c) Approval of the Preliminary Major Site Plan or Preliminary Major Subdivision plat binds the applicant and the City with respect to the following basic elements of the development (to the extent applicable):
- [1] Consistency of the layout or arrangement of the subdivision or land development with the requirements of this Chapter;
  - [2] Streets in the subdivision or land development of sufficient width and suitable grade and suitably located to:
    - [a] accommodate prospective traffic;
    - [b] provide access for emergency responders and their equipment to buildings;
    - [c] coordinate rights-of-way in order to create a convenient system of conveyances, consistent with the Official Map, if any, and the Circulation Plan Element of the municipal Master Plan, if any;
    - [d] orient rights-of-way in order to permit a reasonable utilization of lands and buildings to maximize solar gain, provided that no street of a width greater than 50' within the right-of-way lines shall be required unless said street constitutes an extension of an existing street of the greater width or already has been shown at the greater width on the Official Map or in the Master Plan.
  - [3] Adequate water supply, drainage, sewerage facilities and other utilities necessary for essential services to residents and occupants;
  - [4] Suitable size, shape and location for any area reserved for public use pursuant to N.J.S.A. 40:55D-44;
  - [5] Regulation of land designated as subject to flooding pursuant to N.J.S.A. 40:55D-65e to avoid danger to life or property;
  - [6] Protection and conservation of soils from erosion by wind or water or from excavation or grading;
  - [7] Conformity with standards promulgated by the Commissioner of Transportation, pursuant to the Air Safety and Hazardous Zoning Act of 1983 (N.J.S.A. 6:1-80 et seq.) for any airport hazard areas delineated thereunder;
  - [8] Provisions governing the standards for grading, improvement and construction of streets or drives and for any required walkways, curbs, gutters, street lights, landscaping, fire hydrants and water and drainage and sewerage facilities and other improvements as shall be found necessary and provisions ensuring that such facilities shall be completed either prior to or subsequent to final approval of the Subdivision or Site Plan by allowing the posting of performance bonds by the developer;
  - [9] Provisions for off-tract water, sewer, drainage and street improvements which are necessitated by a subdivision or land development, subject to the provisions of N.J.S.A. 40:55D-42.
  - [10] Provisions ensuring, in the case of a development which proposes construction over a period of years, the protection of the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development;



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- [11] Provisions that require, as a condition for local municipal approval, the submission of proof that no taxes or assessments for local improvements are due or delinquent on the property for which any Subdivision or Site Plan application is made;
- [12] Preservation of existing natural resources;
- [13] Adequate screening, landscaping and location of structures on both the public and private portions of the development;
- [14] Safe and efficient vehicular and pedestrian circulation, parking and loading;
- [15] In addition to any requirements for street lighting, exterior lighting needed for safety; and
- [16] Conservation of energy and use of renewable energy sources.

**(2) Submission & Processing of Applications**

- (a) Applications for Preliminary Major Site Plan and/or Preliminary Major Subdivision approval shall be in such form and shall contain such information and documentation as is required by Checklist A. and Checklist E. included in §300-77, and shall be accompanied by a nonrefundable Application Fee and Escrow Deposit, pursuant to §300-9.
- (b) Upon determination that an applicant has been deemed Complete in accordance with §300-27, the Planning Board or Zoning Board Secretary, as the case may be, shall notify the applicant of the time and place of the hearing on such matter.
- (c) The Planning Board shall act on an application for Preliminary Major Site Plan and/or Preliminary Major Subdivision approval within the following time periods, or within such other time as may be consented to by the applicant:
  - [1] For development involving 10 or fewer acres and 10 or fewer lots: within 45 days following determination of a Complete application or within such other time as may be consented to by the applicant.
  - [2] For development involving more than 10 acres or more than 10 lots: within 95 days following determination of a Complete application or within such other time as may be consented to by the applicant.
- (d) The Zoning Board of Adjustment shall act on an application for Preliminary Major Site Plan and/or Preliminary Major Subdivision approval where variance relief is required under N.J.S.A. 40:55D-70(d) within 120 days following determination of a Complete application or within such other time as may be consented to by the applicant.
- (e) Failure of either Board to act within the foregoing time frames shall constitute approval of the application.
- (f) Standard for Approval

No application for Preliminary Major Site Plan and/or Preliminary Major Subdivision approval shall be granted unless the Planning Board or Zoning Board of Adjustment, as the case may be, shall find that, based on the information presented to it, it is probable that the proposed development will, upon presentation of an application for Final Major Site Plan

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and/or Final Major Subdivision pursuant to §300-36G., merit approval on the basis of its compliance with each of the standards established for Site Plan and/or Subdivision plat approval pursuant to this Chapter.

(g) Conditions for Approval

- [1] In granting Preliminary Major Site Plan and/or Preliminary Major Subdivision approval, the Planning Board or Zoning Board of Adjustment, as the case may be, may impose such restrictions and conditions upon the approval, the proposed development or the subject property as may be necessary, in its opinion, to achieve the purposes of this Chapter and the Site Plan / Subdivision approval process, to ensure the compliance of the proposed development with the standards established by this Chapter and to prevent or minimize any adverse effects of the proposed development upon any portion of the subject property, properties in the neighborhood of the subject property and/or upon the general health, safety and welfare of the entire community.

Where any remaining portion of the subject property is sufficient to be subdivided and/or further developed, the Planning Board or Zoning Board of Adjustment, as the case may be, may require the applicant to submit a conceptual feasibility plan as to how such land could be subdivided and/or further developed in order for the Board to determine the extent that such development might create or exacerbate any such adverse effects.

- [2] Every Preliminary Site Plan or Preliminary Subdivision approval shall be conditioned upon the timely submission of a Final Site Plan or Final Subdivision in compliance with the provisions of §300-36G. and upon the applicant's continuing compliance with applicable laws, ordinances and regulations and all conditions imposed pursuant to such approval.
- [3] All conditions imposed upon any Preliminary Site Plan or Preliminary Subdivision approval, except to the extent made applicable to all such approvals by this Chapter, shall be expressly set forth in the Decision & Resolution granting such approval. The violation of any condition upon any such approval shall be a violation of this Chapter and shall be sufficient basis for revoking such approval and for denying any further approval required pursuant to this Chapter or any other ordinance of the City of Pleasantville.
- [4] Upon approval of an application for Preliminary Major Site Plan and/or Preliminary Major Subdivision approval, the applicant shall furnish 10 copies of such approved Plan/Plat to the Secretary of the Planning Board or Zoning Board of Adjustment, as the case may be. Such approved Plan/Plat shall include a notation that the Plan/Plat has been approved as well as signature lines for the City Engineer and the Board Chair and Board Secretary, who by affixing their signatures to each copy, shall signify such approval.
- [5] Revisions to Preliminary Major Site Plans and/or Preliminary Major Subdivisions
- [a] The Planning Board or Zoning Board of Adjustment, as the case may be, may condition its Preliminary Major Site Plan and/or Preliminary Major Subdivision approval on such minor revisions or additions as may be deemed necessary. All such modifications shall be completed and submitted to the Board within 30 days of such approval.
- [b] Withdrawal and resubmission of the application shall be required in any case where the Planning Board or Zoning Board of Adjustment, as the case may be, determines, in its sole discretion, that the necessary revisions or additions are so substantial in nature, scope or extent to warrant such resubmission.

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(h) Effect of Approval

Unless the applicant shall fail to file the Final Major Site Plan and/or Preliminary Major Subdivision plat with the appropriate County Recording Officer within 95 days of signature by the Secretary and Chair of the Planning Board or Zoning Board of Adjustment, as the case may be, or shall fail to proceed with development in accordance with the provisions of this Chapter and the Preliminary Major Site Plan and/or Preliminary Major Subdivision application as approved, or shall in any other manner fail to comply with any provision of this Chapter or any condition of any approval granted pursuant to it, a Preliminary Major Site Plan or Preliminary Major Subdivision which has been approved or approved subject to conditions which have been accepted by the applicant shall not be modified, revoked or otherwise impaired, pending the application for approval of a Final Major Site Plan and/or Final Major Subdivision, by any action of the City without the consent of the applicant.

(i) Limitations on Approval / Expiration

- [1] Approval of a Preliminary Major Site Plan or Subdivision by the Pleasantville Planning Board or Zoning Board of Adjustment, as the case maybe, shall not substitute for or limit the power of the Atlantic County Planning Board to review and approve such Site Plan or Subdivision under its jurisdiction.
- [2] Unless a Final Major Site Plan and/or Final Major Subdivision plat covering at least the area designated in the Preliminary Major Site Plan and/or Preliminary Major Subdivision plat as the first stage or unit of the proposed development has been filed with the appropriate County Recording Officer within three (3) years following the date of the Preliminary Major Site Plan and/or Preliminary Major Subdivision plat approval, or in any case where the applicant fails to proceed with development in accordance with the provisions of this Chapter and the approved the Preliminary Major Site Plan and/or Preliminary Major Subdivision plat or fails in any other manner to comply with the provisions of this Chapter or any approval granted pursuant to it, the Preliminary Major Site Plan and/or Preliminary Major Subdivision approval shall expire and be of no further force or effect, unless the Planning Board or Zoning Board of Adjustment, as the case may be, shall, upon written request of the applicant, waive any failure of compliance or, to the extent permitted by subsection [3] below, grant an extension of the time specified in this subsection.
- [3] Following the approval of a Preliminary Major Site Plan and/or Preliminary Major Subdivision plat, the Planning Board or Zoning Board of Adjustment, as the case may be, may, upon written request of the applicant, grant an extension of such preliminary approval for additional periods of at least one (1) year, but not to exceed a total extension of two (2) years, from the original expiration date of the preliminary approval; provided, however, that in the case of a Preliminary Major Site Plan and/or Preliminary Major Subdivision plat for an area of 50 acres or more, the responsible Board may, in originally granting preliminary approval, provide that the preliminary approval shall not expire for such period of time, in excess of than three (3) years, as shall be determined by the such Board, taking into consideration the number of dwelling units and/or non-residential floor area permitted pursuant to the preliminary approval, economic conditions and the comprehensiveness of the development.

In the case of any such development of 50 acres or more, the applicant may apply for and the responsible Board may grant extensions of the preliminary approval for such additional periods of time following the original expiration date as shall be determined by the Board to be reasonable, taking into consideration the number of dwelling units

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and the non-residential floor area permitted by the preliminary approval, the potential number of dwelling units or non-residential floor area of the stage or stages of the development awaiting final approval, economic conditions and the comprehensiveness of the development. If the standards for approval of a Preliminary Major Site Plan and/or Preliminary Major Subdivision plat have been revised at the time a request for extension is made pursuant to this subsection, the Board may, in its discretion, apply the revised standards to the request for extension.

- [4] Upon the grant of final approval for any stage or unit of the proposed development, the time period during which the preliminary approval is to remain in effect pursuant to this section shall expire as to that stage or unit.

(j) Site Improvements

- [1] At any time following the approval of a Preliminary Major Site Plan and/or Preliminary Major Subdivision plat, the applicant may, pursuant to and subject to the limitations of the applicable codes and ordinances of the City, apply for and receive grading permits and approvals necessary for the installation of public improvements and private roads within the area of the proposed development for which preliminary approval has been given.
- [2] If expressly authorized by the approval of the Preliminary Major Site Plan and/or Preliminary Major Subdivision plat, the applicant may, pursuant to and subject to the limitations of the applicable codes and ordinances of the City, apply for and receive building permits for model buildings or temporary structures to be constructed within the area of the proposed development.

G. Final Major Site Plans & Final Major Subdivisions

(1) Purpose

A Final Major Site Plan and/or Final Major Subdivision plat shall serve as a complete, thorough and permanent public record of the proposed development and the manner in which it is to be developed. The Final Plan or Plat is intended only to add detail to and to put in final form the information contained in the Preliminary Major Site Plan and/or Preliminary Major Subdivision plat and shall conform to the preliminary approval in all respects, and shall incorporate all prior approved plans and all approved modifications thereof resulting from the Site Plan / Subdivision approval process and shall be responsive to and in compliance with all conditions imposed on prior approvals.

(2) Submission & Processing of Applications

- (a) Applicants shall have three (3) years from the date of Preliminary Major Site Plan and/or Preliminary Major Subdivision approval to submit an application for Final Major Site Plan and/or Final Major Subdivision approval.
- (b) Applications for Final Major Site Plan and/or Final Major Subdivision approval shall be in such form and shall contain such information and documentation as is required by Checklist A. and Checklist F. included in §300-77, and shall be accompanied by a nonrefundable Application Fee and Escrow Deposit in accordance with §300-9.
- (c) The application may include the entire area of the approved Preliminary Major Site Plan and/or Preliminary Major Subdivision plat or one (1) or more stages or units thereof in accordance with a staging plan approved as part of the Preliminary approval. The application shall add necessary detail to and put in final form the information contained in

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the approved Preliminary Major Site Plan and/or Preliminary Major Subdivision plat and shall conform to the approved Preliminary Major Site Plan and/or Preliminary Major Subdivision plat and all conditions imposed on such approval in all respects.

- (d) Upon determination that an applicant has been deemed Complete in accordance with §300-27, the Planning Board or Zoning Board Secretary, as the case may be, shall notify the applicant of the time and place of the hearing on such matter.
- (e) The Planning Board or Zoning Board of Adjustment, as the case may be, shall act on an application for Final Major Site Plan and/or Final Major Subdivision approval within the following time periods:
  - [1] For development requiring variance approval: within the time allowed for such approval if longer than the time allowed pursuant to the foregoing subsections.
  - [2] For all other developments, within 45 days determination of a Complete application, or within such further time as may be consented to by the applicant.

Failure of the Board to act within such time frame shall constitute approval of the application.

(f) Standard for Approval

- [1] No application for Final Major Site Plan and/or Final Major Subdivision approval shall be granted unless the Planning Board or Zoning Board of Adjustment, as the case may be, shall find that, based on the information presented to it, the proposed development and the Final Plan/Plat are in compliance with each of the standards established for Major Site Plan and/or Major Subdivision plats approval pursuant to this Chapter.
- [2] The decisions, findings and recommendations of any third-party agency or official whom might have jurisdiction over an application for Site Plan and/or Subdivision approval shall be reviewed and carefully considered as part of the deliberations for Final Major Site Plan and/or Final Major Subdivision approval by the Planning Board or Zoning Board of Adjustment, as the case may be.
- [3] Any approval of a Preliminary Major Site Plan and/or Preliminary Major Subdivision by the County Planning Board shall be noted on the Final Plan / Plat.

(g) Conditions for Approval

- [1] In granting Final Major Site Plan and/or Final Major Subdivision approval, the Planning Board or Zoning Board of Adjustment, as the case may be, may impose such restrictions and conditions upon the approval, the proposed development or the subject property as may be necessary, in its opinion, to achieve the purposes of this Chapter and the Site Plan / Subdivision approval process, to ensure the compliance of the proposed development with the standards established by this Chapter, and to prevent or minimize any adverse effects of the proposed development upon properties in the neighborhood and upon the general health, safety and welfare of the entire community.
- [2] Every final plan/plat approval shall be conditioned upon the applicant's strict compliance with all the terms, restrictions and conditions of the approved Final Plan/Plat, and upon the applicant's continuing compliance with all applicable laws, ordinances and regulations. All conditions imposed upon any final plan/plat approval, except to the extent made applicable to all such approvals by the terms of this Chapter, shall be expressly set forth in the Decision & Resolution granting such approval.

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Violation of any condition of any such approval shall be a violation of this Chapter and shall be sufficient basis for revoking Final Site Plan and/or Subdivision approval and for denying any further approval or permit required pursuant to this Chapter or any other ordinance of the City of Pleasantville.

(h) Notice of Final Approval

- [1] Within 10 days following the date of memorialization of the Board Resolution approving the Final Major Site Plan and/or Final Major Subdivision, or the expiration, without decision, of the time specified in §300-36G.(2)(e), the Board Secretary shall publish notice and mail notice thereof to all parties entitled thereto.

Notice to the applicant shall include a provision informing him/her that properly signed and approved copies of the final plan/plat as necessary for Atlantic County review and for recording may be obtained upon submission of the guaranties required by §300-49 and the presentation of proof of recording, prior to the sale of any property to be subject to them, of any documents, easements, restrictions or covenants required to be recorded as a condition of final approval.

- [2] Approval of the final plan or plat shall be evidenced by the signature thereon of the Board Secretary, which shall not, however, be affixed until the applicant has posted the guaranties required by §300-49.
- [3] In the case of failure of the Board to act on an application for Final Major Site Plan and/or Final Major Subdivision approval, a certificate evidencing such failure shall be issued by the Board Secretary Zoning Officer, upon written request of the applicant and the posting of guaranties as required by §300-49.
- [4] Such certificate shall be sufficient, in lieu of the written endorsements herein required, and shall be so accepted by the Atlantic County Recording Officer for purposes of filing of approved Final Major Site Plans and/or Final Major Subdivision plats. The date the Board Secretary issues such certificate shall be the date of final approval.
- [5] Published and mailed notice of the final disposition of an application for Final Major Site Plan and/or Final Major Subdivision approval shall be made in accordance with §300-30G. through J.

(i) Recording of Final Approval

The applicant shall, within 95 days following the date of memorialization of the Board Resolution approving the application, file an approved Final Major Subdivision plat with the County Recording Officer. The Planning Board or Zoning Board of Adjustment, as the case may be, may, for good cause shown, extend the period for recording for an additional period not to exceed 190 days from the date of final approval. If the applicant fails to record the plat or plan within the prescribed time, final approval shall expire.

(j) Limitations on Approval / Expiration

- [1] Unless an applicant shall fail to comply with any condition or provision of this Chapter or any approval granted pursuant to it, all rights conferred upon the applicant pursuant to a final plan/plat approval granted in accordance with the provisions of this Chapter, whether conditionally or otherwise, shall not be changed for a period of two (2) years or such longer period as may be established pursuant to the provisions of subsection (j)[3]

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below after the date of said final approval. The rights so conferred shall expire if the plat has not been duly recorded within the time period provided in subsection (i) above.

- [2] If the developer has followed the standards prescribed for final approval and has duly recorded the plat, the Planning Board or Zoning Board of Adjustment, as the case may be, may, upon written request of the applicant, extend such period of protection for up to one (1) year; provided, however, that not more than three (3) such extensions shall be granted, except pursuant to the provisions of subsection (j)[3] below.
- [3] In the case of a Site Plan / Subdivision plat for 150 acres or more, the Planning Board or Zoning Board of Adjustment, as the case may be, may extend the original period during which rights conferred pursuant to a final approval shall not be changed for such period of time, longer than two (2) years, as it shall determine to be reasonable, taking into consideration the number of dwelling units and the non-residential floor area permissible under the final approval, economic conditions and the comprehensiveness of the development. The applicant may thereafter apply for and the Board may thereafter grant an extension of final approval for such additional period of time as shall be determined by the Board to be reasonable, taking into consideration the number of dwelling units and the non-residential floor area permissible under the final approval, the number of dwelling units and the non-residential floor area remaining to be developed, economic conditions and the comprehensiveness of the development.

**§300-37 Variances**

**A. Authority**

The Planning Board or Zoning Board of Adjustment, as the case may be, shall, subject to the procedures, standards and limitations hereinafter set forth, have authority to review and grant or deny variances from the strict application of this Chapter.

**B. Purpose & General Prohibitions**

The variance procedure is intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of the provisions of this Chapter, where such provisions create peculiar and exceptional practical difficulties or exceptional and undue hardships or where special reasons exist for varying the use and structure restrictions of such provisions. Only where no other procedure exists to remedy such difficulty or hardship or to respond to such special reasons is an application for relief pursuant to this section appropriate.

In adopting this Land Management Code, the City has provided specific, preordained regulations as well as a variety of administrative procedures whereby specific properties and uses may be given individual attention within the confines of a well-structured overall plan of development regulation. The variance procedure is essentially a procedure that operates outside of that structured plan and is, by its very purpose and definition, destructive of that plan.

Accordingly, the City Council hereby finds as fact and states as policy that **no relief pursuant to this section may be validly granted in any case where relief pursuant to any other section of this Chapter is or might be available.**

**C. 'c' Variances (N.J.S.A. 40:55D-70c)**

- (1) Subject to the General Prohibitions of §300-37B., and to the other terms and provisions of this section, the Planning Board or Zoning Board of Adjustment, as the case may be, may grant a variance from

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the strict application of any provision of this Chapter, other than the provisions hereof restricting the uses to which land and structures may be devoted or the types of structures which may be located in a district and other than the provisions hereof restricting the erection of buildings and structures in public areas mapped on the Official Map or on lots not abutting a street, upon a showing that:

- (a) By reason of exceptional narrowness, shallowness or shape of a specific piece of property; or by reason of exceptional topographic conditions or physical features uniquely affecting the subject 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 pursuant to this act would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the developer of such property; **OR**
  - (b) The grant of the requested variance would advance one of the purposes of the New Jersey *Municipal Land Use Law* (N.J.S.A. 40:55d-2; adopted by the City of Pleasantville as §300-3).
  - (c) The grant of a 'c' variance shall require the affirmative vote of a majority of Board members present at the time of the vote.
- (2) No 'c' variance shall be granted which would result in a substantial detriment to the public good or a substantial impairment of the City's Zone Plan.
- (3) No 'c' variance shall be granted pursuant to this subsection which would allow a structure or use in a district restricted against such structure or use. Any variance which would permit, on any lot or parcel, one (1) or more dwelling units in addition to the number that would be permitted by a strict application of the provisions of this Chapter shall be considered to be within the prohibition of this subsection.
- (4) No 'c' variance shall be granted pursuant to this subsection which would permit the erection of a building or other structure within the bed of a street or public drainageway, flood control basin or public area shown on the Official Map of the City or which would permit erection of a building on a lot which does not abut a street giving access to such building or structure.
- (5) No 'c' variance shall be granted by the Zoning Board of Adjustment pursuant to this subsection where the proposed development for which such variance is sought also requires Site Plan and/or Subdivision approval, unless such development also requires a variance under N.J.S.A. 40:55D-70d.

**D. 'd' Variances (N.J.S.A. 40:55D-70d)**

- (1) Subject to the General Prohibitions of §300-37B, and to the other terms and provisions of this section, the Zoning Board of Adjustment may grant a variance to permit a use of a parcel of land or a structure, or the location of a structure in a zoning district restricted against such use or structure, upon a showing that:
- (a) By reason of exceptional narrowness, shallowness or shape of a specific piece of property; or by reason of exceptional topographic conditions or physical features uniquely affecting the subject 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 pursuant to this act would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the developer of such property; **OR**
  - (b) The grant of the requested variance would advance one of the purposes of the New Jersey *Municipal Land Use Law* (N.J.S.A. 40:55d-2; adopted by the City of Pleasantville as §300-3); **AND**



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(c) The grant of the requested variance would not result in a substantial detriment to the public good or a substantial impairment of the goals and purposes of the Master Plan, the Official Map, any Capital Improvement Program and this Chapter.

(d) The grant of a 'd' variance shall require the affirmative vote of five (5) Board members.

**E. Official Map Variances (N.J.S.A. 40:55D-70(b))**

(1) Subject to the General Prohibitions of §300-37B., and to the other terms and provisions of this section, the Board of Adjustment may grant a variance from the application of §300-16B.(2) & (3) upon the terms and conditions hereinafter specified:

(a) Variance to Erect Building or Other Structure within Reserved Public Area

Whenever one (1) or more parcels of land upon which is located the bed of a mapped street or public drainageway, flood control basin or other public area reserved pursuant to §300-16B.(2) cannot yield a reasonable return to the owner unless a building permit is granted, the Zoning Board of Adjustment may grant a variance from the application of said subsection and direct the issuance of a permit for a building or structure in such reserved area. Every such variance shall be limited so as to increase the cost of opening such street or developing such drainageway, flood control basin or other public area as little as practicable and to cause the minimum possible change in the Official Map.

(b) Variance to Erect Building or Other Structure which Does Not Abut Street

Where the enforcement of §300-16B.(3) requiring that no building permit be issued for any building or structure not abutting a street would entail practical difficulty or unnecessary hardship on an applicant, or where circumstances do not require the proposed building or structure to be related to a street, the Zoning Board of Adjustment may grant a variance from the application of said subsection and direct the issuance of a building permit for the proposed building or structure. Every such variance shall be so conditioned as to assure that adequate access to such building or structure will be provided for fire-fighting equipment, ambulances and other emergency vehicles necessary for the protection of health and safety, and so as to protect any future street layout shown on the Official Map or on the Circulation Plan Element of the Master Plan.

(2) The grant of an Official Map variance shall require the affirmative vote of a majority of the Board members present at the time of the vote.

**F. Submission & Processing of Applications**

(1) Applications for Variance relief shall be in such form and shall contain such information and documentation as is required by Checklist A. and Checklist H (for 'c' variances) and/or Checklist I (for 'd' variances), included in §300-77, and shall be accompanied by a nonrefundable Application Fee and Escrow Deposit in accordance with §300-9.

(2) Upon determination that an applicant has been deemed Complete in accordance with §300-27, the Planning Board or Zoning Board Secretary, as the case may be, shall notify the applicant of the time and place of the hearing on such matter.

(3) The Planning Board or Zoning Board of Adjustment, as the case may be, shall act on an application for variance relief within 120 days following determination of a Complete application.

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**(4) Standard for Approval**

- (a) The application for a variance shall be denied where the Planning Board or Zoning Board of Adjustment, as the case may be, finds:
  - [1] that other relief pursuant to this Chapter exists to remedy or respond to the hardship, difficulty or special reason and the applicant has not sought relief pursuant thereto;
  - [2] that the grant of the requested variance would result in a substantial impairment of the goals and purposes of the Master Plan, the Official Map, any Capital Improvement Program or this Chapter; or
  - [3] that any ground exists pursuant to this Chapter for denial of the variance.
- (b) The failure of the Board to act within 120 days or such longer period of time as may be agreed to by the applicant shall constitute approval of the application.
- (c) A variance less than or different from that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested, provided that the grant of such variance does not conflict with any public notices required under §300-29.

**(5) Conditions for Approval**

- (a) In granting variance approval, the Planning Board or Zoning Board of Adjustment, as the case may be, may impose such restrictions and conditions upon the approval, the proposed use and the premises to be developed or use pursuant to such approval as may be necessary, in its opinion, to ensure the compatibility of the proposed use and development with surrounding development, to ensure the compliance and consistency of the proposed use and development with the standards of this Chapter and the general purposes, goals and objectives of this Chapter, the Master Plan, any Capital Improvement Program and the Official Map; and to prevent or minimize adverse effects from the proposed use and development upon other properties in the neighborhood and upon the general health, safety and welfare of the entire City to the end that no variance granted pursuant to this section shall result in a substantial detriment to the public good or a substantial impairment of the land use plans and policies of the City.
- (b) All conditions imposed upon any variance approval, except to the extent made applicable to all such approvals by this Chapter, shall be expressly set forth in the Decision & Resolution granting such approval. The violation of any condition upon any such approval shall be a violation of this Chapter and shall be sufficient basis for revoking such approval and for denying any further approval required pursuant to this Chapter or any other ordinance of the City of Pleasantville.
- (c) Every variance granted shall be conditioned upon the developer's continuing compliance with all applicable laws, ordinances and regulations and all conditions imposed upon such approval.
- (d) Action by applicant

In the event that a variance is granted or granted subject to conditions acceptable to the applicant, the applicant shall, in writing, within 10 days following publication of notice of such decision pursuant to §300-30G. through J., acknowledge the grant of such variance and unconditionally accept and agree to any such conditions.

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In the event that an application for a variance is denied or is approved subject to conditions which are not acceptable to the applicant, or a variance less than requested is granted and is unacceptable to the applicant, the applicant may, within the aforesaid time period, either appeal such decision to a court of competent jurisdiction pursuant to law or abandon the application.

**(6) Effect of Approval**

The grant of variance relief shall not authorize the establishment or extension of any use, nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits and approvals which may be required by the codes and ordinances of the City and other governmental agencies having jurisdiction, including but not limited to a Zoning Permit, building permit and Certificate of Occupancy.

**(7) Limitations on Approval / Expiration**

- (a) Variances from the terms of this Chapter granted by the Planning Board attendant to a Subdivision or Site Plan approval permitting the construction or alteration of any building or structure on any premises shall run co-terminus with such Subdivision or Site Plan approval. Accordingly approvals of such variances are protected as provided for under §300-36E.(2)(e), §300-36F.(2)(h) & F. (2)(i) and §300-36G.(2)(j) herein.
- (b) Variances from the terms of this Chapter granted by the Board of Adjustment pursuant to N.J.S.A. 40:55D-70d shall expire by limitation unless, within one (1) year from the adoption of the Decision and Resolution of the Board approving such variance(s), the use or construction or alteration permitted by such variance shall have actually commenced and is thereafter diligently pursued to completion.
- (c) Any variance from the terms of this Chapter granted by the Board of Adjustment pursuant to N.J.S.A. 40:55D-70c in conjunction with a variance under N.J.S.A. 40:55D-70d shall run co-terminus with such ('d') variance;
- (d) Any variance from the terms of this Chapter granted by the Board of Adjustment pursuant to N.J.S.A. 40:55D-70c not attendant to a variance under N.J.S.A. 40:55D-70d shall expire by limitation unless, within two (2) years from the adoption of the Decision and Resolution of the Board approving such variance(s), the construction or alteration permitted by such variance shall have actually commenced and is thereafter diligently pursued to completion.
- (e) The running of the period(s) of limitation under the foregoing subsections shall be stopped from the date of filing of an appeal from such decision of the Board in accordance with §300-12P., until such appeal has been finally resolved.
- (f) In addition to the other penalties and remedies for violations of this Chapter, it shall be a condition of every variance granted pursuant to this section that such variance may be revoked for violation of any condition imposed upon such variance either by the provisions of this Chapter or by the provisions of the Decision & Resolution granting such variance; provided, however, that no such variance shall be revoked except by Resolution of the Planning Board or Zoning Board of Adjustment, as the case may be, adopted following a public hearing, noticed and conducted by the Board in the same manner as provided for the original granting of the variance, whereat the existence of such violation is established.

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**§300-38 Interpretations**

**A. Authority**

The Zoning Board of Adjustment may, subject to the procedures, standards and limitations set forth herein, render interpretations of any provision of this Chapter or any rule or regulation issued pursuant to it, including interpretations of the various permitted uses detailed in this Chapter and the permissibility of any use not expressly detailed in this Chapter.

**B. Purpose**

The provisions of this section are intended to provide:

- (1) a simple and expeditious method for clarifying ambiguities in the text of this Chapter, the Zoning Map which it incorporates and the rules and regulations adopted pursuant to hereto; and
- (2) a simple, yet circumscribed, procedure for overcoming inadvertent rigidities and limitations inherent in the promulgation of finite use lists in a world characterized by infinite permutations of essentially similar uses.

**C. Submission & Processing of Applications**

- (1) All requests for interpretation of any provision of this Chapter, the Zoning Map or any rule or regulation adopted pursuant to this Chapter shall be made, in writing, to the Zoning Board Secretary, shall be in such form and shall contain such information and documentation as is required by Checklist A. and Checklist G. included in §300-77, and shall be accompanied by a nonrefundable Application Fee and Escrow Deposit in accordance with §300-9.

Each such request shall set forth the specific provision or provisions to be interpreted, the facts of the specific situation giving rise to the request for interpretation and the precise interpretation asserted by the applicant to be correct. Before the rendering of any interpretation, the Zoning Board of Adjustment may require such further facts and information as are necessary to a meaningful interpretation of the provision in question.

- (2) The Zoning Board of Adjustment shall act on an application for interpretation within 120 days following determination of a Complete application. In so doing, the Board shall state the specific precedent and the reasons and analysis upon which such interpretation is based.
- (3) The failure of the Board of Adjustment to act within 120 days, or within such other time as may be consented to by the applicant, shall be deemed to be a rejection of the applicant's proposed interpretation.

**D. Standards for Use Interpretations**

The following conditions shall govern the Zoning Board of Adjustment in issuing use interpretations:

- (1) No use interpretation shall allow the establishment of any use which was previously considered and rejected by the Planning Board or by the Zoning Board of Adjustment on an application for amendment or on an application for a use variance.
- (2) No use interpretation shall permit a specifically prohibited use to be established in any such district or any more restrictive district.

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- (3) No use interpretation shall permit a use listed as a permitted or conditional use in any district to be established in any district in which such use is not so listed.
- (4) No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in such district and is more similar to such other uses than to uses permitted or conditionally permitted in a less restrictive district.

**E. Effect of Favorable Use Interpretations**

No use interpretation finding a particular use to be permitted or conditionally permitted in a specific district shall authorize the establishment of such use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits and approvals which may be required by the codes and ordinances of the City or other governmental agencies having jurisdiction, including but not limited to Site Plan and/or Subdivision approval, Zoning Permit, Building Permit and Certificate of Occupancy.

**F. Limitations on Use Interpretations / Expiration**

- (1) No use interpretation finding a particular use to be permitted or conditionally permitted in a specified district shall be valid for a period longer than one (1) year from the date of issue, unless a building permit is issued and construction actually begun within that period and is thereafter diligently pursued to completion or an Certificate of Occupancy is obtained and a use commenced within that period.
- (2) A use interpretation finding a particular use to be permitted or conditionally permitted in a specified district shall be deemed to authorize only the particular use at the particular location for which it was issued, and such permit shall not be deemed to authorize any allegedly similar use for which a separate use interpretation has not been issued.

**G. Maintenance of Records; Annual Report**

- (1) The Zoning Board Secretary shall keep a record of each use interpretation rendered and shall include a report of all such interpretations in his/her annual report.
- (2) Such report shall include a recommendation of the Zoning Board regarding any amendments to this Chapter for the addition of new uses to reflect the use interpretations given pursuant to this section.

**H. Failure to Amend Regulations**

In any case where, upon the expiration of one (1) year following the receipt of the recommendations of the Zoning Board pursuant to §300-38G.(2), the City Council shall have failed to adopt an ordinance amendment with respect to any use interpretation included in such recommendation:

- (1) No use authorized pursuant to such interpretation, but not yet established or under construction, shall be established.
- (2) Any use authorized and established pursuant to such interpretation shall be permitted to continue, subject to the provisions of §300-20 regarding nonconformities.
- (3) No similar use interpretation shall be given in the future.

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**§300-39 Appeals**

**A. Authority**

The Zoning Board of Adjustment shall have authority to hear and decide appeals from any order, decision, requirement or refusal an Administrative Officer based on or made in the enforcement of this Chapter or the Official Map, and to that end it shall have all of the same powers and be subject to all of the same standards and limitations as said Administrative Officer with respect to any order, decision, requirement or refusal being appealed.

Accordingly, any interested party affected by any order, decision, requirement or refusal of an Administrative Officer based on or made in the enforcement of this Chapter or the Official Map may appeal such order, decision, requirement or refusal to the Zoning Board of Adjustment.

**B. Submission & Processing of Applications**

**(1) Notice of Appeal**

- (a) All requests for appeals to the Zoning Board of Adjustment pursuant to this section shall be made, in writing, to the Zoning Officer, within 20 days following the order, decision, requirement or refusal being appealed. Such requests shall be in such form and shall contain such information and documentation as is required by Checklist A. and Checklist G. included in §300-77, and shall be accompanied by a nonrefundable Application Fee and Escrow Deposit, pursuant to §300-9.

A copy of said notice shall also be filed with the Administrative Officer whose action has prompted the appeal.

- (b) Each such request shall set forth the specific issues to be appealed, the facts of the specific situation giving rise to the appeal and the precise action requested. Before the rendering of any decision, the Zoning Board of Adjustment may require such further facts and information as are necessary to a meaningful determination of the issue.
- (c) The Zoning Officer shall forthwith assemble and transmit to the Zoning Board of Adjustment a copy of the notice of appeal and all papers constituting the record upon which the action appealed from was taken. Where the appeal is based on an order, decision, requirement or refusal from an Administrative Officer other than the Zoning Officer, such individual shall forthwith assemble and transmit to the Zoning Board of Adjustment a copy of all papers constituting the record upon which the action appealed from was taken.
- (d) An appeal to the Zoning Board of Adjustment shall stay all proceedings in furtherance of the action in respect to which the appealed order, decision, requirement or refusal was made, unless the Administrative Officer whose action has prompted the appeal certifies to the Board of Adjustment, after the notice of appeal shall have been filed, that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Zoning Board of Adjustment or by the Superior Court, upon application or notice to such Administrative Officer and on due cause shown.

**(2) Public Hearing**

- (a) A public hearing shall be set, noticed and conducted by the Board of Adjustment in accordance with §300-30.

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- (b) The Zoning Board of Adjustment shall act on an application for appeal within 120 days following the filing by the appellant of a notice to appeal, or within such further time as may be consented to by the applicant. Such decision may reverse or affirm, in whole or in part, or may modify the appealed order, decision, requirement or refusal.
- (c) The failure of the Zoning Board of Adjustment to render a decision within the aforesaid 120 days, or such longer period of time as may be agreed to by the appellant, shall constitute a decision favorable to the appellant.

**(3) Right to Grant Variance**

In any case where the notice of appeal is accompanied by an application for variance in accordance with §300-37, the Zoning Board of Adjustment shall have the authority to grant, as part of the relief, a variance, but only in strict compliance with each provision of such section.

**(4) Effect of Conditions and Limitations on Appeals Granted**

In any case where this Chapter imposes or permits the imposition of conditions and limitations upon any right, any such right granted by the Zoning Board of Adjustment on appeal shall be subject to such conditions and limitations, and the Board shall have the right to impose such conditions and limitations in the same manner and to the same extent as if such right were secured without the necessity of appeal.

**§300-40 Building Permits**

- A. No building or structure in any Zoning District in the City shall be erected, enlarged or structurally altered without first receiving a Building Permit from the Building Subcode Official.
- B. No such permit shall be issued unless the proposed building or structure conforms with the requirements of this Chapter.
- C. No such permit shall be issued unless water service and sanitary sewer, adequate to serve the proposed development as specified in all relevant City Codes and Ordinances, are available.
- D. Individual Building Permits shall be issued for each lot, regardless of the number of lots subject to construction or the scope of work proposed for any individual lot.
- E. Submission & Processing of Applications
  - (1) An application for a Building Permit shall be made, in writing, to the Construction Code Official, shall be in such form and shall contain such information and documentation as is required by such Official, and shall be accompanied by a nonrefundable Application Fee in accordance with §119-3 of the City Code.
  - (2) No Building Permit shall be issued for a building to be used for any use in any district where such use requires relief from the Zoning Board of Adjustment unless and until such relief is obtained by the applicant.
  - (3) The Construction Code Official may, with the consent of the City Engineer, issue a Temporary Certificate of Occupancy (“TCO”) permitting occupancy of the structure, provided that all life and safety requirements have been completed for that portion of the structure receiving a TCO and that only exterior site work remains to complete the project. Such TCO shall include a timetable for the completion of all outstanding items.

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The Construction Code Official shall be empowered to revoke the TCO should the applicant fail to comply with such timetable.

**§300-41 Referral to Atlantic County Planning Board**

- A. Notwithstanding any other provision of this Chapter, all final actions regarding Preliminary or Final Major Site Plan and/or Subdivision plat approval shall be contingent on a Letter of No Interest or on an Approval from the Atlantic County Planning Board.
- B. All such applications therefore shall be made in accordance with the rules and regulations promulgated by the Atlantic County Planning Board.
- C. All such applications shall include a written request that the County Planning Board acknowledge the date of receipt of such referral, review such application in accordance with the provisions of N.J.S.A. 40:27-6.3 and/or 40:27-6.6, and to report the results of such review to the Zoning Officer.
- D. Copies of Site Plans and/or Subdivision plans/plats, suitable for filing with the County Recording Officer and containing all necessary City approvals and signatures, shall be submitted to the County for review prior to recording pursuant to §300-36E.(2)(e) and §300-36F.(2)(h).

**§300-42 Additional Jurisdictions**

In addition to the approvals required by this Chapter:

- A. Development of a facility enumerated in N.J.S.A. 13:19-3c in the Coastal Area described in N.J.S.A. 13:19-4 shall also file an application for the appropriate permit from the New Jersey Department of Environmental Protection;
- B. Applications for development which disturbs 5,000 s.f. or more of land surface area shall receive a certification from the Atlantic County Soil Conservation District pursuant to the Soil Erosion and Sediment Control Act (N.J.S.A. 4:24-1 et sec.).
- C. Applications for development which involves the design of a central well water system shall obtain approval from the New Jersey Department of Environmental Protection;
- D. Applications for development which involves a sewerage disposal system shall obtain approval from the Atlantic County Board of Health;
- E. Any and all Land Use approvals, certifications, permits and/or like and similar authorizations, issued with or without variance relief, granted in accordance with this Chapter by the Zoning Officer, Planning Board or Zoning Board of Adjustment, as the case may be, shall be and are expressly conditioned upon receipt of all necessary approvals, certifications, permits and/or like and similar authorizations issued by the County of Atlantic, the State of New Jersey and/or the Federal Government, or any department of agency thereof.

**§300-43 Certificates of Occupancy & Occupancy Permits**

**A. Authority**

- (1) The Construction Code Official or a duly authorized delegate shall have authority to issue Certificates of Occupancy as provided for herein; provided, however, that no such Certificate shall be issued except in accordance with the provisions of this section and Chapter 119 (Construction Codes, Uniform) of the Pleasantville City Code.



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- (2) The Code Enforcement Officer or a duly authorized delegate shall have authority to issue Occupancy Permits as provided for herein; provided, however, that no such Permit shall be issued except in accordance with the provisions of this section and Chapter 143 (Housing Standards) of the City Code.

**B. Purpose**

For the purposes of this Chapter, the Certificate of Occupancy provides a procedure for the inspection of completed premises to ensure their compliance with this Chapter and approved plans prior to commencement of the use or occupancy and the Occupancy Permit provides a procedure for the ongoing inspection of dwelling units and non-residential spaces to ensure their continued compliance with this Chapter and applicable housing and other codes.

**C. Certificates of Occupancy**

- (1) Unless a Certificate of Occupancy shall have first been obtained certifying compliance with the provisions of this Chapter:
- (a) No structure or addition thereto constructed, reconstructed, remodeled, altered or moved after the Effective Date of this Chapter shall be occupied or used for any purpose.
  - (b) No land vacant on the Effective Date of this Chapter shall be used or occupied for any purpose.
  - (c) No use or occupancy of any land or structure shall be changed to any other use or occupancy, whether or not construction, reconstruction, remodeling, alteration or moving is involved.
  - (d) No Home Occupation or Group Family Household shall be established.

**D. Inspections**

- (1) No dwelling unit shall be sold, rented, transferred, granted, leased, let, mortgaged with right of occupancy, and the ownership or occupancy thereof shall not be disposed of, in whole or in part, by any owner, agent, agent of an owner, real estate agent or broker, firm, company, partnership, corporation or person, or persons, whether or not for a consideration and whether such disposal or occupancy is temporary or permanent, unless and until an inspection has been made by the City's Code Enforcement Officer or designee for the purpose of determining whether said dwelling unit is in violation of any of the applicable laws of the City of Pleasantville, the State of New Jersey or the United States of America, or any agency or instrumentality thereof and an Occupancy Permit shall have first been obtained certifying compliance with the provisions of this Chapter.
- (2) All businesses and non-residential uses shall be inspected by the Zoning Officer, Building Subcode Official and the Fire Official, or their designees for compliance with the Uniform Construction Code, the Uniform Fire Code and this Chapter.

**E. Submission & Processing of Applications**

**(1) Certificate of Occupancy**

- (a) Where no Zoning Permit is required, applications for Certificates of Occupancy shall be submitted to the City's Construction Code Official in the same form as required for a Zoning Permit under §300-34, except to the extent that requirements of said section are expressly waived by the Construction Code Official as not relevant or necessary to determine that all requirements of this Chapter have been met in a particular case.

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- (b) Where a Zoning Permit has been issued, application for a Certificate of Occupancy shall be made by written notification to the Construction Code Official that the structure or premises is ready for use and occupancy.
- (c) In all cases involving any construction, reconstruction, remodeling, alteration or moving of any building or structure, the application shall be accompanied by as-built plans certified by a Professional Land Surveyor, Engineer, Architect, Planner (all of which shall be licensed in their respective fields by the State of New Jersey) or owner-designer, as may be appropriate, to accurately depict the structure or use as constructed and certified to be in conformity in all respects with the provisions of this Chapter and the terms and conditions of all approvals granted pursuant to this Chapter.
- (d) An application for a Certificate of Occupancy shall be made, in writing, to the Construction Code Official, shall be in such form and shall contain such information and documentation as is required by the Construction Code Official, and shall be accompanied by a nonrefundable Application Fee in accordance with §300-9.
- (e) The Construction Code Official shall act on an application for a Certificate of Occupancy within 30 days following receipt of a completed application therefore by causing the subject structure or premises to be inspected and taking one (1) of the following actions based on such inspection:
  - [1] If all work has been completed and the structure or premises is certified by the inspecting officer to be in full and complete compliance with all the applicable provisions of this Chapter and other relevant codes and ordinances of the City and with the applicant's plans, as approved, and with the terms and conditions of any special approval issued with respect to such structure, premises or use, the Construction Code Official shall issue a Certificate of Occupancy.
  - [2] If all work has not been completed and the structure or premises is not certified by the inspecting officer to be in full and complete compliance with all the applicable provisions of this Chapter and other relevant codes and ordinances of the City and with the applicant's plans, as approved, and with the terms and conditions of any special approval issued with respect to such structure, premises or use, the Construction Code Official shall inform the applicant, in writing, of the specific reasons why such Certificate cannot be issued, citing the particular provisions of the codes and ordinances of the City, the particular items in the applicant's plans or the applicable special approval terms and conditions with respect to which compliance is lacking. The applicant shall thereafter correct any deficiencies and resubmit the request for the Certificate of Occupancy.

**(2) Occupancy Permits**

- (a) Applications for Occupancy Permits shall be made, in writing, to the City's Code Enforcement Officer in such form and under such procedures as may be established by the Code Enforcement Officer for this purpose, and shall be accompanied by a nonrefundable Application Fee in accordance with §300-9.
- (b) Where no Zoning Permit is required, applications for Occupancy Permits shall be submitted directly to the City's Code Enforcement Officer.
- (c) Where a Zoning Permit is required, such Permit must be obtained before application for an Occupancy Permit may be granted.

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(d) The Code Enforcement Officer shall act on an application for a Residential Occupancy Permit within 10 days following receipt of a completed application therefore by causing the subject structure or premises to be inspected and taking one (1) of the following actions based on such inspection:

[1] If no such violation is found, the Code Enforcement Officer, or designee, shall issue an Occupancy Permit so indicating.

[2] If a violation is found, the Code Enforcement Officer shall inform the applicant, in writing, of the specific reasons why such Permit cannot be issued, citing the particular provisions of the codes and ordinances of the City and the specific violations found. The applicant shall thereafter correct any deficiencies and resubmit the request for the Occupancy Permit.

(e) Inspections for businesses and non-residential Occupancy Permits shall be made not less than once annually.

**F. Contents**

**(1) Certificate of Occupancy**

In addition to the matters specified in Chapter 119 (Construction Codes, Uniform) of the Pleasantville City Code, each Certificate of Occupancy issued pursuant to this section shall state any conditions imposed by any special approval granted pursuant to this Chapter.

**(2) Occupancy Permit**

(a) All applications for Occupancy Permits for rental dwelling units shall include a sworn statement by the owner of any such rental, taken under oath, confirming:

[1] the address of the premises;

[2] the name, address and contact telephone number of the owner of the premises. If the owner of said premises is a corporation or entity other than an individual, such statement shall be made under oath by the president or secretary of said corporation or by a principal of such entity;

[3] the name, address and contact telephone number of the superintendent or the agent in charge of the premises;

[4] the number of dwelling units therein;

[5] a description, by number or letter, of each dwelling unit therein; and

[6] the name of the tenant located within each such described dwelling unit on the date the statement was prepared.

(b) At the time of inspection of each dwelling unit prior to the issuance of an Occupancy Permit, the Code Enforcement Officer or designee shall post in a conspicuous place in such premises, a notice stating the number of persons which shall be permitted to occupy each such dwelling unit as a resident.

In no event shall residency in any such dwelling unit exceed such posted number, whether by the landlord or the tenant.

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For the purposes of determining residency, any person who sleeps upon the premises or generally dwells therein for more than two (2) successive days or nights shall be considered to be residing therein.

**G. Temporary Certificate of Occupancy**

Notwithstanding the provisions of §300-43E.(1)(e), where construction, reconstruction, remodeling or alteration of a structure does not require the vacating of the structure or where parts of the structure are finished and ready for occupancy before the completion of such construction, reconstruction, remodeling or alteration and are certified, upon inspection, to be safe for use or occupancy and to be in full compliance with all applicable provisions of this Chapter, other relevant codes and ordinances of the City, the applicant's plans, as approved, and the terms and conditions of any special approvals issued with respect to such structure, premises or use, a Temporary Certificate of Occupancy may be issued for a period not to exceed six (6) months from its date, which Temporary Certificate of Occupancy shall bear on its face, in bold, capital letters, a statement of its temporary nature.

**H. Filing of Certificates of Occupancy & Occupancy Permits**

Duplicate copies of all Certificates of Occupancy and Occupancy Permits, numbered consecutively, shall be kept on file in the office of the Construction Code Official, or Code Enforcement Officer, as the case may be, together with such portions of the applications therefore as such official may consider necessary to the proper administration of his duties as a public record, open to inspection by interested parties at reasonable times and upon reasonable notice.

**I. Cooperation between Offices**

- (1) The Construction Code Official and Code Enforcement Officer shall, on a daily basis, forward copies of all newly filed applications for Certificates of Occupancy and Occupancy Permits to the Zoning Officer. Should the Zoning Officer, upon review of any such application, observe any problem, deficiency or special circumstances arising out of or relating to the provisions of this Chapter or any special approval issued pursuant to it which requires attention prior to the issuance of a Certificate of Occupancy or Occupancy Permit, he shall immediately notify the Construction Code Official or Code Enforcement Officer thereof.
- (2) Should, during the course of the processing of any such application by the Construction Code Official or Code Enforcement Officer, any question arise concerning the full and complete compliance of the structure, premises or use with the provisions of this Chapter or any approval issued pursuant to it, the officer shall promptly refer such question to the Zoning Officer for his review and determination. Upon taking any final action upon any application for a Certificate of Occupancy or Occupancy Permit, the Construction Code Official or Code Enforcement Officer shall immediately inform the Zoning Officer thereof.

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**ARTICLE IX**  
**Site Plan and/or Subdivision Approval Standards**

**§300-44 Consistency with Other Standards and Regulations**

No application for Site Plan and/or Subdivision plat approval shall be granted unless the Planning Board or Zoning Board of Adjustment, as the case may be, shall find that, in addition to complying with each of the standards made applicable to Site Plans and Subdivision plats by this Chapter, the proposed development complies, except to the extent waived, varied or modified pursuant to the provisions of this Chapter, with all of the standards and conditions applicable in the zoning district in which it is proposed to be located; complies with any special standards applicable to the particular type of development being proposed or to the particular area in which the development is proposed or to any special approvals required in connection with such a development or area; and complies with all other federal, state, county and city laws, ordinances and regulations applicable to it.

**§300-45 Adequacy of Public Improvements**

- A. No application for Site Plan and/or Subdivision plat approval shall be granted unless the Planning Board or Zoning Board of Adjustment, as the case may be, shall find, pursuant to the provisions of this section, that the proposed use in the proposed location is or can and will be, by reason of the developer's compliance with conditions imposed pursuant to the provisions of this section, adequately served by and will not impose an undue burden upon the public improvements, sites and rights-of-way by which it will be served or benefited or which exist or are planned for installation within its boundaries or their immediate vicinity.
- B. Determination of Necessary Public Improvements and Special Benefits
- (1) Whenever an application for Site Plan and/or Subdivision plat approval is filed with the Planning Board or Zoning Board of Adjustment, as the case may be, pursuant to this Chapter, the Board shall determine what, if any, public improvements, whether on-tract or off-tract, are to be installed, constructed, improved or rehabilitated to serve or benefit the proposed development, and shall also determine whether any part of the subject property should be reserved for use as a public site or right-of-way.

The Board shall base its determination on:

- (a) the nature and scope of the proposed development;
- (b) the provisions of this Chapter specifically applicable to the type of development being proposed;
- (c) the provisions of the Master Plan, Capital Improvement Program, if any, Official Map and any other plans, programs or maps adopted by or under consideration pursuant to public notice by the City or other governmental agencies having jurisdiction to guide growth and development;
- (d) the provisions of this Chapter and other development regulations adopted by the City or other governmental agencies having jurisdiction, with particular attention to any such provisions specifically applicable to the type of development being proposed or the area in which it is proposed and special restrictions or conditions on such developments or areas, and the studies, reports and opinions of city departments, officials and consultants having special knowledge, expertise or responsibility with respect to the development, improvements or conditions under consideration.

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- (2) In determining whether the installation, construction, improvement or rehabilitation of a public improvement is necessary to serve the proposed development, the Planning Board or Zoning Board of Adjustment, as the case may be, shall be guided by the principle that no new development should be allowed to utilize existing capacity of a public improvement unless such improvement, in its existing condition or with such improvements as have already been authorized for completion as general improvements to be paid for out of public funds already appropriated for the purpose, has adequate capacity to meet the full demands that would be placed upon it if all reasonably foreseeable public and private development planned or permitted pursuant to the Master Plan and Chapter were to occur.
- (3) In the event that the Planning Board or Zoning Board of Adjustment, as the case may be, shall determine, pursuant to subsection B.(1) above, that one (1) or more on-site public improvements are necessary to serve the proposed development, the Board it shall require the installation of such improvements as a condition to the approval of any Site Plan and/or Subdivision plat.

In such event, the developer shall, as provided in §300-45D., estimate the cost thereof and provide such information to the City Engineer.

- (4) In the event that the Planning Board or Zoning Board of Adjustment, as the case may be, shall determine, pursuant to subsection B.(1) above, that either a public site or a public right-of-way or public improvement that will not serve the subject development is required on the subject tract, the Applicant shall proceed as provided in §300-45E.
- (5) In the event that the Planning Board or Zoning Board of Adjustment, as the case may be, shall determine, pursuant to subsection B.(1) above, that one (1) or more off-tract public improvements are necessary to serve the subject development, the Board shall determine, as to each such improvement, whether the improvement will specially benefit only the subject property or will benefit other properties in addition to the subject property.
- (6) In the case of any such improvement that will benefit only the subject property, the Planning Board or Zoning Board of Adjustment, as the case may be, shall require the installation of such improvement.

In such event, the developer shall, as provided in §300-45F., estimate the cost thereof and provide such information to the City Engineer.

- (7) In the case of any such improvement that will benefit other properties in addition to the subject property, the Planning Board or Zoning Board of Adjustment, as the case may be, shall determine the extent to which each benefited property, including the subject property, is benefited and also the extent to which the improvement results in a general benefit not specifically attributable to any specific property and shall apportion the cost of such improvement and require its installation.

In such event, the developer shall, as provided in §300-45G., estimate the cost and apportionment thereof and provide such information to the City Engineer.

- (8) In determining which properties are specifically benefited by a public improvement, the Planning Board or Zoning Board of Adjustment, as the case may be, shall be governed by the interpretation given by the New Jersey Supreme Court to the term "special or peculiar benefit" in N.J.S.A. 40:56-27. In apportioning the benefit among the benefited properties and the general benefit, the Board shall be generally guided by the principles applicable to the apportionment of special benefits in connection with local improvements subject to N.J.S.A. 40:56-1 et seq.

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- (9) When, in performing its duties hereunder, the Planning Board or Zoning Board of Adjustment, as the case may be, determines that a property, other than the subject property, will be benefited by an improvement to be installed as a condition of its approval of the subject application, it shall require the developer to give the owner of each such property, as shown in the latest property tax records, notice thereof. The Board shall provide such entities a reasonable opportunity to be heard thereon and shall either delay approval of the subject application pending such notice and hearing, or shall condition such approval to permit revisions in its determination made pursuant to this subsection based upon information obtained at such hearing.
- (10) In performing its duties hereunder, the Planning Board or Zoning Board of Adjustment, as the case may be, shall enlist the assistance of the City Engineer or such other city officials, employees and consultants as have special knowledge or expertise in estimating and apportioning the costs and benefits of public improvements.
- (11) The requirements for public improvements and the developers' responsibility with respect to their provision and installation pursuant to this subsection shall be deemed to be the minimum requirements applicable to all developments requiring site plan/subdivision approval but otherwise permitted as a matter of right in the zoning district proposed. Additional requirements applicable to developments requiring certain Discretionary Approvals pursuant to the provisions of this chapter may be imposed pursuant to §300-45H.

**C. On-tract Public Improvements Serving the Subject Development**

- (1) The developer of every proposed development shall be required, as a condition of any approval pursuant to this Chapter, to provide all on-tract, whether on-site or off-site, public improvements to which the subject development will be connected or by which it will be served or benefited.

Except as noted in subsection C.(2) below, all such improvements shall be designed, sized and installed in accordance with the Master Plan, any Capital Improvement Program, the Official Map, this Chapter, and such other plans, programs, maps and ordinances adopted by or under consideration pursuant to public notice by the City or other governmental agencies having jurisdiction to guide growth and development at the time the first application in connection with such development is filed.

In the absence of any such plan, program, map or ordinance, the public improvements shall be required, designed, sized and installed in accordance with the City Engineer's determination based on good engineering practice and all available information concerning present and future needs. The cost of providing and installing such improvements shall be paid in accordance with the provisions of subsection C.(3) below.

- (2) The Planning Board or Zoning Board of Adjustment, as the case may be, may, as a condition of any approval required to be given by it pursuant to this Chapter, require the installation of a public improvement of greater size or capacity than required by subsection C.(1) above when it deems such greater size or capacity to be necessary in light of factors not known or considered at the time the aforesaid plan, program, map or ordinance was adopted or placed under consideration. If such factors relate solely to the development under consideration, the increased cost due to installing such greater size or capacity public improvement shall be paid in accordance with the provisions of subsection C.(3) below. If such factors do not relate solely to such development, such increased cost shall be paid in the same manner as provided in §300-45G. for off-tract improvements benefiting more than one (1) tract.
- (3) Except as provided in subsection C.(2) above, it shall be a condition of every approval granted pursuant to this Chapter that all public improvements required to be installed pursuant to this subsection shall be installed at the sole cost and expense of the developer. The City Engineer shall,

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as part of his/her review of detailed plans, specifications and cost estimates pursuant to §300-49, estimate the cost of all such improvements, and the developer shall, as a condition to final plan/plat approval, provide performance and maintenance guaranties pursuant to §300-49, to ensure the timely and proper installation of such improvements. The developer shall be responsible for installing all improvements required pursuant to this subsection, and for that purpose shall engage only properly licensed and qualified contractors and subcontractors for the type of work involved; provided, however, that where an ongoing or proposed City Public Improvement Program offers a more efficient and orderly vehicle for installing such improvements, the Planning Board or Zoning Board of Adjustment, as the case may be, may require such improvements to be installed by the City as part of such program and require the developer to pay the cost thereof.

**D. On-tract Public Sites, On-Tract Public Rights-of-Way & Public Improvements Not Serving the Subject Development**

- (1) Whenever the Master Plan, Capital Improvement Program, Official Map or other plan, program, map or ordinance adopted, or under consideration pursuant to official notice, by the City provides for the reservation on the subject property of a public site not associated with a public improvement or for the reservation of a public right-of-way or the installation of a public improvement, which right-of-way or improvement will not serve or benefit the subject tract, the Planning Board or Zoning Board of Adjustment, as the case may be, may, pursuant to the procedure set out in subsection D.(3) below and as a condition of any approval required pursuant to this Chapter, require such site, right-of-way or improvement to be shown on the plans or plats of the proposed development in a manner, size and location consistent with the City plan, program, map or ordinance in question and may reserve the necessary land areas for such site, right-of-way or improvement for a period of one (1) year or such further time as may be agreed to by the developer following final site plan subdivision plat approval. Unless during such period or an agreed extension thereof the City shall have entered into a contract to purchase, or shall have instituted condemnation proceedings according to law to acquire, the fee or a lesser interest in the reserved land area, the developer shall not be bound by such reservation and may proceed to use such land for private use in accordance with applicable development regulations.
- (2) The developer shall be entitled to just compensation for the actual loss found to be caused by any temporary reservation and deprivation of use pursuant to subsection D.(1) above. Unless a lesser amount has been mutually agreed upon, just compensation shall be deemed to be the fair market value of an option to purchase the land reserved for the period of reservation, provided that determination of such fair market value shall include, but not be limited to, consideration of the real property taxes apportioned to the land reserved and prorated for the period of reservation.
- (3) The developer shall also be compensated for the reasonable increased cost of legal, engineering or other professional services incurred as a result of the reservation in connection with obtaining Site Plan and/or Subdivision approval. The compensation payable pursuant to this subsection shall be determined in accordance with the provisions of subsection D.(4) below.
- (4) Upon submission to the Planning Board or Zoning Board of Adjustment, as the case may be, of an application for Site Plan and/or Subdivision approval for a land area subject to reservation pursuant to Subsection D.(1) above, the Board Secretary shall, in addition to the usual distribution of such application, forward a copy thereof to the City Council with a report summarizing the provisions of the City plan, program, map or ordinance, indicating the need for the reservation; providing a current assessment of the public need for such reservation and setting forth the date upon which the Board is expected to take final action on the application. Before such date, the City Council shall decide upon, and give the Board notice of, one (1) of the following courses of action to be followed:
  - (a) The City shall forego the right to reserve the land area in question. The Board then shall consider the proposed development as if no such right existed.



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- (b) The City Council has, prior to the date set for final action on the application, negotiated a price for the acquisition of any interests in land necessary, a program for the installation of any public improvements and an agreement as to any incidental compensation which may be due, and all approvals granted by the Board shall reflect such agreements.
- (c) The Board shall exercise the right of reservation pursuant to subsection D.(1) above, and the City Council shall negotiate just compensation for the reserved land or shall institute condemnation proceedings during the reservation period.
- (5) Should the City Council fail to so notify the Planning Board or Zoning Board of Adjustment, as the case may be, the Board shall proceed as if notified in pursue the course of action set out in Subsection (3)(a) above.
- (6) Should the City Council elect to proceed pursuant to Subsection (3)(c) above and then fail to negotiate compensation or to institute condemnation proceedings during the reservation period, the reservation shall expire and the City Council shall, within 30 days following the end of the reservation period, tender to the developer an amount considered by it to be just compensation for all compensable claims of the developer, pursuant to Subsection D.(1) above, arising out of the temporary reservation. The developer shall either accept and, in writing, acknowledge his acceptance of such tender in full settlement of his claim for compensation or shall institute an appropriate action for judicial determination and enforcement of his claim.

**E. Off-tract Public Improvements Specially Benefiting Only the Subject Development**

- (1) The developer of every proposed development shall be required, as a condition of the grant of any approval pursuant to this Chapter, to provide all off-tract public improvements which are necessary to serve or which benefit the subject property and which provide no special benefit to any other property. Except as noted in Subsection E.(2) below, all such improvements shall be required, designed, sized and installed in accordance with the Master Plan, Capital Improvement Program, if any, Official Map, this Chapter and such other plans, programs, maps and ordinances adopted by or under consideration pursuant to public notice by the City or other governmental agencies having jurisdiction to guide growth and development at the time the first application in connection with such development is filed. In the absence of any such plan, program, map or ordinance, the public improvements shall be required, designed, sized and installed in accordance with the City Engineer's determination based on good engineering practice and all available information concerning present and future needs. The cost of providing and installing such improvements shall be paid in accordance with the provisions of subsection E.(3) below.
- (2) The Planning Board or Zoning Board of Adjustment, as the case may be may, as a condition of any approval required to be given by it pursuant to this Chapter, require the installation of a public improvement of greater size or capacity than required by subsection E.(1) above when it deems such greater size or capacity to be necessary in light of factors not known or considered at the time the aforesaid plan, program, map or ordinance was adopted or placed under consideration. If such factors relate solely to the development under consideration, the increased cost due to installing such greater size or capacity public improvement, shall be paid in accordance with subsection E.(3) below. If such factors do not relate solely to such development, such increased cost shall be paid in the same manner as provided in Subsection F. below for off-tract improvements benefiting more than one (1) tract.
- (3) Except as provided in subsection E.(2) above, it shall be a condition of every approval granted pursuant to this Chapter, that all public improvements required to be installed pursuant to this subsection shall be installed at the sole cost and expense of the developer. The City Engineer

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shall, as part of his review of detailed plans, specifications and cost estimates pursuant to §300-49, estimate the cost of all such improvements, and the developer shall, as a condition to final plan or plat approval, provide performance and maintenance guaranties pursuant to §300-49 to ensure the timely and proper installation of such improvements. The developer shall be responsible for installing all improvements required pursuant to this subsection, and for that purpose shall engage only such properly licensed and qualified contractors and subcontractors as have been approved by the City Engineer for the type of work involved; provided, however, that where an ongoing or proposed City Public Improvement Program offers a more efficient and orderly vehicle for installing such improvements, the Board may require such improvements to be installed by the City as part of such program and require the developer to pay the cost thereof.

**F. Off-tract Improvements Specifically Benefiting More than the Subject Development**

- (1) Except as provided in subsection F.(3) below, the developer of every proposed development shall be required, as a condition of the grant of any approval pursuant to this Chapter, to provide all off-tract public improvements which are necessary to serve, or which benefit, the subject property, even though such improvements may also specially benefit other properties. Except as noted in subsection F.(2) below, all such improvements shall be required, designed, sized and installed in accordance with the Master Plan, Capital Improvement Program, if any, Official Map, this Chapter and such other plans, programs, maps and ordinances adopted by or under consideration pursuant to public notice by the City or other governmental agencies having jurisdiction to guide growth and development at the time the first application in connection with such development is filed. In the absence of any such plan, program, map or ordinance, the public improvements shall be required, designed, sized and installed in accordance with the City Engineer's determination based on good engineering practice and all available information concerning present and future needs. The cost of providing and installing such improvements shall be paid in accordance with the provisions of subsection F.(3) below.
- (2) The Planning Board or Zoning Board of Adjustment, as the case may be, may, as a condition of any approval required to be given by it pursuant to this Chapter, require the installation of a public improvement of greater size or capacity than required by subsection F.(1) above when it deems such greater size or capacity to be necessary in light of factors not known or considered at the time the aforesaid plan, program, map or ordinance was adopted or placed under consideration. The costs due to installing such greater size or capacity shall be apportioned and paid in the same manner as other costs pursuant to subsection F.(3) below.
- (3) It shall be a condition of every approval granted pursuant to this Chapter, that all public improvements required to be installed pursuant to this subsection shall be installed at the sole cost and expense of the developer. Such approval shall, however, provide that the developer shall be entitled to reimbursement (recapture), in the manner and to the extent authorized by subsection F.(4) below.
- (4) Determination of Reimbursement / Recapture Amount
  - (a) Whenever a public improvement, or any portion thereof, required to be installed pursuant to this subsection is installed at the sole cost and expense of a developer, or at any cost and expense to such developer greater than his pro rata share of the cost of such improvement as specified in subsection F.(3), the developer shall be entitled to reimbursement of his costs and expenses if, when and as other properties determined to be specifically benefited by such improvement subsequently seek approval for any development that will be served or benefited by such improvement.

The amount of such reimbursement shall not exceed the difference between the amount of such cost and expense paid by such developer and such developer's pro rata share of the cost of such improvement.

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- (b) In any such case, the approval of the application for the subject property shall include a determination by the Planning Board or Zoning Board of Adjustment, as the case may be, pursuant to this section, of all properties specially benefited by the improvement and of the value to each such property. The results of said determination and notice of the obligations on each property pursuant thereto shall be recorded by the Zoning Officer in the records of the Atlantic County Recording Officer with respect to each such benefited property.
- (c) Thereafter, no approval or permit required by this Chapter or any other ordinance of the City with respect to any subsequent development resulting in the use of, connection to or enjoyment of any benefit from such improvement by any such benefited property shall be granted or issued unless and until the subsequent developer of such benefited property shall have paid the original developer and any other prior developers contributing to the cost and expense of such improvement an amount calculated pursuant to the following formulae, which was developed to establish a fair cost-sharing for off-site infrastructure extensions. Such formula's primary ingredients are:

Capacity usage from each participant as a portion of the total capacity of the system and the extension quantity (typically distance or area), which ultimately equates to cost.

Pro-rata cost share shall be calculated by multiplying the recapture amount by the anticipated usage divided by the total estimated usage of the affected portion of the system. The recapture amount is the total estimated or actual improvement cost less the Subject tract improvement cost. By way of example:

**Roadway Reimbursement =**

$$\frac{\text{Length of Property Line along Roadway} \times \text{Cost of One (1) l.f. of Road}}{\text{Two (2) x Half Width of Roadway}}$$

$$\text{Where Cost of One (1) l.f. of Road} = \frac{\text{Total Cost of Road Construction}}{\text{Total Length of Road}}$$

**Storm Sewer Reimbursement =**

$$\text{Acreage of Property to be Developed} \times \text{Cost of One (1) Unit of Storm Sewer Infrastructure}$$

$$\text{Where Cost of One (1) Unit of Storm Sewer Infrastructure} = \frac{\text{Total Cost of Storm Sewer Construction}}{\text{Total Acreage to be Serviced by Storm Sewer}^{40}}$$

**Sanitary Sewer Reimbursement =**

$$\frac{\text{Total Cost for Pipe Installation}}{\text{Total Number of EDU's* to be Serviced}}$$

\* The City Engineer shall determine other existing or potential off-site development that may benefit from the proposed improvements, and shall take any EDU's<sup>41</sup> anticipated from such development into consideration when making his/her determination of usage.

<sup>40</sup> including acreage within Rights-of-Way

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The City Engineer shall use the foregoing formulae as a guide, and shall be empowered to make adjustments as he/she deems necessary based on the individual circumstances encountered.

The procedures described herein apply to public utilities only. Provisions for recapture of costs for the installation of infrastructure provided by private utility companies (i.e., New Jersey American Water [potable water], South Jersey Gas [natural gas], Atlantic City Electric [electricity]) shall be as determined by the private utility provider.

**§300-46 Elimination of Impacts of Specified Developments**

**A. General Standard**

- (1) The requirements set forth in §300-45 for public improvements and public sites shall be deemed the minimum requirements necessary to protect the public health, safety and welfare in connection with all developments requiring Site Plan and/or Subdivision approval but otherwise permitted as a matter of right as permitted uses in the various zoning districts established by this Chapter.
- (2) In addition to such requirements, the Planning Board or Zoning Board of Adjustment, as the case may be, shall have authority, in connection with its review and approval of any Site Plan and/or Subdivision plat for any proposed development requiring variance approval, to impose as a condition on any of said Discretionary Approvals and on any related Site Plan and/or Subdivision approval pursuant to this Chapter, additional requirements intended and designed to eliminate or ameliorate the physical, economic and social impacts of the proposed development on its immediate environs and on the general health, safety and welfare of the city and its residents and visitors.
- (3) No application for such a development shall be granted unless the Planning Board or Zoning Board of Adjustment, as the case may be, shall find, pursuant to the provisions of §300-46B. and the provisions of this Chapter applicable to the granting of the aforesaid Discretionary Approvals, that the proposed use in the proposed location will not result in any undue adverse physical, economic or social impacts upon its immediate environs or the general health, safety and welfare of the city, its residents and its visitors, which will not be eliminated by reason of the developer's compliance with conditions imposed pursuant to §300-46B. and the provisions of this chapter applicable to the aforesaid Discretionary Approvals.

**B. Determination of Need for Special Conditions**

- (1) Whenever an application for Site Plan and/or Subdivision approval for a development requiring variance approval is filed with the Planning Board or Zoning Board of Adjustment, as the case may be, pursuant to this Chapter, the Board shall determine what, if any, conditions on those approvals, in addition to or in lieu of conditions to be imposed pursuant to §300-45, are necessary to eliminate any undue, adverse physical, economic or social impacts of the proposed development on its immediate environs and on the general health, safety and welfare of the City, its residents, businesses and visitors. Such conditions may relate to the provisions of:

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<sup>41</sup> Equivalent Dwelling Unit. Assumes one (1) EDU = one (1) Single-Family dwelling. The City Engineer shall determine an appropriate EDU factor for Apartments, Condominiums or other Multi-Family residential development.

For Commercial Development, the City engineer shall estimate the sewer usage for the proposed use. For the purpose of determining reimbursement, it will be assumed that one (1) EDU is equivalent to 300 gallons per day of sewer discharge.

For sizing new pump stations or upgrades to existing pump stations, the capacity of the station or increased capacity in gallons per day will be converted to EDU's by assuming one (1) EDU to be equivalent to 300 gallons per day.

For other improvements to the system, the City Engineer will determine the total number of benefited users to share in the cost of the improvement.

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- (a) public improvements;
  - (b) public sites and rights-of-way;
  - (c) on-tract and on-site improvements, facilities, landscaping and amenities and services; and
  - (d) contributions to general public programs and projects designed to respond to the adverse impact in question; or
  - (e) any other matter found by the Board to be reasonably necessary to eliminate any undue adverse physical, economic or social impact which would be imposed by or have a rational nexus with the proposed development.
- (2) The Planning Board or Zoning Board of Adjustment, as the case may be, shall base its determination on:
- (a) the nature and scope of the proposed development;
  - (b) the provisions of this Chapter specifically applicable to the type of development being proposed and the specific type of Discretionary Approval sought;
  - (c) the provisions of the Master Plan, Capital Improvement Program, if any, Official Map and any other plans, programs or maps adopted by or under consideration pursuant to notice by the City or other governmental agencies having jurisdiction to guide growth and development;
  - (d) the provisions of this Chapter and other development regulations adopted by the City or other governmental agencies having jurisdiction, with particular attention to any such provisions specifically applicable to the type of development being proposed or the area in which it is proposed and any special restrictions or conditions on such development or areas; and
  - (e) the studies, reports and opinions of City departments, officials and consultants having special knowledge, expertise or responsibility with respect to the development, improvements or conditions under consideration.
- (3) In determining whether conditions are necessary to eliminate adverse impacts of a development requiring variance approval, the Planning Board or Zoning Board of Adjustment, as the case may be, shall be guided by the principles set forth in §300-45, and by the following additional principles:
- (a) that such approvals are discretionary;
  - (b) that the uses permitted By-Right in the various zoning districts reflect a careful balancing of the rights of the owners against the lawfully cognizable concerns of the public;
  - (c) that uses requiring variance approval are placed in a special category because they impose unusual burdens on the public while conferring special benefits on the owner; and
  - (d) that the public has the right and duty to insist that those seeking such special benefits accept the responsibility for responding to and eliminating those unusual burdens which are found to have a rational nexus with the special approval sought or the development proposed.
- (4) Neither the fact that a specific condition could have been imposed pursuant to §300-45 nor the fact that such a condition is not authorized by said subsection shall prevent its imposition pursuant to this section in the case of any development variance approval pursuant to the provisions of this Chapter.

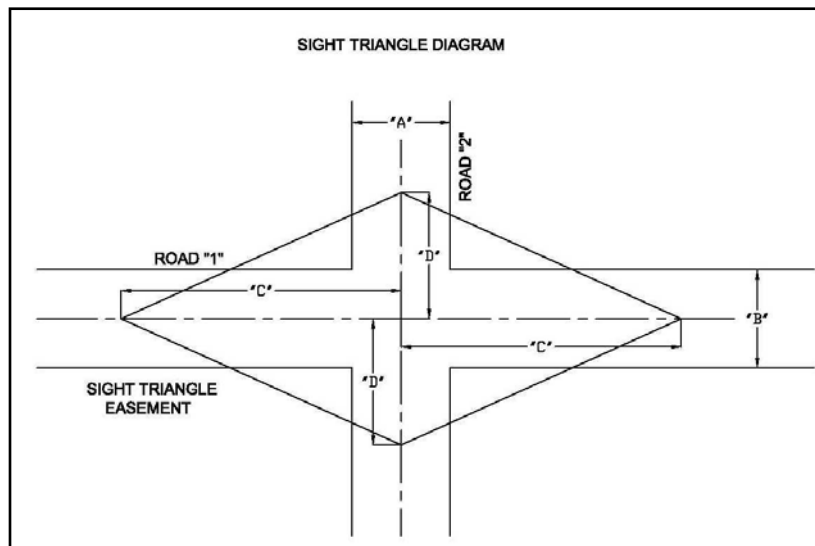
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- (5) In the event that the Planning Board or Zoning Board of Adjustment, as the case may be, shall determine, pursuant to this section, that conditions are required to eliminate any undue adverse physical, economic or social impacts of a development requiring variance approval, it shall condition its grant of the aforesaid approvals and its grant of Site Plan and/or Subdivision approval pursuant to this Chapter as necessary to eliminate such impacts.
- C. The cost of meeting any condition imposed pursuant to this section shall be borne solely by the developer upon which the condition is imposed, unless the Planning Board or Zoning Board of Adjustment, as the case may be, shall find that just cause exists for granting rights of reimbursement to the extent and in the manner provided in §300-45E. on the basis of the extent of the cost and expense of meeting the condition imposed in relation to the value of the development for which variance approval is sought, the degree to which the condition will specifically benefit other specific properties and the degree to which the subject property has or is likely to benefit, without cost or expense, from similar conditions imposed upon other properties seeking similar Discretionary Approvals. In the event that the Board shall make such determination, the provisions of §300-45 with respect thereto shall apply.

**§300-47 Installation of Public Improvements, Sites & Rights-of-Way**

- A. No application for Site Plan and/or Subdivision approval shall be granted unless the Planning Board or Zoning Board of Adjustment, as the case may be, shall find that the proposed development is adequately served by public improvements, either existing or to be provided by the developer pursuant to §300-45 and/or §300-46 above, which are in compliance with the provisions of the Master Plan, any Capital Improvement Program, the Official Map and this Chapter.
- B. Sight Triangles at Street Corners

Except as provided in §300-58E.(6) regarding Freestanding / Pole Signs, no building, structure, landscaping or other obstruction to sight shall be located within the space between 2½' and 9' above t.o.c., or the street line where curbs are not present, within a triangle formed by connecting the center lines of any two (2) intersecting streets as herein provided. The Sight Triangles herein specified shall be as follows:



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<u>Road "1"</u>	<u>Road "2"</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Local Street	Local Street	60'	60'	90'	90'
Minor Collector	Local Street	70'	60'	200'	90'
Minor Collector	Minor Collector	70'	70'	200'	90'
Major Collector	Local Street	90'	60'	200'	90'
Major Collector	Minor Collector	90'	70'	200'	90'
Major Collector	Major Collector	90'	90'	200'	90'
Arterial	Local Street	100'	60'	300'	90'
Arterial	Minor Collector	100'	70'	300'	90'
Arterial	Major Collector	100'	90'	300'	90'
Arterial	Arterial	100'	100'	300'	90' *

\* Each Arterial Road is to be treated individually

**§300-48 Ancillary Powers: Concurrent Review when Variance Relief Required**

**A. Planning Board**

(1) When reviewing applications for approval of Site Plans or Subdivision plats pursuant to this Chapter, the Planning Board shall have the power to grant, pursuant to N.J.S.A. 40:55D-60, to the same extent and subject to the same provisions, conditions and limitations as applicable to the Zoning Board of Adjustment:

- (a) Variances from bulk, space and yard requirements;
- (b) Variances and direction for issuance of a permit for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area; and
- (c) Variances and direction for issuance of a permit for a building or structure not abutting a street.

**(2) Submission & Processing of Applications**

- (a) Whenever, in addition to approval of a Site Plan or Subdivision plat pursuant to this Chapter, the applicant will, in connection with the proposed development, require any of the approvals authorized by this Chapter, the applicant shall, at the time of filing an application for Preliminary Site Plan and/or Subdivision plat approval, file applications for all other required approvals.
- (b) All required notices shall include reference to the request for any and all additional approvals.
- (c) Whenever, in conjunction with an application for Site Plan and/or Subdivision plat approval, an applicant files applications for other approvals pursuant to this section, the Planning Board shall review and process all such applications at the same public hearing.
- (d) Where, pursuant to the ancillary jurisdiction granted by this subsection, the Planning Board is reviewing an application subject to the primary jurisdiction of the Zoning Board of Adjustment, all provisions of this Chapter applicable to the Zoning Board in reviewing such an application shall be deemed to refer to and to apply to the Planning Board.

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- (e) In reviewing such combined applications, the Board shall, except as hereinafter provided with respect to limitations on the time for taking action, comply with all of the provisions of this Chapter applicable to each of the applications.
- (f) The Board shall act on any such combined application within the longest time period, not to exceed 120 days, applicable to any one (1) of the individual applications included in the combined application, or within such further time as may be consented to by the applicant. Failure of the Board to act within such period of time shall constitute approval of the application. The Zoning Officer shall issue notices and certificates of such action or failure to act in accordance with the provisions of this Chapter applicable to the various applications involved.

**B. Zoning Board of Adjustment**

- (1) When reviewing applications for 'd' variance relief pursuant to this Chapter, the Zoning Board of Adjustment shall have the power to grant, pursuant to N.J.S.A. 40:55D-78, to the same extent and subject to the same provisions, conditions and limitations as applicable to the Planning Board, Site Plan and/or Subdivision approval pursuant to this Chapter.

**(2) Submission & Processing of Applications**

- (a) Whenever, in addition to approval of an application for 'd' variance relief pursuant to this Chapter, the applicant will, in connection with the proposed development, require Site Plan and/or Subdivision approval authorized by §300-36., the applicant shall, at the time of filing an application for 'd' variance relief, file applications for all other required approvals.
- (b) All required notices shall include reference to the request for any and all additional approvals.
- (c) Whenever, in conjunction with an application for 'd' variance relief, an applicant files applications for Site Plan and/or Subdivision approvals pursuant to this subsection, the Zoning Board of Adjustment shall review and process all such applications at the same public hearing.
- (d) In reviewing such combined applications, the Board shall, except as hereinafter provided with respect to limitations on the time for taking action, comply with all of the provisions of this Chapter applicable to each of the applications.
- (e) Where, pursuant to the ancillary jurisdiction granted by this subsection, the Zoning Board of Adjustment is reviewing an application subject to the primary jurisdiction of the Planning Board, all provisions of this Chapter applicable to the Planning Board in reviewing such an application shall be deemed to refer to and to apply to the Zoning Board of Adjustment.
- (f) The Board shall act on any such combined application within 120 days after determination of a Complete application, or within such further time as may be consented to by the applicant. Failure of the Board to act within such period of time shall constitute approval of the application. The Zoning Officer shall issue notices and certificates of such action or failure to act in accordance with the provisions of this Chapter applicable to the various applications involved.

**§300-49 Guaranties**

**A. No official, department, bureau, board, commission or agency of the City shall:**

- (1) Release to a developer a Final Subdivision plat which has been signed by the Chair and Secretary of the Planning Board or Zoning Board of Adjustment, as the case may be, in accordance with §300-36G. (2)(h)[2] & [3] or as a condition of Final Site Plan approval;



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(2) Issue a Zoning Permit pursuant to §300-34A.; or

(3) Issue a certificate of approval by inaction pursuant to §300-30H.;

unless and until the applicant submits to the Board Secretary performance guarantees as herein required.

Such guaranties shall be in cash, or in the form of a bond, irrevocable letter of credit or escrow agreement. If not in cash, such guaranties shall be secured by a corporate surety licensed to do business in the State of New Jersey, shall be approved by the City Solicitor as to form and shall be approved for execution by the Governing Body.

- B. The cost of the installation of improvements for the purposes of this subsection shall be estimated by the City Engineer based on documented construction costs for public improvements prevailing in the general area of the City. The developer may appeal the such estimate to the County Construction Board of Appeals established under N.J.S.A. 52:27D-127.

The City Engineer shall provide such cost estimate to the applicant within 30 days of receipt of such request, which shall be made by the applicant via certified mail.

C. Performance Guaranty

Upon receipt of the City Engineer's cost estimate, the applicant shall furnish a Performance Guaranty in the favor of the City in an amount not to exceed 120% of the City Engineer's estimate of the cost of installing all improvements, facilities and work required to be installed by the applicant as a condition of Final Site Plan and/or Subdivision plat approval, whether on-site, off-site, on-tract or off-tract. Such improvements, facilities and work shall include, without limitation, all public improvements, including streets, grading, pavement, gutters, curbs, sidewalks, street lighting, improvement of public and private common open spaces and surveyor's monuments as required by the Map Filing Law (N.J.S.A. 46:23-9.9 et seq.), water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion and sedimentation control devices and landscaping improvements. Such Performance Guaranty shall guarantee the installation of said improvements, facilities and work in a good and workmanlike fashion in accordance with the approved final plan or plat within the time specified in the approved staging plan or, if no such time is specified, within two (2) years following the date of final plan or plat approval.

The itemized cost estimates prepared by the City Engineer for the improvements shall be appended to each Performance Guaranty posted by the obligor.

D. Maintenance Guaranty

The applicant shall furnish a Maintenance Guaranty in favor of the City, covering all improvements, facilities and work required to be covered by the Performance Guaranty required under §300-49C. The Maintenance Guaranty shall remain in full force and effect for a period of two (2) years following final acceptance of the improvement, facility or work in question and shall be in an amount equal to 15% of the cost of such improvement, facility or work.

E. Exception

In the event that a governmental agency or public utility, other than the City of Pleasantville, will automatically own the improvements, facilities or work to be installed pursuant to the approved final plan or plat or in the event that such improvements, facilities or work are covered by a Performance or Maintenance Guaranty required by a governmental agency other than the City of Pleasantville, no additional Performance or Maintenance Guaranty covering such improvements, facilities or work shall be required pursuant to this section.

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**§300-50 Inspection of Improvements, Facilities & Work**

**A. During Construction**

- (1) All improvements, facilities and work required to be constructed pursuant to an approved final plan or plat shall be regularly inspected by the City Engineer and the Zoning Officer for compliance with the approved plans, Decision & Resolution of the Planning Board or Zoning Board of Adjustment, as the case may be, the provisions of this Chapter and the requirements of all other applicable federal, state, county and city laws, ordinances and regulations. If, as a result of such inspections, the City Engineer or the Zoning Officer shall determine that any improvement, facility or work is not in compliance with said plans, Decision & Resolution, laws, ordinances or regulations, they shall have authority to order that all or any part of the work on the development shall be stopped until such time as necessary steps are taken to correct any defects or deficiencies.
- (2) In order to facilitate the regular inspection program herein required, the applicant shall notify the City Engineer at least forty-eight (48) hours prior to the surfacing of any street or private road; the installation of any curbing, gutters, sanitary or storm drainage structures, underground utilities or other improvements; or the grading or backfilling of any open trench or excavation in which any public improvement has been installed. Within forty-eight (48) hours following the receipt of such notice, the City Engineer shall conduct an on-site inspection of such work.

The above notwithstanding, nothing herein shall limit the ability of the City Engineer to perform regular and routine inspections of construction as necessary and appropriate.

**B. Inspection Escrow**

- (1) Prior to Final Major Subdivision or Final Major Site Plan approval, the applicant shall deposit with the City an amount not to exceed the greater of \$500.00 or 5% of the costs of improvements, which costs shall be estimated by the City Engineer based on documented construction costs for public improvements prevailing in the general area of the City in accordance with N.J.S.A. 40:55D-53.4.
- (2) Such fees shall be deposited into a separate, project-related escrow account established by the City's Chief Financial Officer, and shall be used to pay for the actual costs incurred by the City for the inspection of such work.
- (3) Detailed records of such charges, along with a detailed accounting of each applicant's deposit(s) shall be maintained by the Board Secretary. A copy of said accounting shall be available to the applicant upon request.
- (4) For development for which the inspection fees are calculated to be less than \$10,000, such fees may, at the option of the developer, be paid in two (2) installments of 50% of the calculated inspection fee.

The initial 50% shall be deposited prior to Final Approval.

If, at any time during the inspections process, the amount in the escrow account has been reduced to 10% of the original amount placed in escrow and the City Engineer determines that additional escrow funds are needed to complete the inspections process, the Board Secretary shall communicate to the developer, in writing, the status of the account and shall require that the remaining 50% be deposited. Should the developer not deposit such requested amount within 7 days from the date of such notice, the City may, at its discretion, order that the work on the project requiring inspection be suspended until the deposit has been made.

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- (5) For development for which the inspection fees are calculated to be \$10,000 or greater, such fees may, at the option of the developer, be paid in four (4) installments of 25% of the calculated inspection fee.

The initial 25% shall be deposited prior to Final Approval.

If, at any time during the inspections process, the amount in the escrow account has been reduced to 10% of the original amount placed in escrow and the City Engineer determines that additional escrow funds are needed to complete the inspections process, the Board Secretary shall communicate to the developer, in writing, the status of the account and shall require that additional deposits, in not less than increments of 25% of the calculated inspection fees, be made. Should the developer not deposit such requested amount within 7 days from the date of such notice, the City may, at its discretion, order that the work on the project requiring inspection be suspended until the deposit has been made.

- (6) Any moneys not expended for such inspection services may be returned to the developer upon written request by the developer and upon certification by the City Engineer that no activities requiring the use of such funds shall be required.

**C. Additional Inspections by Zoning Officer**

Following final plan or plat approval, the Zoning Officer shall, in addition to the inspections required pursuant to §300-50 in connection with the installation of improvements and facilities, at least once every six (6) months until the completion of the development, and continually thereafter following completion of the development, review all permits issued and construction undertaken and compare actual development with the approved plans for development and with the approved development schedule.

- (1) If the Zoning Officer finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the plans or plats as finally approved, he shall immediately notify the Planning Board or Zoning Board of Adjustment, as the case may be, of such fact and may, if he finds it necessary to ensure compliance with the approved plans or plats, the Decision & Resolution and the provisions of this Chapter, issue an order stopping any or all work on the development until such time as any noncompliance is cured.
- (2) Within 30 days following such notice, the Planning Board or Zoning Board of Adjustment, as the case may be, shall take one (1) or more of the following actions as it shall deem appropriate:
- (a) Compel the applicant to return to the Board for a formal explanation of the noncompliance;
  - (b) Commence such steps as it shall deem necessary to compel compliance with the final plan or plat approval;
  - (c) Revoke, by Resolution, the final plan or plat approval and all prior approvals and related or resulting permits; and/or
  - (d) Pursue such other remedies as may be available to enforce compliance with this Chapter and to punish any failure to comply.

The exercise of any of the foregoing actions shall in no way bar or limit the taking of any other of the foregoing actions if, in the discretion of the Board, such actions are appropriate.

**D. Reduction of Guaranties; Notice of Default to Obligor and Surety**

- (1) If, as a result of the foregoing regular inspection program, the City Engineer shall determine that portions of the required improvements, facilities or work have been completed so as to justify a

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reduction in the amount of the Performance Guaranty posted by the applicant, he shall certify such facts to the City Council, which may, thereupon, reduce the amount of the performance guaranty to a sum not less than 120% of the cost of the improvements, facilities and work yet to be completed.

- (2) If, as a result of the foregoing regular inspection program, the City Engineer determines that any of the required improvements, facilities or work has not been or is not being performed or corrected in accordance with the approved plans and applicable laws, ordinances and regulations, he shall notify the City Council of such fact, and the City may, thereupon, take such action as it shall deem appropriate to compel performance or may, in the alternative, declare a forfeiture of the Performance Guaranty, and the obligor and surety shall thereupon be liable upon the performance guaranty to the City for the reasonable cost of the improvements, facilities and work not completed or corrected, and the City may, either prior to or after the receipt of the proceeds of the Performance Guaranty, complete or correct such improvements, facilities or work by the employment of such City personnel or private contractor as it shall deem appropriate.

(3) Completion and Final Inspection

- (a) When all of the required improvements, facilities and work within a stage or unit of the development have been completed, the obligor shall send written notice of such completion to the City Council by certified mail, addressed in care of the City Clerk. A copy of such notification shall also be sent to the City Engineer.
- (b) Upon receipt of such notice, the City Engineer shall inspect all of the improvements, facilities and work and shall, within 45 days from receipt of the notice from the obligor, file a detailed written report with the City Council, indicating either approval, partial approval or rejection of the improvements and facilities, with detailed reasons in support of any rejection. In case part of the improvements, facilities or work is approved and part rejected, the report of the City Engineer shall set forth the cost of the improvements, facilities and work required for acceptance of the rejected improvements, facilities and work. The City Engineer shall simultaneously send a copy of such report to the obligor.

(4) Action by City Council

- (a) Within 45 days from receipt of the report of the City Engineer, the City Council shall, by Resolution, either approve, partially approve or reject the improvements, facilities and work on the basis of said report and shall, within such 45 days, notify the obligor, in writing, by certified mail, of the contents of said report and the action of the City Council with relation thereto. A copy of such notification shall also be sent by City Council to the surety. Failure of City Council to send or provide such notification to the obligor within such 45 days shall be deemed to constitute approval of the improvement, facility or work which was subject of the obligor's original notice.
- (b) Upon such approval or the expiration of such a period of time without action, the obligor and surety shall be released from all liability pursuant to the Performance Guaranty. Where partial approval is granted, the obligor and surety shall be released from all liability pursuant to the Performance Guaranty as to the improvements, facilities and work approved, but shall not be released as to any improvements, facilities or work rejected.
- (c) If all or any portion of the required improvements, facilities or work is rejected, the City Council shall require the obligor to complete such improvements, facilities and work and to again give notice of such completion pursuant to this section within a period of time to be fixed by the City Council. In the alternative, if any required improvements, facilities or work are not completed or not corrected in accordance with the approved final plan, Decision &

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Resolution and applicable laws, ordinances and regulations, the City may declare a forfeiture of the Performance Guaranty, and, thereupon, the obligor and surety shall be liable upon the Performance Guaranty to the City for the reasonable cost of the improvements, facilities or work not completed or corrected, and the City may, either prior to or after the receipt of the proceeds of the Performance Guaranty, complete or correct such improvements or facilities by the employment of such city personnel or private contractors as it shall deem appropriate.

**E. Building and Other Permits**

Except as otherwise expressly provided in §300-36G.(2)(j), upon, but not before, receiving notice from the Zoning Officer that the approved final plan or plat has been recorded and upon application by the applicant, all appropriate officials of the City may issue building and other permits to an applicant for development, construction and other work in the areas encompassed by the approved final plan or plat; provided, however, that no such permit shall be issued unless the appropriate official is first satisfied that the requirements of any codes or ordinances of the City, in addition to this Chapter, which are applicable to the permit sought have been satisfied. No Certificate of Occupancy shall be issued for any use or structure within such area until all improvements, facilities and work required to be guaranteed pursuant to §300-49 hereof have been completed and accepted as therein provided.

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**ARTICLE X**  
**Design & Performance Standards**

**§300-51 Design Standards**

A. For all Development in the City of Pleasantville

Unless otherwise addressed herein, departures from the Design Standards detailed in this subsection A. may be permitted at the discretion of the Planning Board or Zoning Board of Adjustment, as the case may be, via variance relief pursuant to N.J.S.A. 40:55D-70.

(1) Placement of Structures

- (a) The predominant axes of all structures hereafter erected shall be either parallel or perpendicular to the axes of adjoining public or private streets.
- (b) The front entrance to all structures shall face the street.
- (c) Setbacks, shall be clear, unoccupied and unobstructed horizontal distances between the vertical walls of a building or structure and any Front, Side or Rear Lot Line, measured perpendicular to such Lot Lines, and extending from grade to sky, except for the following permitted encroachments, provided that such encroachments are not located in a sight triangle and do not inhibit the free flow of traffic:

ELEMENT	PERMITTED ENCROACHMENT / PROJECTION		
	FRONT YARD <sup>42</sup>	SIDE YARD <sup>43</sup>	REAR YARD
Windowsills, cornices, cantilevered roofs / roof eaves, flues, belt courses, leaders, pilasters, lintels, gutters & like & similar utilitarian features	projecting not more than 12” from an exterior wall;		
Open porches with or without Structural Roofs, Awnings & Canopies over same, and stairs leading thereto	projecting not more than 70” based on a Yard of 10’		
	<b>Where a Yard is greater than 10’, such porches and steps may project beyond 70” at a ratio of:</b>		
	1” of additional projection for every 1” from the 10’ benchmark.	2” of additional projection for every 1” from the 10’ benchmark.	
	<b>Where a Yard is less than 10’, such porches and steps shall be reduced below 70” at a ratio of:</b>		
	1” of projection for every 1” from the 10’ benchmark.	2” of projection for every 1” from the 10’ benchmark.	
	The above notwithstanding, no porch or stairs shall be closer than 2’ from any property line.		

<sup>42</sup> In the case of Corner Lots, such regulations apply whether or not such yards are Primary or Secondary Frontages

<sup>43</sup> In the case of Corner Lots, the regulations for Front Yards shall apply to a Side Yard abutting a street

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ELEMENT	PERMITTED ENCROACHMENT / PROJECTION		
	FRONT YARD <sup>42</sup>	SIDE YARD <sup>43</sup>	REAR YARD
Chimneys	projecting not more than 30” from an exterior wall for a maximum width (i.e., distance parallel to such wall) of 48”;		
Residential Awnings, Canopies & Structural Roofs	projecting not more than the porch over which the awning or canopy is installed;		
Commercial Awnings, Canopies & Structural Roofs	projecting not more than 36” from the Subject wall;		
Flag / Banner Poles	No Limit, provided that such poles are not located closer than 2’ from any property line;		
Fences	No Limit, provided that fences are placed a minimum of 2” inside of the property line (See §300-71 for additional regulations)		
Landscaping, including statuary, arbors & trellises;	No Limit. (See §300-71 for additional regulations)		
Bay Windows & other ornamental architectural features	projecting not more than 36” from the Front / Side wall, provided that the total of such projections do not exceed 33% of the horizontal distance of such wall;		
	and further provided that such projections shall be entirely within planes drawn from the main corners of the Front / Side Façade of the building at an interior angle of not more than 23° from the wall in question (the intent being to minimize shadow effects on neighboring properties from projections at the corners of buildings).	and further provided that such projections shall be entirely within planes drawn from the main corners of the Rear Façade of the building;	
	Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, cornices, eaves, gutters and like and similar utilitarian features are not permitted encroachments under this subsection.		
Porte-cocheres (front & side yards only), off-street parking areas & access drives thereto;	No Limit.		
Residential Driveways		Minimum 6” from the property line	
Signage	subject to the provisions of §300-57 through §300-64;		
Lighting	provided that no light standard is closer than 2’ from any property line, and that no light therefrom shall spill-over to a neighboring property.		
Pedestrian walkways, breezeways & atria;	No Limit.		
Bicycle racks, benches, trash receptacles & other street furniture	provided that no such item be closer than 2’ from any property line, and further provided that bicycle racks are installed such that no bicycle extends into the public right-of-way;		
	provided that no such item be closer than 2’ from any property line, and further provided that bicycle racks are installed such that no bicycle extends into the public right-of-way;		
Balconies & terraces	projecting not more than 48” from the Front wall		projecting not more than 36” from the Side / Rear wall;

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ELEMENT	PERMITTED ENCROACHMENT / PROJECTION		
	FRONT YARD <sup>42</sup>	SIDE YARD <sup>43</sup>	REAR YARD
Outdoor caf��s, decks, patios, tables & other similar alfresco dining areas (collectively, “Alfresco Dining Area”), provided that they are accessory to lawfully-permitted Restaurants, & further subject to the following:	No Alfresco Dining Area shall be permitted at a Restaurant that has not received a Zoning Permit or other Land Use Approval, AND a does not have a valid mercantile License from the City;		
	Regardless of whether or not permitted indoors at the host Restaurant, no service of alcoholic beverages, whether supplied by the host Restaurant or brought by the patron, is permitted;		
	Shall be set back not less 2’ from the property line of any adjacent parcel;		
	May be permitted to extend into the public right-of-way (sidewalk), provided that not less than 7’ of accessible area remains for pedestrian circulation, and further provided that a license and hold harmless for any such extension is issued by the Governing Body in the case of a municipal right-of-way and by any other governmental agency having jurisdiction;		
	Shall be immediately contiguous to and shall not extend beyond the property lines of the host Restaurant;		
	Shall not encompass more than 75% (measured linearly, parallel to the building) of the host Restaurant, and shall not block any entrances and/or exits to the host Restaurant;		
	Where not abutting a wall, shall be surrounded by a landscape perimeter barrier, with live vegetation. Planter boxes must be at least 18” from grade, and the shrubbery in the planter boxes may not exceed 3’ from grade.		
	The number of entrances to the Alfresco Dining Area from the public right-of-way shall be limited to one (1) entrance for every 40’ of frontage. Such entrances may not be less than 4’ nor more than 6’ in width.		
	Where paper / plastic tableware (plates, napkins, cups, utensils) is employed, one (1) [sufficiently sized] trash and one (1) [sufficiently sized] recycling receptacle, with lid, for every 16 seats, is required.  Where glassware and metal utensils are employed, one (1) [sufficiently sized] trash and one (1) [sufficiently sized] recycling receptacle, with lid, are required.  Regardless of the type of service, standing bus-pans (Jack Stands) are prohibited;		
	Only canopies, awnings or umbrellas which are anchored to the host Restaurant are permitted.  Canopies & awnings may have removable side panels to protect patrons from the elements.  No canopy or awning visible from a public right-of-way shall contain any advertising material or signage other than the name and/or logo of the host Restaurant.		



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ELEMENT	PERMITTED ENCROACHMENT / PROJECTION		
	FRONT YARD <sup>42</sup>	SIDE YARD <sup>43</sup>	REAR YARD
Outdoor cafés, decks, patios, tables & other similar alfresco dining areas (collectively, “Alfresco Dining Area”), provided that they are accessory to lawfully-permitted Restaurants, & further subject to the following:	All tables, seating, planter boxes & other elements or components of an Alfresco Dining Area shall be commercially available & uniform. Hand-made elements may be permitted at the discretion of the Planning Board, Zoning Board of Adjustment or Planning & Redevelopment Advisory Committee, as the case may be, upon inspection of same for durability, weight (wind resistance) & aesthetics.		
	All elements or components of an Alfresco Dining Area shall be removed from the Area when the Area is not open for business; whether by operator’s choice, inclement weather or due to permitted hours of operation;		
	All elements or components of an Alfresco Dining Area, whether commercially available or hand-made, shall be approved by the Zoning Officer. Approved elements shall be etched with an identifying registration number, established by the Zoning Officer, and no element not so etched shall be permitted;		
	Shall be limited to table (waiter / waitress) service. Seating for take-out from the host Restaurant is prohibited;		
	Total seating shall not exceed 1 patron per 15 s.f. of lawful Alfresco Dining Area. In no case shall an Alfresco Dining Area exceed 25% of the interior occupancy of the host Restaurant without first obtaining variance relief under <u>N.J.S.A. 40:55D-70(d-1)</u> ;		
	Other than a single posted menu & a single “Hours of Operation” sign, no signage shall be permitted at any portion of an Alfresco Dining Area. Such signs shall be no larger than 4 s.f., & may be affixed to the building or planter box or be on an “A”-Frame (sandwich board) or a stanchion. If on an “A”-Frame or stanchion, such element shall not be located outside of the perimeter of the Alfresco Dining Area;		
	No Alfresco Dining Area, or any element or component thereof, may be used for the display or location of merchandise, advertising materials or vending machines;		
	<p>No Alfresco Dining Area shall be permitted unless the operator thereof receives a Zoning Permit for such Area. In addition to the requirements of Checklist B. of §300-77, the Application for an Alfresco Dining Area must contain:</p> <p>A site plan drawing indicating the maximum (outbound) boundary of the proposed Alfresco Dining Area &amp; the location of all elements of such Area as required by this section, including planter boxes, tables &amp; seating, canopy, etc.</p> <p>The number &amp; locations of entrances to the Alfresco Dining Area;</p> <p>All entrances to the host Restaurant and the area(s) from where the Alfresco Dining Area is to be serviced;</p> <p>Catalogue graphics or photographs of the planter boxes, seating, canopy and all other elements proposed.</p> <p>Hours of operation and how service is to be rendered to all parts of the Area.</p>		

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ELEMENT	PERMITTED ENCROACHMENT / PROJECTION		
	FRONT YARD <sup>42</sup>	SIDE YARD <sup>43</sup>	REAR YARD
HVAC equipment		provided that units are not located closer than 2' from any property line;	
Recreational equipment		provided that such no element is located closer than 2' from any property line	
Swimming & Bathing Pools		The edge of any bathing or swimming pool shall be located not closer than 10' to any property line other than a public right-of-way, in which case the pool shall be no closer than 20' from such right-of-way.	
Fire escapes or outside stairways		projecting from an exterior wall not more than 36";	

(2) Minimum Distance Between Buildings

- (a) Buildings with a maximum building height above the lower of 2½ stories or 35':

For Principle Structures located on the same lot, the minimum distance between walls containing openings for light and air shall be equal to 33% of the height of the tallest structure, but not less than the rear yard requirement applicable to the structure without expressed written permission from the Fire Official.

- (b) For all other buildings: No building or structure shall be situated closer than 15' from an adjacent building or structure, whether on the same Lot or adjacent Lots.

B. For all Principal Structures in the City of Pleasantville

Departures from the Design Standards detailed in this subsection B. may be permitted at the discretion of the Planning Board, Zoning Board of Adjustment or Planning & Redevelopment Advisory Committee, as the case may be, via Design Waiver and not variance relief pursuant to N.J.S.A. 40:55D-70.

(1) Rooftop Treatment

- (a) Unless otherwise specified herein, roofs shall be clad with approved roofing materials and shall be moderately-pitched,<sup>44</sup> with dormers and cornices. Steeper roof pitches are encouraged.

Colored, patterned shingle designs are encouraged.

- (b) Where sloped roofs are not practicable and therefore flat roofs are necessary, and where such roofs are less than the Maximum Building Height in the subject or immediately adjacent Zoning District and therefore visible from taller buildings, whether present or prospective, including the rooftop decks of parking structures and decks and balconies when accessible as public open spaces, such roofs shall be treated with decorative roofing materials in order to create an aesthetic appearance from above. Alternatively, such rooftops may be aesthetically developed as pedestrian accessible promenades, rooftop gardens and/or active or passive recreation areas as appropriate.
- (c) Where said surfaces are pedestrian accessible, a minimum of 35% of the total exposed surface area shall be landscaped as roof gardens. Said treatment may or may not include live vegetation.

<sup>44</sup> Reserved

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- (d) The balance of all accessible flat roof surfaces shall be treated in such a way as to blend with the roof gardenscape in an aesthetically acceptable manner. Said areas shall be constructed of non-reflective material in order to secure an agreeable visual condition.
- (e) Where said surfaces are not pedestrian accessible, surfaces shall be treated with non-reflective, decorative materials in order to secure an agreeable visual condition.
- (f) Pergolas, trellises or other screening above parked vehicles is required where exposed flat roofs are used as parking decks and for mechanical and related items.

**(2) Site Work**

**(a) Driveways**

**[1] If Asphalt:**

[a] New Paving (residential): Minimum thickness after rolling shall be 2” when placed upon a stable subbase. If subbase is not stable, a base of 6” of dense graded aggregate or recycled concrete aggregate, installed to industry standards, is required.

[b] Overlay (resurfacing) of existing residential Asphalt Driveways shall be a minimum thickness of 2”. All surface cracks or deteriorated subbase shall be repaired.

[2] If Concrete (residential): Minimum thickness shall be 4” when placed upon a stable subbase. If subbase is not stable, a base of 6” of dense graded aggregate or recycled concrete aggregate, installed to industry standards, is required;

[3] Non-Residential: Non-residential driveways shall utilize the requirements of this subsection (a) as a minimum. Specific details shall be evaluated by the City or Board Engineer on a case-by-case basis in light of the type and weight of vehicles, frequency of crossing and other pertinent requirements of the Subject use.

(b) Sidewalks: Shall be Class “B” concrete, with a minimum thickness of 4” when placed upon a stable subbase. If subbase is not stable, a base of 4” to 6” of dense graded aggregate or recycled concrete aggregate, installed to industry standards, is required.

(c) Contractors shall be responsible for assessing all site conditions and determining appropriate treatment prior to commencement of work.

(d) Landscaping shall be in accordance with §300-65 through §300-70.

(e) Fencing and Walls shall be in accordance with §300-71.

**(3) Treatment of Structural Surfaces**

Structural surfaces shall generally be treated with non-reflective materials. Where reflective materials are utilized, the reflective surface shall not cause an adverse impact on surrounding uses, such as increasing the cooling loads of the structures upon which they reflect heat (and thereby causing visual discomfort or related effects).

(4) Exterior building architecture<sup>45</sup> shall coordinate design elements to achieve design harmony and continuity for all building elevations, both within a single structure and between separate structures.

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<sup>45</sup> Form, materials, color, massing and detailing elements for building facades, windows, awnings, lighting, signage, etc.

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- (5) The entirety of all building elevations fronting a public right-of-way, regardless of building height, shall be considered a Front Yard and Primary Elevation, with facades and appurtenances treated accordingly.
- (6) In order to create an attractive and inviting pedestrian-scaled environment, the entire 1<sup>st</sup> floor of a building's right-of-way frontage, with the exception of ground-floor garage entry- and exit-ways, shall be of a pedestrian scale, and shall be devoted to active Permitted Principal or Conditional Uses, oriented to the right-of-way frontage, or shall be designed as a decorative streetscape with such treatment and features as may be required to provide a sense of excitement and vibrancy and to avoid an otherwise lifeless façade.

Non-residential and non-industrial uses shall incorporate clear storefront glass to display the nature of the use within and produce an interesting pedestrian streetscape.

In considering façade treatment, developers are encouraged to include a combination of rich detailing, texture, shadow lines and color.

Regardless of location, such treatment for non-residential development may include, but need not be limited to:

- Awnings and canopies;
- Coping, Fascia, Soffits & Architectural Filigree;
- Use of Color, light and shadows; and
- Building Articulation;
- Signage;
- Other appropriate aesthetic features.

- (7) In addition to such façade treatment, development shall include decorative streetscaping consisting of, but not limited to, landscaping and hardscaping, benches and other street furniture, decorative lighting (both pedestrian and architectural), statuary and other public art, and like and similar features which achieve the stated goal both during the day and nighttime hours, for the full 12 months of the year.
- (8) Each individual use shall have its own entryway, which shall be independent from the host structure such that patrons may access such use without entering the larger structure. Such uses may additionally have access from the structure if desired.

The frontages of such uses may either have identical designs to reinforce the building architecture or varied designs to express the individuality of the uses.

- (9) Windows may be either typical commercial (large, single pane) or may be or provide the appearance of being double-hung traditional design<sup>46</sup> at regular placement, including the side and rear elevations if visible from the public right-of-way.

Bay, box and/or ornamental windows are permitted to maximize building aesthetics.

- (10) Excessive runs of blank, unarticulated or unadorned exterior walls, defined as exterior walls with an uninterrupted horizontal run along a single plane of more than 50 l.f. and an uninterrupted vertical run of more than 24 l.f. shall be avoided, both at the pedestrian level and above.

The intent of this regulation may be achieved via structural or ornamental treatment, including, but not limited to, combinations of horizontal and vertical building and roofline articulation, façade

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<sup>46</sup> multiple small panes separated by mullions. Such windows need not operate as traditional double hung window.

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differentiation, generous use of doors and windows (faux or real), architectural detailing and ornamentation shall be employed to create an attractive and exciting design on all building facades.

- (11) With the exception for residential sunrooms and greenhouses:

Structural surfaces should be treated with non-reflective materials. Where reflective material are utilized, the reflective surface shall not cause an adverse impact on surrounding uses, such as increasing the cooling loads of the structures upon which they reflect heat (and thereby causing visual discomfort or related effects).

Glass, metal or non-natural-looking material shall be limited to architectural elements or accent features in order to provide interest to the structure while maintaining an aesthetic appearance.

The use of glass curtain wall construction is prohibited.

- (12) Mechanical equipment and similar back-of-the-house functions, whether at grade or on the Structure's roof, shall be appropriately screened so as to not be visible from the public right-of-way or an adjacent property.
- (13) To the extent practicable, primary ingress and egress to the site shall be from a single curb cut along the Front Lot Line, with additional egress points located at the Side or Rear Lot Lines.
- (14) All vehicular ingress and egress points shall be clearly demarcated and controlled to ensure safe and efficient operation of the facility and to assure safe integration of automotive traffic with other vehicular and pedestrian traffic.
- (15) Adequate lighting shall be provided for all parking, loading and vehicular and pedestrian circulation areas.
- (16) Exterior building and site lighting shall be designed so that lighting is focused downward and shall be shielded or deflected away from adjacent land uses so that it does not create a glare upon adjacent land uses or public rights-of-way, and does not obstruct or deter the visibility of drivers or pedestrians on or near the site. Such lighting shall provide for a minimum of 0.5 footcandle.
- (17) Light standards shall be of an ornamental design and shall not exceed the lower of the height of the building the lighting is intended to service or 30' (measured from Finished Grade), except for the RSC Zoning District, wherein height shall not exceed 50' (measured from Finished Grade).
- (18) Except as otherwise provided under §300-57 through §300-64, blinking or flashing lighting systems are prohibited.
- (19) Exposed chimneys shall be clad with brick, organic or manufactured stone, stucco or other appropriate material.
- (20) Colors shall be neutral, earthtone or traditional palates in order to provide a visual harmony with the surrounding natural or man-made environment. More vibrant colors may be used for accent purposes.
- (21) While buildings may functionally have entrances on the side, rear or interior of the Project, all buildings shall be designed to give the appearance that their primary (front) elevation faces the building's right-of-way frontage.
- (22) The incorporation of awning and similar elements is encouraged.

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- (23) While buildings may be constructed on pilings, exterior foundation walls shall surround all buildings from grade to start of the siding material. Foundation walls, whether structural or not, shall be treated with latticework; brickwork; stucco or stucco-like material; organic or manufactured stone; split-faced block; or other appropriate materials to a height of two feet (2') from finished grade; the intent being to prohibit bare, unsightly block at the foundation.

Above 2', foundations shall be finished with the same materials and in the same architectural fashion as the balance of the subject elevation.

- (24) The use of dramatic corporate icons, architectural brand theming and outdoor theatrical lighting is encouraged at the upper levels of commercial structures or Vertical (residential) Development.

- (25) Buildings with a maximum building height above the lower of 2½ stories or 35':

- (a) With the exception of access drives, a minimum 10'-wide landscaped buffer shall be provided along all Lot Lines. Along the Front Lot Line<sup>47</sup>, such landscaping shall primarily consist of low-growing shrubs, flowering plants and similar vegetation, but may include deciduous trees if not located within any Sight Triangle required by §300-47B. A more intense vegetative buffer, consisting of coniferous trees (at a minimum of 10' in height at time of planting and planted in double alternating rows), taller shrubs, berms and other appropriate elements, shall be required along the Side and Rear Lot Lines.
- (b) All building elevations above grade-level shall present the illusion of an active residential use (if such actual use is not practicable) or shall be heavily treated with architectural or ornamental elements so as to avoid a monolithic façade both during the day and nighttime hours, for the full 12 months of the year.
- (c) It is the City's intention not to permit traditional, open parking decks wherein parked vehicles are visible to the public. Window-like cutouts and/or other architectural elements are required so as to resemble residential units while providing for garage ventilation as necessary.

- C. Residential dwelling units in the form of Apartments, including Age-Restricted Housing for qualifying individuals other than Nursing Homes or related facilities.

In addition to the provisions of §300-51A. and B. herein, the following standards shall apply:

- (1) Shall be limited to above ground-floor Permitted Uses;
- (2) Shall be functionally separated, by floor, by structural elements on a floor, and by dedicated entranceway, from the commercial or other uses within the building;
- (3) Apartments shall contain not less than 800 s.f. and have less than 1 bedroom and 1 bathroom (internal to the unit). Studio apartments are prohibited;
- (4) Townhouses and Garden Apartments shall contain not less than 1,000 s.f.
- (5) Access to all residential units and public areas shall be in accordance with the International Building Code and the Americans with Disabilities Act.

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<sup>47</sup> See definitions "Lot, Corner", "Lot Depth", "Lot Frontage, Primary", "Lot Frontage, Secondary" and "Lot Line, Front" for direction related to Corner Lots.

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**D. Central Business District**

In addition to the provisions of §300-51A., B and, as applicable, C. herein, in order to accommodate parking for mid-block commercial establishments with no ability for side yard parking and no ability to access rear yard parking from the street, and to minimize curb cuts along heavily-traveled rights-of-way, it is encouraged that Rear Yard parking lots be designed with and include cross-easements at the side lot lines to permit vehicle traffic from one lot to another.

**E. Lakes Bay, Absecon Bay and the Marine Tidal Marshes Adjacent Thereto**

In addition to the provisions of §300-51A., B. and, as applicable, C. herein, the following standards shall apply:

- (1) The longest dimension of any structure abutting Lakes Bay, Absecon Bay and the marine tidal marshes adjacent thereto, and extending higher than 48' from grade, shall be oriented perpendicular to such features; provided however, that the Planning Board, as part of the Site Plan / Subdivision review process, may authorize the longest dimension structure to be oriented parallel to such features where justified as part of an energy conservation design for such structure.
- (2) Subsection E.(1) notwithstanding, in no event shall a structure built with its largest dimension parallel to Lakes Bay, Absecon Bay or the marine tidal marshes, as the case may be, be more than 250' in length along such features or extend over or through a natural or man-made wetland or drainage canal without the express authorization of NJDEP via a CAFRA and/or Waterfront Development Permit.

**F. Child-Care Centers shall be designed and include:**

In addition to the provisions of §300-51A. and B. herein, the following standards shall apply:

- (1) An appropriate Porte-Cochere area wherein enrolled children may be picked-up or dropped-off in a secured environment which is clearly separated from general street traffic. The "appropriateness" of such Porte-Cochere area shall be determined by the Planning Board or Zoning Board of Adjustment, as the case may be, within the context of the Project Concepts and Description of Project Elements submitted;
- (2) Dedicated on-site parking for all employees as well as one (1) space for each four (4) enrolled children in order to provide parking for parents wishing to observe the operations or meet with facility staff;
- (3) The Porte-Cochere area, on-site parking areas and all pedestrian walkways and similar areas shall be lighted so that the property may be safely used during non-daylight hours. No light therefrom shall be directed off site;
- (4) Dedicated, fenced, fully secured and age appropriate lawn area for outdoor recreation space for enrolled children of various age groups. The "appropriateness" of such recreation space shall be determined by the Planning Board or Zoning Board of Adjustment, as the case may be, within the context of the Project Concepts and Description of Project Elements submitted; and
- (5) All elements so described shall comply with the Americans with Disabilities Act.

**G. Automobile or Watercraft Sales Through Franchise Dealers; Automobile Fueling Stations (with or without automotive and/or marine engine, body or interior repair, which may or may not include convenience stores on premises); Automated or Manual Car Washes:**

In addition to the provisions of §300-51A. and B. herein, the following standards shall apply:

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- (1) Except for gasoline or oil sales and the manual washing of inventoried vehicles, the servicing (repair) of vehicles shall be undertaken in fully enclosed structures.
- (2) The outdoor storage of equipment or parts is prohibited. No vehicle, in whatever condition, may be stored out-of-doors for more than ten (10) consecutive days.
- (3) All fuels shall be stored underground. Lubricants may be stored above ground if fully enclosed in the Principal Structure.
- (4) With the exception of access drives, a minimum 10'-wide landscaped buffer shall be provided along all Lot Lines.

Along the Front Lot Line,<sup>48</sup> such landscaping shall primarily consist of low-growing shrubs, flowering plants and similar vegetation, but may include deciduous trees if not located within any Sight Triangle required by §300-47B. A more intense vegetative buffer, consisting of coniferous trees (at a minimum of 10' in height at time of planting and planted in double alternating rows), taller shrubs, berms and other appropriate elements, shall be required along the Side and Rear Lot Lines.

**H. Waterfront Residential Zoning District**

In addition to the provisions of §300-51A. and, as applicable, B., and in order to provide for light, air and open space, to protect adjacent residential communities and natural resources while maximizing views, all structures in the WR Zoning District shall conform to the following Building Envelope Regulations:<sup>49</sup>

- (1) That portion of a Principal Structure abutting a WR Zone Boundary Line and extending interior to the WR Zoning District for a distance of 25' from the Zone Boundary Line: The lower of 2½ stories or 35';
- (2) Thereafter, as development extends interior to the WB Zoning District, building height may increase at a ratio of 1' of building height for every 2' of horizontal distance until such structure reaches the lower of the building envelope established herein or 60' Maximum Building Height.

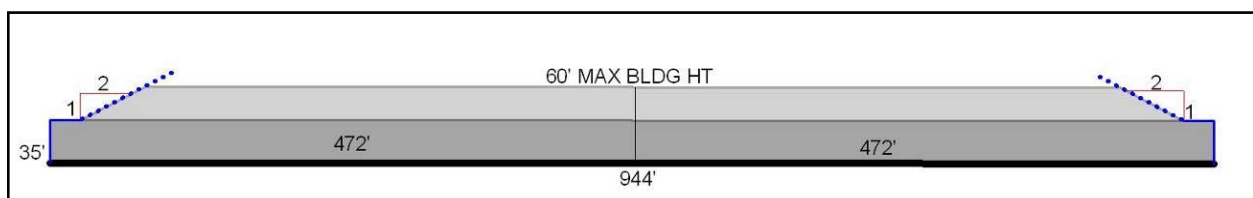
**I. Bayside Mixed-Use Zoning District**

In addition to the provisions of §300-51A., B. and, as applicable, C. herein, the following standards shall apply:

- (1) In order to provide for light, air and open space, to protect adjacent residential communities and natural resources while maximizing views, all structures in the BMU Zoning District shall conform to the following Building Envelope Regulations:
  - (a) That portion of a Principal Structure abutting the Franklin Boulevard BMU Zone Boundary Line and extending east for a distance of 25' from the Franklin Boulevard Setback Line: The lower of 2½ stories or 35'.

<sup>48</sup> See definitions "Lot, Corner", "Lot Depth", "Lot Frontage, Primary", "Lot Frontage, Secondary" and "Lot Line, Front" for direction related to Corner Lots.

<sup>49</sup>





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- (b) That portion of a Principal Structure abutting the Ingersoll Avenue BMU Zone Boundary Line and extending south for a distance of 25' from the Ingersoll Avenue Setback Line: The lower of 2½ stories or 35'.
- (c) That portion of a Principal Structure abutting the western BMU Zone Boundary Line north of Engersoll Avenue and extending east for a distance of 25' from the north of Engersoll Avenue Setback Line: The lower of 2½ stories or 35'.
- (d) That portion of a Principal Structure abutting the Milan Avenue BMU Zone Boundary Line and extending north for a distance of 25' from the north of Milan Avenue Setback Line: The lower of 2½ stories or 35'.
- (e) From the 25' building height stepbacks established under (1) through (4) above, a structure may increase in height as it extends east from Franklin Boulevard and the western BMU Zone Boundary Line north of Engersoll Avenue, south from Ingersoll Avenue and north from Milan Avenue, at a ratio of 1.5' of building height for every 1' of horizontal distance until such structure reaches the lower of the building envelope established herein or 150' Maximum Building Height.<sup>50</sup>

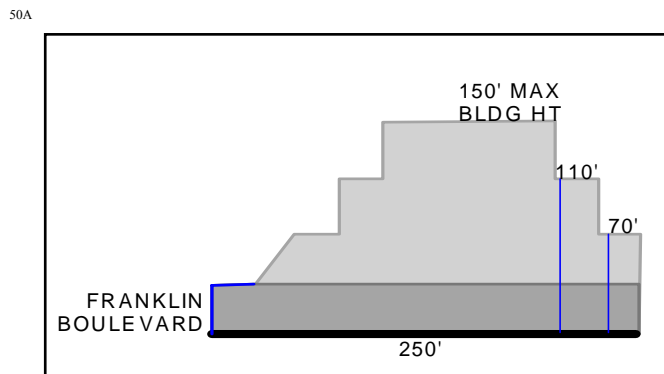
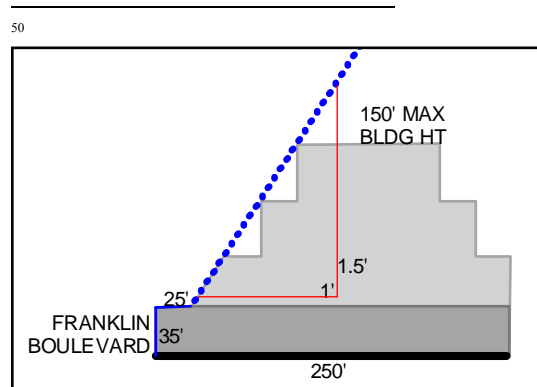
For elevations not subject to the 1':1.5' ratio, building stepbacks are required, at a minimum, between the 60' & 80' levels and between the 100' & 120' levels (provided the structure, or portion thereof, reaches such heights) on all building elevations. Specific stepbacks are not dictated, but shall be appropriate to the architecture of the project. However, minimum stepbacks equal to 66% of the rise to the next stepback level is required. Such articulation need not be on the same horizontal plane, and should be designed to provide differentiation and interest to the structure's massing.<sup>50A</sup>

- (2) Where the exterior wall(s) of a building abut Milan Avenue, Ingersoll Avenue and the western BMU Zone Boundary Line north of Engersoll Avenue, the at-grade setback area shall be heavily landscaped and buffered.

**§300-52 Performance Standards**

**A. Purpose**

- (1) The intent of these regulations is to prevent land or structures, including those permitted By Right or by special approval, from being used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable or hazardous condition and thereby adversely affect the surrounding area.



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- (2) Compliance with the requirements of this section shall not be interpreted as authorizing any practice or operation which would constitute a violation of any other provisions of this chapter or any other applicable law, ordinance, rule or regulation.

**B. Application**

All uses in all Zoning Districts shall conform in operation, location and construction to the Performance Standards herein specified.

**(1) Fire and Explosive Hazards**

- (a) All uses and operations involving the use, storage or handling of explosive or flammable matter shall be in compliance with the fire protection regulations of the City of Pleasantville as they exist or may hereafter be amended.
- (b) No activities, other than approved demolition, involving the manufacture, storage or utilization of materials or products which decompose by detonation (i.e., explosives) shall be permitted, except that small quantities of chlorates, nitrates, perchlorates, phosphorous and similar substances and compounds for use by industry, schools, government, laboratories or druggists may be permitted.
- (c) The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents and petroleum products shall be authorized only by the approval of the Fire Chief.

**(2) Glare**

- (a) No use in any Zoning District shall be operated so as to produce direct or sky-reflected glare or direct illumination across any lot line from a visible source of illumination of such intensity as to create a nuisance or traffic hazard or detract from the use or enjoyment of adjacent property.
- (b) All permitted exterior lights, including signs, floodlights, parking lot lighting, streetlights and lighting necessary for the safety and protection of property, shall be made up of a light source and reflector so selected that, acting together, the light beam is controlled and not directed across any lot line.
- (c) With the exception of streetlights:
  - [1] all exterior lighting fixtures within or adjacent to any residential zoning district shall be directed and shaded wherever necessary to prevent the intensity of light from exceeding one-half (½) footcandle as measured at any residential property line.
  - [2] all exterior lighting fixtures within commercial or industrial districts shall be directed and shaded wherever necessary to prevent the intensity of light from exceeding one (1) footcandle as measured at any lot line.
- (d) Lighting of parking or loading areas shall, except for emergency or safety lighting, cease at or before the hour of 12:00 midnight whenever the distance from the nearest light to the nearest residence is less than 250'.
- (e) Except as part of holiday decorations and as otherwise specifically permitted by this Chapter, no exterior lights that blink or shine with an intermittent phase are permitted in any Zoning District.

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**(3) Heat**

No use or activity in any Zoning District shall be so operated as to emit or transmit heat or heated air so as to be discernible at or beyond the property line of the lot on which it is located.

**(4) Odorous Matter**

- (a) Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public, or which interfere unreasonably with the comfort of the public shall be removed, stopped or so modified as to remove the odor.
- (b) No continuous, frequent or repetitive emission of odors or odor-causing substances shall exceed the Odor Threshold at or beyond the lot line of the tract on which the odor emission is initiated. An odor emitted no more than 15 minutes in any one (1) day shall not be deemed as continuous, frequent or repetitive within the meaning of these regulations.
- (c) The Odor Threshold as herein referred to shall be determined by observation. In any case where the owner or operator of an odor-emitting use or activity disagrees with the enforcement officer, or where specific measurement of odor concentration is required, the method and procedures specified by the American Society for Testing and Materials, ASTM D 1391-57, entitled "Standard Method for Measuring Odors in Atmosphere," shall be used.
- (d) Any process which may involve the creation or emission of odors which would be in violation of this subsection shall be provided with both a primary and a secondary safeguard system so that control will be maintained if the primary safeguard system fails.

**(5) Radioactive Materials**

The handling of radioactive materials, the discharge of such materials into air and water and the disposal of radioactive wastes shall be in conformance with:

- (a) The applicable regulations of the Nuclear Regulatory Commission.
- (b) The applicable regulations of any instrumentality of the State of New Jersey.

**(6) Smoke, Particulate Matter & Other Air Contaminants**

- (a) No use or activity in any Zoning District shall cause, create or allow the emission of air contaminants for more than three (3) minutes in any one hour which, at or beyond the emission point, are as dark or darker in shade as that designated No. 1 on the Ringelmann Smoke Chart, as published by the United States Bureau of Mines.
- (b) Open storage and open processing operations, including on-site transportation movements which are the source of wind-borne dust and other particulate matter or which involve dust or other particulate air-contaminant generating equipment, such as used in paint spraying; sand, gravel or concrete processing, storage or recycling; or sandblasting, shall be so conducted that dust and other particulated air contaminants so generated are not transported across the lot line of the tract on which the use is located.

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**§300-53 Solar Energy Systems**

**A. Applicability**

- (1) The regulations contained herein shall apply to Solar Energy Systems intended for the provision of the electrical energy needs of the owner / operator of the system and/or the property on which the Solar Energy System is situated, and not for the generation of electricity for commercial purposes for resale; except that excess electricity not utilized for the use on the Lot whereon said system is located may be introduced into the energy grid for credit under New Jersey's Net Metering and Interconnection Standards pursuant to N.J.A.C. 14:4-9.
- (2) This subsection shall apply to roof-mounted Solar Energy Systems only. Pole, tower or ground-mounted Solar Energy Systems of any size shall require Minor Site Plan Approval pursuant to §300-36E.

**B. Solar Energy Systems shall only be permitted as indicated in §300-22 through §300-25.**

**C. Approvals**

- (1) All Solar Energy Systems shall require a Zoning Permit from the Zoning Officer and a Building Permit from the Construction Code Official prior to installation. Applications for a Solar Energy System shall include information demonstrating compliance with the provisions of this section.
- (2) Approvals under subsection C.(1) shall apply to Solar Energy Systems intended for use as detailed under §300-53A.(1).
- (3) Solar Energy Systems not intended for use as detailed under §300-53A.(1) shall required approval by the Planning Board or Zoning Board of Adjustment, as the case may be.

Solar Energy Systems not in conformance with any of the following regulations shall require variance approval by the Planning Board or Zoning Board of Adjustment.

**(4) Submission Requirements and Procedures for Zoning Permit**

- (a) Applications for a Solar Energy System shall be submitted to the Zoning Officer in accordance with §300-34A.
- (b) In addition to the requirements for a Zoning Permit pursuant to Checklist A. and Checklist B. of §300-77, Applications for the installation of a Solar Energy System shall be accompanied by the following documentation and plans, which shall contain sufficient information and appropriate detail for the Zoning Officer to make an informed decision on the Application.

The level of information required shall be determined by the Zoning Officer.

[1] Property lines and physical dimensions of the property;

[2] Locations, dimensions (including height) and types of existing major structures on the property;

[3] A sketch plan or Survey which shall accurately depict the locations, dimensions and type of Solar Energy System proposed;

[4] All rights-of-way is contiguous with the Subject property;

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[5] Manufacturer specifications and/or “cut sheets” of the proposed Solar Energy System, certified by a New Jersey licensed Professional Engineer, including manufacturer and model;

[6] Notification of utility company for interconnection purposes.

(c) Applications for Zoning Permits for Solar Energy Systems shall be accompanied by the required fee pursuant to §300-9.

(d) The Zoning Officer shall review the application in accordance with §300-34A. and shall issue or deny an application for a Zoning Permit for a Solar Energy System within 10 days of the date on which the application is received.

(e) Once a Zoning Permit for a Solar Energy System is received, the Applicant shall apply for a Building Permit under the rules, regulations and procedures established under N.J.A.C. 5:23.

(f) Expiration

A permit issued pursuant to this subsection shall expire if:

[1] The Solar Energy System is not installed and functioning within 24 months from the date the Zoning Permit is issued; or

[2] The Solar Energy System is out of service or otherwise unused for a continuous twelve-month period.

**D. Design Standards**

(1) Solar Panels shall be permitted as a rooftop installation where permitted under §300-22 through §300-25.

(2) The structural, electrical and other pertinent elements of any Solar Energy System shall be designed by a New Jersey licensed Professional Engineer. Such design(s) shall be signed and sealed by said Engineer, certifying that the design complies with all of the standards set forth for safety and stability in all applicable codes then in effect in the State of New Jersey as well as all provisions of this section.

(3) Solar Panels shall not exceed a height of 12” from the surface of the roof on which they are affixed.

(4) In no event shall the rooftop placement of Solar Panels result in a Total Height, as defined in §300-10, greater than 12” from the Maximum Building Height for a Principal Building permitted in the zoning district in which they are located.

(5) Solar Panels installed in a rooftop configuration shall be installed within the actual boundaries or edges of the roof area and cannot overhang any portion of the edge of roof.

(6) Installations must not interfere with any operation of any fixture protruding from the rooftop level as required by the International Building Code or other applicable Codes.

(7) With the exception of the manufacturer's or installer's identification in accordance with §300-53D.(11)(b), appropriate warning signs and owner identification, no signage shall be posted, attached, affixed or otherwise installed on any component of a Solar Energy System. In no case shall any of the aforementioned permitted exceptions be visible from any property line.

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- (8) Ground-based Interconnection Cabinets and other mechanical equipment associated with and necessary for the operation of a Solar Energy System shall conform with all setback and coverage requirements for accessory structures in the zoning district where they are located.

Such cabinets shall not exceed 120 s.f. in area nor 8' in height and shall be equipped with a lock.

- (9) In addition to City approvals required under this Chapter, the property owner / installer of the Solar Energy System must receive approvals from any outside agencies having jurisdiction over such Systems prior to the installation.

(10) Utility Notifications and Interconnections

- (a) Solar Energy Systems that connect to the electric utility shall comply with New Jersey's Net Metering and Interconnection Standards for Class I Renewable Energy Systems pursuant to N.J.A.C. 14:4-9.

(b) Labeling Requirements

The Interconnection Cabinet of the Solar Energy System shall be posted with the following:

[1] A minimum of one (1) "High Voltage" placard shall be posted at or near ground level.

[2] A second placard shall be posted at or near ground level informing:

[a] That batteries and storage cells are located therein;

[b] The maximum power output of the system;

[c] Nominal voltage and maximum current;

[d] Manufacturer's name, address and telephone number, serial number and model number; and

[e] Emergency and normal shutdown procedures.

[3] Similar signage shall be placed on the outside of the building, near the electrical meter, where an Interconnection Cabinet is located on the inside of a structure.

(c) Utility Company Notification

The Atlantic City Electric Company, its successors and assigns, and/or as designated by state authority, shall be notified in writing of any proposed interface to that company's grid prior to installation of a Solar Energy System, and shall conform to any legislated requirements governing installations of Solar Energy Systems so as to comply with the utility tariff specifications.

Evidence of such notification shall be submitted to the City at time of application.

E. Construction and Installation Standards

- (1) Solar Energy Systems shall be constructed in accordance with the appropriate sections of the International Building Code, and any future amendments and/or revisions thereto.

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- (2) The installation of a Solar Energy System shall conform to the National Electric Code, and shall be subject to, in perpetuity, any and all requirements for interconnection of the Atlantic City Electric Company, its successors and assigns, and/or as designated by state authority.
- (3) Wires and cables at ground level shall be properly installed underground in accordance with the International Building Code.
- (4) Wires and cables on a structure shall be properly installed so as to be hidden from view or otherwise treated in as aesthetically a manner as possible.

**F. Violations and Penalties**

- (1) It is unlawful for any person to construct, install or operate a Solar Energy System other than in compliance with this subsection.
- (2) Solar Energy Systems installed prior to the adoption of this Chapter are exempt from the requirements of this subsection.
- (3) Any person who fails to comply with any provision of this subsection shall be subject to enforcement and penalties as stipulated in §300-8.

**G. No Easement Created**

- (1) The approval of a Solar Energy System shall not create any actual or inferred Solar Energy System easement against adjacent property and/or structure.
- (2) The owner / operator of a Solar Energy System shall not infer or claim any rights to protective writs to any caused shadows or operating ineffectiveness against future development adjacent to, higher than or otherwise impacting the subject Solar Energy System.
- (3) The approval of any Solar Energy System granted under this subsection shall not create any future liability or infer any vested rights to the owner and/or operator of the Solar Energy System on the part of the City or by any other officer or employee thereof for any future claims against such approval that result from reliance on this subsection or any administrative decision lawfully made thereunder.

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**ARTICLE XI**  
**Off-Street Parking & Loading**

**§300-54 Purpose & Intent**

- A. The purpose of this section is to prevent or alleviate the congestion of public rights-of-way and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking and loading motor vehicles in accordance with the use to which a property is put.
- B. The duty to provide and maintain off-street parking and loading spaces shall be the joint and several responsibilities of the owner, operator and lessee of the use for which such spaces are required.
- C. Where the Planning Board or Zoning Board of Adjustment, as the case may be, grants variance relief from these parking or loading requirements, an approved Parking Plan or Delivery Plan, as appropriate, including but not limited to hours of operations and staging for deliveries, shall be made part and parcel of such grant of variance relief.
- D. Applicability
  - (1) Except as otherwise provided under (2), (3) and (4) of this subsection D., the provisions of this subsection D. shall apply to all new and existing uses in accordance with the provisions of §300-19 through §300-25, and off-street parking spaces shall be provided as required herein.
  - (2) Whenever a use existing on the Effective Date of this Chapter is changed to a new use, off-street parking and loading shall be provided as required herein for such new use; except that when any such existing use was deficient in required off-street parking or loading spaces on such Effective Date, such new use may be established with a deficiency in required parking or loading spaces equal in number to the preexisting deficiency, provided that such new use does not increase the demand for parking or loading on the premises.
  - (3) Whenever the intensity of the use of any building, structure or use is increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein for required off-street parking and loading, off-street parking and loading as required herein shall be provided for such increase in intensity; provided, however, that no building, structure or use lawfully existing on the Effective Date of this Chapter shall be required to provide any additional parking or loading facilities pursuant to this subsection unless and until the aggregate increase in intensity shall equal more than 10% of the intensity existing upon such Effective Date, in which case off-street parking and loading spaces as required herein shall be provided for the total aggregate increase.

**§300-55 Off-Street Parking**

A. Structural Types Permitted

Parking in the City of Pleasantville is permitted on surface parking lots, in structured parking garages or in mechanical parking facilities.

B. Location

- (1) All residential parking requirements shall be met on site.
- (2) Non-residential uses must provide 100% of required parking on-site or within 1,000' of the premises, provided that no such off-site parking shall be located within a Residential Zoning District.
- (3) All surface parking lots, structured parking garages and mechanical parking facilities shall be so located and designed to minimize the unnecessary routing of traffic along public rights-of-way.



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- (4) When possible, parking areas shall be located within the interior of lots and away from street frontages, which shall be developed with permitted principal uses.

C. Computation of Required Spaces

- (1) Off-street parking shall be provided in accordance with the following Schedule of Required Off-Street Parking Spaces.
- (2) Should the computation of the number of required off-street parking spaces result in a fraction of a space, any fraction up to and including one-half ( $\frac{1}{2}$ ) shall be disregarded (i.e., rounded down), and any fraction over one-half ( $\frac{1}{2}$ ) shall require one (1) parking space (i.e. rounded up).

D. Schedule of Required Off-Street Parking Spaces

**SCHEDULE OF REQUIRED OFF-STREET  
PARKING SPACES**

In addition to the number of spaces indicated, each use having employees on the premises, whether residential or non-residential in nature, shall provide one (1) space for each employee on a given shift.

<u>Type of Development / Uses<sup>51</sup></u>	<u>Required Spaces</u>
<u>Residential Development</u>	
Single-Family Detached, Duplexes	
Two-Family Stacked Dwelling Units <sup>52</sup>	
1 - 3 Bedrooms	2.0 <sup>53</sup>
4 - 5 Bedrooms	3.0
Garden Apartments & Other Multi-Family Dwelling Units as defined in §300-10 <sup>52</sup>	
1 Bedroom <sup>54</sup>	1.8
2 Bedrooms	2.0 <sup>52</sup>
3 Bedrooms	2.1
Townhouses and 3-4 Family Attached Dwelling Units ('Tri' Or 'Quad') <sup>52</sup>	
1 Bedroom	1.8
2 Bedrooms	2.3 <sup>52</sup>
3 Bedrooms	2.4

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<sup>51</sup> Unless otherwise indicated, as defined in §300-8 herein.

<sup>52</sup> Includes guest parking at 0.5 spaces per dwelling units. Guests must park on-street or in common parking areas.

For the purposes of this Schedule, residential garages shall not count toward the off-street parking requirement.

<sup>53</sup> Applicable where applicant can not specify the number of bedrooms per unit.

<sup>54</sup> efficiency & studio

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**SCHEDULE OF REQUIRED OFF-STREET  
PARKING SPACES**

In addition to the number of spaces indicated, each use having employees on the premises, whether residential or non-residential in nature, shall provide one (1) space for each employee on a given shift.

<b><u>Type of Development / Uses</u></b> <sup>51</sup>	<b><u>Required Spaces</u></b>
Vertical Development, as defined in §300-10.	
1 Bedroom	0.8
2 Bedrooms	1.3 <sup>55</sup>
3 Bedrooms	1.9
Mobile Homes	
1 Bedroom	1.8
2 Bedrooms	2.0 <sup>55</sup>
3 Bedrooms	2.1
Nursing Homes, as defined in §300-10	1 space for every 5 beds
Age-Restricted Housing (other than Nursing Homes) as defined in §300-10; Community Residences for the Developmentally Disabled, Persons with Head Injuries, Terminally Ill and Victims of Domestic Violence; and Transitional Home Care Facilities <sup>55</sup>	The greater of 1 space for every 2 dwelling units or in accordance with the most appropriate, similar dwelling unit type and size as described herein, + 1 space per client based on 30% of capacity where Adult Day Care is included as an Accessory Use.
<b><u>Non-Residential Development</u></b> <sup>56</sup>	
Adult Day Care Centers	1 space for each client based on 30% of capacity
Adult Establishments	1 space for each 300 s.f. of g.f.a. for any retail component + 1 space for each seat for any theater or similar component.
Automotive Uses	
Car Washes, Automatic	5 spaces for each service stall <sup>57</sup>
Manual	3 spaces for each service stall <sup>57</sup>
Fueling Stations	4 cueing spaces for each fuel dispenser <sup>57</sup>
Service Stations	4 spaces for each service stall <sup>57</sup>
Fueling & Service Stations	4 spaces for each service stall <sup>57</sup>

<sup>55</sup> Applicable where applicant can not specify the number of bedrooms per unit.

<sup>56</sup> g.f.a. = Gross Floor Area

<sup>57</sup> does not include actual service stalls

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**SCHEDULE OF REQUIRED OFF-STREET  
PARKING SPACES**

In addition to the number of spaces indicated, each use having employees on the premises, whether residential or non-residential in nature, shall provide one (1) space for each employee on a given shift.

<b><u>Type of Development / Uses</u></b> <sup>51</sup>	<b><u>Required Spaces</u></b>
Open-air or enclosed storage facilities for inventoried vehicles intended for sale or rental	1 space for every 300 s.f. of showroom or lot area.
Commercial Activities (where not otherwise included herein)	
Downtown- & Neighborhood-Oriented	1 space for each 300 s.f. of g.f.a.
General- & Regionally-Oriented	1 space for each 200 s.f. of g.f.a.
Contractor's Warehouse & Offices, including material or design showrooms	1 space for every 500 s.f. of g.f.a.
Eating & Drinking Establishments	
Bars & Taverns	1 space for every 2 seats @ 7 s.f. per standing customer, 7 s.f. per bar stool & 15 s.f. per seat per table seat where food is served.
Nightlife Establishments	1 space for each customer based on 30% capacity @ 7 s.f. per standing customer, 7 s.f. per bar stool & 15 s.f. per seat per table seat.
Drive-In (Takeout) Restaurants, including Fast-Food Restaurants w/ takeout component	The greater of 1 space for each customer, based on 30% of capacity @ 15 s.f. per table seat & 1 space for each 7 s.f. of patron cueing area.
Eat-In/Full Service Restaurants	1 space for each customer based on 30% of capacity @ 15 s.f. per table seat.
Educational Uses	
Child-Care Centers / Facilities	1 space for each classroom or child based on 30% of capacity.
Elementary School	2 spaces for each classroom
Intermediate School	1.5 spaces for each classroom
Secondary (High) School	2.5 spaces for each classroom
Public / Private Training Facilities offering life skills or career educational courses	1 space for every 3 students
Family Day-Care Homes	Number of spaces required for Residential development under this Schedule + 1 space for each child based on 30% of capacity.

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**SCHEDULE OF REQUIRED OFF-STREET  
PARKING SPACES**

In addition to the number of spaces indicated, each use having employees on the premises, whether residential or non-residential in nature, shall provide one (1) space for each employee on a given shift.

<b><u>Type of Development / Uses</u></b> <sup>51</sup>	<b><u>Required Spaces</u></b>
Food Production Uses	1 space for every 500 s.f. of g.f.a.
Fraternal, Social, Charitable or Eleemosynary Facilities	1 space for each member based on 30% of capacity
Funeral Homes and Mortuaries	1 space per viewing room / chapel based on 30% of capacity for mourners + 3 spaces per viewing room / chapel for facility vehicles.
Home Occupations	Number of spaces required for Residential development under this Schedule + 1 space.
Hotels, Motels and Bed-&-Breakfast Establishments	1 space for each guest room + the number of spaces provided herein for amenities and non-room uses.
Laundromats (self-service laundry facilities)	1 space for each 3 washing machines
Kennels	2 spaces minimum
Libraries; museums (cultural or popular); art galleries; studios for artists, musicians, photographers and other artisans; and like and similar activities.	1 space for each 300 s.f. of g.f.a. + as required for Public Assembly areas.
Light Industrial Operations	1 space for each 800 s.f. of g.f.a.
Marinas	1 space for each boat slip
Office Uses	
Medical, Dental, Psychiatric, Veterinarian & Related	1 space for every 2 examination / treatment rooms.
Professional & Administrative Services	1 space for each 500 s.f. of g.f.a.
Governmental Administrative	1 space for each 500 s.f. of g.f.a.
Real Estate	1 space for each 300 s.f. of g.f.a.
Public Parks, Play-Grounds, Active or Passive Open Space, Conservation Areas	5 spaces per acre or any part thereof.

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**SCHEDULE OF REQUIRED OFF-STREET  
PARKING SPACES**

In addition to the number of spaces indicated, each use having employees on the premises, whether residential or non-residential in nature, shall provide one (1) space for each employee on a given shift.

<b><u>Type of Development / Uses</u></b> <sup>51</sup>	<b><u>Required Spaces</u></b>
Personal Service Establishments	Where applicable, 1 space for each ⅓ of an operator. Otherwise, 1 space for each 100 s.f. of g.f.a.
Places of Worship	1 space for every 3 seats (or 24" of pew / bench space) + requirements for Places of Public Assembly for assembly / meeting rooms + 1 space for each 2 residents of an accessory rectory.
Places of Public Assembly	1 space for each user, based on 30% of facility capacity or 1 space for every 150 s.f. of g.f.a. where there are no fixed seats.
Postal, Shipping & Receiving Facilities (including U. S. Postal Service Offices)	1 space for each service window + 1 space for every 200 s.f. of g.f.a.
Research & Design Laboratories	1 space for each 500 s.f. of g.f.a.
Warehousing & Storage Facilities	1 space for each 1,000 s.f. of g.f.a.
Watercraft	
In-water Fueling Stations	1 space for each employee
Land-based Fueling Stations	2 spaces for each service stall (does not include actual service stall)
In-water Service Stations	1 space for each employee
Land-based Service Stations	4 spaces for each service stall (does not include actual service stall)
Land-based Fueling & Service Stations	2 spaces for each fueling stall + 4 spaces for each service stall (does not include actual stalls)
In-water Fueling & Service Stations	1 space for each employee
Open-air or enclosed storage facilities for inventoried vehicles intended for Sale or rental	1 space for each 500 s.f. of showroom or lot area.

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- (1) For Places of Worship, sporting events and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating, each 20" inches of such seating shall be counted as one (1) seat for the purpose of determining the requirement for off-street parking.
- (2) When parking spaces are required on the basis of the number of faculty, staff, students or employees, the maximum number of personnel present at any one time shall govern.
- (3) Where a use is not expressly listed in the Schedule of Off-Street Parking Spaces, parking spaces shall be provided on the same basis as required for the most similar use listed, or as determined by the Zoning Officer, Planning Board or Zoning Board, as the case may be, pursuant to their authority to interpret the provisions of this Chapter.

In making such determination, the Zoning Officer, Planning Board or Zoning Board, as the case may be, may look to the parking requirements for the use in question or for similar uses in neighboring municipalities for guidance.

- (4) Reduction in Parking Requirements: In locations within 300' of an established public transit route, the parking requirements established herein may, if approved by the Planning Board or Zoning Board of Adjustment, as the case may be at the time of Site Plan and/or Subdivision approval, be reduced up to 50% of the required number of spaces for office and similar uses and up to 85% of the required number of spaces for retail and similar uses.
- (5) Collective & Shared Parking: Subject to the following conditions, nothing herein shall be construed to prevent collective parking arrangements for multiple uses on the same lot or shared parking arrangements for multiple uses on separate lots:
  - (a) Unless Site Plan approval is required, in which case approval for the collective or shared parking arrangement shall be issued by the Planning Board or Zoning Board of Adjustment, as the case may be, a Zoning Permit for such collective or shared parking arrangement shall be issued pursuant to this Chapter.
  - (b) Except for the following regulations for shared parking, the total of such off-street parking spaces to be shared shall not be less than 75% of the sum of the requirements for the various uses computed separately.

[1] Up to 50% of the off-street parking requirement for Theaters or Eating or Drinking Establishments (including Bars and Taverns), and up to 100% of such spaces required for Places of Worship or Schools, may be supplied by off-street parking spaces provided in connection with Financial Institutions, Office Buildings, Retail Stores, Personal Service Establishments, Home Improvement or Furniture Stores, Light Industrial uses and similar uses when not normally open, used or operated during the principal operating hours of the aforesaid uses.

[2] Conversely, up to 50% of the off-street parking spaces required by this section for Financial Institutions, Office Buildings, Retail Stores, Personal Service Establishments, Home Improvement or Furniture Stores, Light Industrial uses and similar uses may be supplied by off-street parking spaces provided in connection with Theaters, Eating or Drinking Establishments (including Bars and Taverns), Places of Worship and Schools when not normally open, used or operated during the principal operating hours of the aforesaid uses.

- (c) The location requirements of §300-55B. shall be met for all uses.

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- (d) When possible, collective or shared parking areas shall be consolidated into a single, contiguous lot.
- (e) A legal instrument establishing the rights of each party entering into such collective or shared parking arrangement, approved as to form and manner of execution by the Planning Board or Zoning Board Solicitor in the case where the parking arrangement is part of a Board action, and executed by the parties requesting such arrangement, shall be filed with the application for a Zoning Permit.

**E. Design & Maintenance**

**(1) Minimum Setbacks**

- (a) No part of any surface parking lot, other than driveways for ingress and egress, shall be located closer to its street frontage than the minimum Front Yard Setback, including setbacks applicable for Corner Lots, required for a Principal Building in the relevant Zoning District, or the Front Façade of the Principal Building on the lot in question, whichever is greater.
- (b) With the exception of Single-Family Detached, Single-Family Semidetached (Duplex) and 2-Family Stacked (Multi-Story) Dwelling Units, Designed Shopping Centers and Commercial Centers not located within the Central Business District, no surface parking shall be located between the front façade of the building such parking is designed to serve and the street.
- (c) With the exception of Single-Family Detached, Single-Family Semidetached (Duplex) and 2-Family Stacked (Multi-Story) Dwelling Units, no part of any surface parking lot, other than driveways for ingress and egress, shall be located in any required Side Yard or between a Side Lot Line and the side of any Principal Building on such Lot, unless located to the rear of such building.
- (d) No part of any surface parking lot in a non-residential district shall be located within 15' of any lot line forming part of a Residential Zoning District Boundary Line.
- (e) Except as limited by the foregoing provisions, surface parking lots may be located in a required Rear Yard.
- (f) Other than for ingress and egress, no surface parking stall (space) shall be so located as to require or permit any vehicle it is designed to accommodate to extend into any Front Yard or across any lot line.
- (g) Structured parking garages and mechanical parking facilities shall be governed by the setback requirements for Principal Buildings in the Zoning District where such parking garage or parking facility is located.

**(2) Screening & Landscaping**

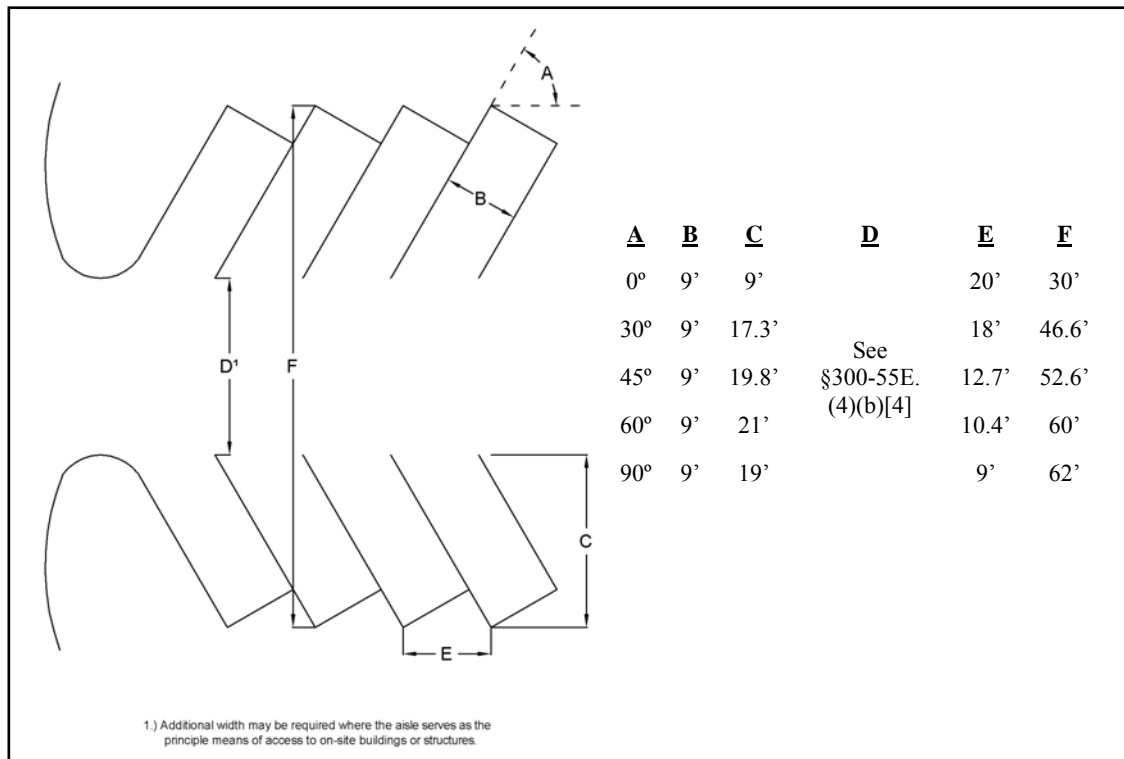
- (a) In any Zoning District where a Front Yard Setback is required, including setback requirements for Corner Lots, the setbacks required by §300-55E.(1) shall be treated as a perimeter landscaped open space.
- (b) In any Zoning District where no setback from streets is required, a perimeter landscaped open space of a width of at least 5', or a durable and well-maintained solid wall, fence, compact evergreen hedge or other screening device of a permanent 3' to 4' in height, shall be provided along every street line.

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- (c) In all Zoning Districts, shade trees shall be provided at a ratio of one (1) tree for every 10 parking spaces, exclusive of other landscaping that might be required under this Chapter. Such trees shall be planted throughout the parking lot.
- (d) Trees in paved areas shall be installed in landscaped islands in order to permit proper watering and fertilization, and to protect the trees from inadvertent vehicular damage.
- (e) Notwithstanding the foregoing provisions, no parking or screening shall be located or designed as to obstruct any Sight Triangle required by §300-47B.
- (f) For surface parking lots adjoining residential uses:
  - [1] The 15' setback required by §300-55E.(1)(d) shall be treated as a perimeter landscaped open space.
  - [2] Sufficient screening shall be provided along all lot lines abutting any residentially zoned or residentially-developed property to visually insulate the residential use.
- (g) For structured parking garages or mechanical parking facilities, traditional, open parking decks or mechanical elements wherein parked vehicles are visible from the right-of-way are prohibited. Window-like cutouts and/or other architectural elements are required so as to resemble active permitted uses while providing for garage ventilation as necessary.

**(3) Dimensions**

- (a) Minimum spacing specifications for off-street parking stalls shall be as follows:



- (b) Off-street parking stalls designed for the disabled shall meet the requirements of N.J.A.C. 5:23-7.10.



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**(4) Access & Circulation**

- (a) Access to surface parking lots, parking garages and mechanical parking structures shall be designed so as not to obstruct the free flow of traffic, either interior to the parking lot, garage or facility or between such parking and the City's street system.
- (b) Adequate provision shall be made for ingress to and egress from all parking spaces and for circulation within parking areas to ensure ease of mobility, ample clearances and safety of vehicles and pedestrians.
  - [1] Turnaround area. Where more than three (3) parking spaces are served by a single driveway, a turnaround area shall be provided or other provision shall be made to permit cars to exit the parking lot, garage or mechanical facility without backing onto any street or sidewalk.
  - [2] Backup area. Each parking space shall be provided with a sufficient backup area to permit egress in two (2) maneuvers consisting of one (1) backward and one (1) forward movement.
  - [3] Driveway access. There shall be adequate provision for ingress to and egress from all parking areas. Minimum driveway width shall be 24'.
  - [4] Circulation Aisles. There shall be adequate provision for circulation within parking areas. Isle width providing access to individual parking stalls shall be determined by the angle of the stall serviced by such isle as follows:

<b>Parking Angle</b> (degrees)	<b>Aisle Width</b>	
	<b>One-Way Aisles</b> (feet)	<b>Two-Way Aisles</b> (feet)
0° (parallel)	12'	24'
30°	12'	n/a
45°	15'	n/a
60°	18'	n/a
90°	22'	24'

- [5] Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than 90°.
- [6] Parking lots with 100 or more parking spaces shall require a minimum of two (2) means of ingress / egress.

**(5) Surface & Drainage**

- (a) Off-street parking lots areas shall be surfaced with an asphaltic or portland cement binder pavement providing an all-weather, durable and dustless surface.
- (b) Individual parking stalls shall be clearly identified by markings 4" to 6" wide.
- (c) Off-street parking lots shall be designed to ensure that all stormwater runoff will be directed away from adjacent properties and shall further be designed to be in full conformance with Chapter 251 (Drainage & Watercourses) of the Pleasantville City Code.
- (d) No area of any surface parking lot, excluding access ramps, shall have a slope in excess of 5%. No ramp shall have a slope in excess of 8%. Aprons shall have the same slope as the sidewalk adjacent thereto.

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- (e) Fixed lighting shall be so arranged and shielded to prevent glare beyond the lot's property lines.
- (f) Suitable wheel stops or curbing shall be provided, located and designed to protect sidewalks, screening devices, landscaping and other vehicles from vehicles extending beyond the required parking stall length and to provide necessary traffic control.
- (g) Special Standards for Residential Parking Areas: For accessory parking areas located in a Front Yard of a residential Duplex, Two (2)-Family Stacked Multi-Story Dwelling, Three to Four (3-4) Family Attached Dwelling, Townhouse, Garden Apartment, Multi-Family Building or any other attached dwelling, where such parking is developed after the Effective Date of this Chapter:

[1] Each space shall be accessory to and permanently assigned to a single dwelling unit and, if possible within the requirements of this subsection, be located in the Front Yard of such unit, except that parking in the Front Yard shall be prohibited where the attached dwelling exceeds 30' in width or where the Rear Yard has access to a street or alley.

[2] No more than one (1) space (front-to-back) shall be located in the Front Yard of any dwelling unit, and not more than two (2) spaces shall be contiguous (side-by-side) with each other.

Areas between groupings of two (2) parking spaces shall be landscaped in an appropriate manner so as to minimize visual impact.

[3] A fence or landscaped buffer surrounding the parking area is required in order to minimize the visual impact of an automobile's presence on adjacent properties.

[4] Every parking space and driveway shall be designed and shall be of sufficient length and width to prevent the parked automobile from encroaching onto any street or sidewalk. Within this context, the width of any single driveway or parking space shall not be less than 8' nor greater than 10', unless the width in excess of 10' is treated with decorative concrete, pavers or similar surfacing.

[5] The grade of pavement from parking lot to street shall not exceed 2%.

**(6) Signage**

No sign shall be displayed in any surface parking lot, structured parking garage or mechanical parking facility except such signs as may be necessary for the orderly use of such lot, garage or facility.

**§300-56 Loading**

**A. Structural Types Permitted**

Loading in the City of Pleasantville is permitted from designated on-street loading zones, from dedicated loading areas on surface parking lots and from structured loading docks.

**B. Location**

(1) On-street loading zones shall be located as close as is possible to the use to for which they are intended.

(2) Off-street loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in any required Front Yard.

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C. Computation of Required Spaces

- (1) On- and off-street loading spaces shall be provided in accordance with the following Schedule of Required Off-Street Loading Spaces.
- (2) Should the computation of the number of required off-street loading spaces result in a fraction of a space, any fraction up to and including one-half ( $\frac{1}{2}$ ) shall be disregarded (i.e., rounded down), and any fraction over one-half ( $\frac{1}{2}$ ) shall require one (1) loading space (i.e. rounded up).

D. Schedule of Required Off-Street Loading Spaces

**SCHEDULE OF REQUIRED OFF-STREET  
LOADING SPACES**

**Residential Development**

1 space for every 200,000 s.f. of g.f.a., or any part thereof.

**Non-Residential Development**

<u>Gross Floor Area</u>	<u>Required Spaces</u>
Up to 9,999 s.f. of g.f.a.	1 space for every 5,000 g.f.a., or any part thereof
Thereafter	1 space for every 10,000 g.f.a., or any part thereof

- (1) The requirements of this Schedule notwithstanding, on- and off-street loading spaces shall be provided in sufficient number and of sufficient size so as to appropriately service the use for which they are intended, and, with the exception of on-street loading, so that no loading and unloading operations infringe upon any street, sidewalk or public property.
- (2) Collective & Shared Loading: Subject to the following conditions, nothing herein shall be construed to prevent collective loading arrangements for multiple uses on the same lot or shared loading arrangements for multiple uses on separate lots:
  - (a) Unless Site Plan approval is required, in which case approval for the collective or shared loading arrangement shall be issued by the Planning Board or Zoning Board of Adjustment, as the case may be, a Zoning Permit for such collective or shared loading arrangement shall be issued pursuant to this Chapter.
  - (b) The total of such off-street loading spaces to be shared shall not be less than 50% of the sum of the requirements for the various uses computed separately.
  - (c) When possible, collective or shared loading areas shall be consolidated into a single, contiguous space.
  - (d) A legal instrument establishing the rights of each party entering into such collective or shared loading arrangement, approved as to form and manner of execution by the Planning Board or Zoning Board Solicitor in the case where the loading arrangement is part of a Board action, or by the City Solicitor in the case where the loading arrangement is approved by the Zoning Officer pursuant to subsection 2.(a) hereinabove, and executed by the parties requesting such arrangement, shall be filed with the application for a Zoning Permit.

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**E. Design & Maintenance**

**(1) Minimum Setbacks**

Off-street loading areas shall comply with the setbacks required by §300-55E.(1), and no loading space shall be so located as to require or permit any vehicle it is designed to accommodate to extend into any Front Yard or across any Lot Line while being loaded or unloaded.

**(2) Screening**

- (a) Off-street loading areas accessory to uses with floor areas in excess of 100,000 s.f., exclusive of required off-street parking areas, shall be located internally and not be visible from any public street.
- (b) To the extent possible, open-air off-street loading areas shall be located and screened as to be visually insulated from public rights-of-way or adjacent properties.

**(3) Dimensions**

Off-street loading spaces shall be a minimum of 12' in width and 35' in length and have a minimum vertical clearance of 10'. These dimensions notwithstanding, all off-street loading spaces shall be sized for the delivery vehicles anticipated.

**(4) Access & Circulation**

- (a) Off-street loading spaces shall be designed and arranged to provide access to a street or alley in a manner which will create the least possible interference with traffic movement, both interior to the loading area or between the loading area and the City's street system.
- (b) Adequate provision shall be made for ingress to and egress from all loading spaces and for circulation within loading areas to ensure ease of mobility, ample clearances and safety of vehicles and pedestrians.
- (c) Unless approved by the Planning Board or Zoning Board of Adjustment, as the case may be, in the course of Site Plan, Subdivision and/or variance review, access to and from loading spaces shall be approved by the Zoning Officer.

**(5) Surface & Drainage**

- (a) Every off-street loading space shall be surfaced with an asphaltic or portland cement binder pavement providing an all-weather, durable and dustless surface.
- (b) Off-street loading areas shall be designed to ensure that all stormwater runoff will be directed away from adjacent properties and shall further be designed to be in full conformance with Chapter 251 (Drainage and Watercourses) of the Pleasantville City Code.
- (c) Individual loading stalls shall be clearly identified by markings 4" to 6" wide.
- (d) Fixed lighting shall be so arranged and shielded to prevent glare beyond the lot's property lines.

**F. Signage**

No signs shall be displayed in any off-street loading area except such signs as may be necessary for the orderly use of the loading spaces.

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**ARTICLE XII**  
**Signage**

**§300-57 Purpose & Intent**

- A. The regulation of signs under this Chapter is intended to promote and protect the public health, safety and welfare and support economic development in the City of Pleasantville by:
- (1) minimizing the adverse effects of signage on public and private property; thereby enhancing and protecting the aesthetic environment in the City by minimizing excess or undue signage ~ what has come to be known as sign pollution;
  - (2) reducing the depreciation of property values caused by signs which are incompatible with surrounding land uses;
  - (3) creating a more attractive residential and economic climate within the City and thereby maintain and enhance the City's ability to retain existing businesses and attract new commercial operators;
  - (4) reducing distractions, obstructions and hazards caused by the indiscriminate placement and use of signs;
  - (5) encouraging the effective use of signage as a means of communication;
  - (6) enabling the fair and consistent enforcement of signage regulations.
- B. Scope
- (1) The regulations of this section shall govern and control the erection, enlargement, expansion, alteration, operation, maintenance, relocation and removal of signs within the City of Pleasantville which are visible from any street, road, sidewalk, public or private property.
  - (2) The regulations of this section relate to the location of signs, by function and type, within the City's various Zoning Districts, and shall be in addition to provisions of the International Building Code and the National Electrical Code applicable to the construction and maintenance of signs.
  - (3) Any sign not expressly permitted by these regulations shall be prohibited.
- C. Zoning Permit Required
- (1) Except as expressly provided in §300-61 no sign shall be erected, enlarged, expanded, altered or relocated unless a Zoning Permit evidencing compliance of such work with the provisions of this section and other applicable provisions of this Chapter shall have first been issued; provided, however, that routine sign maintenance, changing of parts designed to be changed or changing the content of a sign in any manner which does not change the functional classification of the sign shall not, in-and-of-itself, be considered an alteration of the sign requiring the issuance of a Zoning Permit.
  - (2) In addition to the information and documents required by §300-34A. and Checklist B., every application for a Zoning Permit for a sign shall be accompanied by:
    - (a) a copy of the plans and specifications for the propose sign, depicting the method of construction, illumination and support of such sign and a sketch, drawn to a scale of not less than 1"= $\frac{1}{8}$ ", showing all sign faces, exposed surfaces and the proposed message and design accurately represented as to size, area, proportion and color;

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- (b) current color photographs of all street frontages for the subject property, showing all existing signs on the property;
- (c) a calculation of the total sign area presently existing on the property; and
- (d) the applicant's attestation that the number of all signs and the sum of the areas of the requested and existing signs do not exceed the maximum allowable by the provisions of this Chapter.

**§300-58 General Standards**

A. All signs must be professionally designed and constructed. Homemade-type plywood, paper, coroplast or cardboard signs, or home-computer generated-type signs are expressly prohibited.

B. Illumination

Unless otherwise provided for herein, no sign in the City of Pleasantville shall be:

- (1) illuminated by other than a shielded or otherwise directed, non-flashing light source, or by a light from the interior of a sign with a translucent face.
- (2) placed or directed so as to permit the beams and illumination therefrom to be directed upon any adjacent public or private premises so as to cause glare or reflection that may constitute a nuisance or traffic hazard.
- (3) located on a lot adjacent to or across the street from any residential Zoning District and visible from such residential Zoning District and be illuminated between the hours of 11:00 p.m. and 7:00 a.m., unless the use to which the sign pertains is open for business;
- (4) flashing, animated, moving, intermittently moving or reflecting.
- (5) other than neon signs where permitted under §300-62, of a bare incandescent light source.

C. Electrical Elements:

- (1) All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electrical Code.
- (2) An Underwriters' Laboratories<sup>58</sup> label shall be affixed to every sign having any electrical component.

D. Structural Elements

- (1) The construction and structural components of all signs shall be in accordance with the standards and regulations of the International Building Code.
- (2) In no case shall the structural elements of a Freestanding or Pole Sign extend above the top of the sign face.
- (3) Any movable parts of a sign shall be securely fastened by screws, hinges or other appropriate mechanism.

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**E. Obstructions Prohibited**

No sign, part of a sign, or part of a sign structure, shall:

- (1) obstruct the free ingress to or egress from a fire escape, door, window or other required accessway.
- (2) be attached to a standpipe or fire escape.
- (3) be erected or maintained within the Zone of Light Obstruction, as defined in §300-10, for any window opening into any habitable room of any residential unit.
- (4) project over, occupy or obstruct any window surface required for light or ventilation by any applicable law, ordinance or regulation.
- (5) be maintained at any location where, by reason of its position, size, shape, content or color, such sign may obstruct, impair, obscure, interfere with the view of or be confused with any traffic control sign, signal or device or where it may interfere with, mislead or confuse traffic.
- (6) obstruct the Sight Triangle required by §300-47B. (other than a supporting pole or brace no greater than 18" in width or diameter).

**F. Signs in Rights-of-Way:** No sign, except publicly-owned signs, shall be placed in or extend into or over any public right-of-way, unless a Revocable License Agreement therefore, holding the City harmless and naming the City an additionally insured, approved as to form and manner of execution by the City Solicitor and adopted by Resolution of the City Council, and thereafter executed by the parties requesting such arrangement, shall first be obtained.

**G. Signs Painted on Walls:** No sign shall be painted directly on a building wall.

**H. Sign Identification:** Billboards shall be plainly marked with the name of the person, firm or corporation hanging or erecting the sign and the sign permit number.

**I. Sign Maintenance & Sign Safety**

- (1) Signage falling into a state of disrepair shall immediately be repaired or replaced.
- (2) No vacant signs or sign boxes shall be permitted. Where vacancies occur, corresponding signage shall be immediately replaced with general Project or other appropriate signage.
- (3) In the case of Advertising Signs as defined in §300-10, the owner of such sign and, in the case of all other signs, the owner of the sign and the owner of the premises on which such sign is located, shall be jointly and severally liable to maintain such sign, including its sign face, source(s) of illumination and its electrical and structural elements, in a neat and orderly condition and good working order at all times, to repair all damage to such sign and constituent components in an expeditious manner and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign.
- (4) Unsafe, unsightly, damaged or deteriorated signs; or signs in danger of falling, in whole or in part, shall be expeditiously repaired or removed upon written notice.
- (5) Immediate compliance is required for the repair or removal of unsafe signs.

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- (6) If compliance is not achieved within the time period specified by any notice issued by the Zoning Officer or other City official empowered to issue such notice, the sign shall be repaired or removed by the City and the costs therefore assessed to the property owner.
- (7) Legal nonconforming signs shall be permitted to continue in operation, and normal maintenance shall be permitted. For the purposes of this section only, “normal maintenance” shall be construed to include the replacement of an existing sign face with a new sign face upon change of use or ownership of the property or operation for which the sign is intended.

Nonconforming signs in violation of the maintenance requirements of this subsection shall lose their nonconforming status. Nonconforming signs removed for maintenance purposes may be replaced, provided the degree of nonconformity is not increased.

**D. Sign Measurement**

**(1) Sign Area**

In addition to the directions for measuring Sign Area contained in the definition of “Sign, Area [of]”: in this Chapter:

- (a) The supporting structure or bracing of a sign shall not be included in measuring the area of the sign, unless such structure or bracing is made part of the message, face or decorative or ornamental architecture of the sign.
- (b) Where a single sign has two (2) display faces back-to-back or in some other configuration where only two Sign faces are visible (i.e., ‘V’-shaped signs where the inside of the ‘V’ is not visible and therefore not usable for signage), the area of the largest single sign face shall be used to determine the area of the sign. Otherwise, the area of multi-faced signs shall be measured by including all sign faces.
- (c) Where a single sign has more than one (1) display face, the area which can be viewed simultaneously from any single location shall be used to determine Sign Area.

**(2) Sign Height**

Sign height shall be measured between Finished Grade and the highest point of the highest element of the sign, excluding any incidental structural elements such as uplift cables for a projecting sign.

**(3) Projecting Signs**

- (a) Projecting signs shall be supported from the wall or vertical support in accordance with the standards and regulations of the International Building Code, including the National Electrical Code.
- (b) No Projecting Sign shall extend more than 4’ from the wall.
- (c) No Projecting Sign shall extend closer than 2’ from the curbline.
- (d) No part of any Projecting Sign shall extend lower than 8’ above Finished Grade.
- (e) Signs projecting over a City right-of-way shall require permission from the Governing Body in the form of a Revocable License Agreement, specifying: the parties to the Agreement; the type of Sign or other improvement to be installed; the extent of the projection over the right-of-way; the term of the License, including any revocation terms; insurance and indemnification provisions by the Licensee on behalf of the City; any specific conditions of the License; and such consideration as the City shall deem appropriate.



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- (f) Signs projecting over a County right-of-way shall require permission from the County Planning Board.
- (4) Signs near Environmentally Sensitive Sites: No ground, pole, roof or projecting signs shall be located within 50' of any designated fresh or salt water wetlands or lands where a Threatened and Endangered Species has been identified via NJDEP or other official mapping if such sign or sign structure is visible from such Lot Line at a point 5' above grade.
- (5) Sign Materials: All signs shall have a surface or facing of incombustible material or be of approved combustible material. Any glass forming a part of any sign shall be safety glass, wired glass or plate glass of a thickness in compliance with the International Building Code.

**§300-59 Sign Classifications**

- A. Functional Types: For purposes of this Chapter, signs shall be classified according to function. Definitions of the following Functional Types of Signs may be found in §300-10.
  - (1) Advertising Sign;
  - (2) Advertising Vehicle Sign;
  - (3) Animated or Moving Sign;
  - (4) Bulletin Board Sign;
  - (5) Construction Sign;
  - (6) Environmental Information or Designation Sign;
  - (7) Governmental Sign;
  - (8) Historical or Architectural Designation Sign;
  - (9) Holiday Decorations (Any other provision of this section to the contrary notwithstanding, such Signs may be of any type, number, area, height, illumination or animation. All such items shall be located on the same lot as the Principal Use to which the decorations are attendant);
  - (10) Home Occupation Sign;
  - (11) Identification Sign;
  - (12) Joint-Identification Sign;
  - (13) Memorial Sign;
  - (14) Nameplate Sign;
  - (15) On-Site Informational Sign;
  - (16) Political Sign;
  - (17) Private Sale Sign;
  - (18) Private Event Sign;

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- (19) Real Estate Sign;
  - (20) Temporary Sign; and
  - (21) Warning Sign.
- B. Structural Types: For purposes of this Chapter, signs shall be classified according to structure. Definitions of the following Structural Types of Signs may be found in §300-10.
- (1) Awning, Canopy or Marquee Sign;
  - (2) Ground Sign;
  - (3) Freestanding / Pole Sign;
  - (4) Portable Sign;
  - (5) Projecting Sign;
  - (6) Roof Sign;
  - (7) Wall Sign; and
  - (8) Window Sign.

**§300-60 Signs Permitted Without Permit or Fee**

Subject to the more specific provisions of §300-63, and except as expressly addressed in §300-61, and notwithstanding any other contrary provision of this Chapter, the following signs may be erected and maintained in any Zoning District other than the Conservation District, without obtaining a Zoning Permit or paying the fee required for such Permits, subject to the conditions and limitations hereinafter set forth:

- A. Construction Signs, provided that such signs are located within the boundaries of such development project, are limited to not more than one (1) Wall or Ground Sign per street frontage, are not more than 60 s.f. in area and not more than 12' in height, are illuminated only by a direct source of light and are maintained for not more than 14 days following the conclusion of the construction in question.
- B. Environmental Information or Designation Signs, provided that such Signs are limited to not more than one (1) Pole or Ground Sign per street frontage, are not more than 6 s.f. in area, are not more than 12' in height, are illuminated only by a direct source of light and contain no commercial advertising.
- C. Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organization.
- D. Governmental Signs, provided that the content and size of any such sign shall not exceed the requirements of the law, ordinance or regulation pursuant to which such sign is erected.
- E. Historical or Architectural Designation Signs, provided that such Signs are limited to not more than one (1) Wall or Ground Sign, are not more than 6 s.f. in area, and not more than 12' in height, are illuminated only by a direct source of light and contain no commercial advertising.
- F. Holiday Decorations displayed for a period of not more than 60 consecutive days nor more than 20 days following the holiday in connection with which they are displayed.

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- G. Home Occupation Signs, provided that such Signs are limited to not more than one Wall or Window Sign per dwelling unit, are not more than 2 s.f. in area and are not lighted.
- H. Memorial Signs, provided that such Signs are limited to not more than one (1) Wall or Ground Sign; are made of durable material (e.g., bronze, stone or concrete); are not more than 4 s.f. in area; and are illuminated only by a direct source of light.
- I. Nameplate Signs, provided that such Signs are limited to not more than one (1) Wall, Projecting or Ground Sign per occupancy; are not more than 1 s.f. in area; and are illuminated only by a direct source of light. No Projecting Sign shall extend more than 6" from the face of a wall and no Ground Sign shall be higher than 3'.
- J. Official public safety and information signs displaying road names, numbers and safety directions.
- K. On-site Identification Signs, provided that such signs are limited to not more than one (1) Wall, Window or Ground Sign of not more than 2 s.f. in area and not more than 12' in height.
- L. On-site Informational Signs, provided that such signs are limited to not more than one (1) Wall, Window or Ground Sign of not more than 2 s.f. in area and not more than 12' in height.
- M. Political Signs, provided that such Signs are not more than 10 s.f. in area if located in a non-residential Zoning District or 4 s.f. in area if located in a residential Zoning District; are limited to not more than one (1) per lot; are located entirely on private property pursuant to the owner's consent; are clearly marked with the name, address and telephone number of the person responsible for the removal of such sign; are erected not more than 45 days prior to such election; and are removed within 14 days following such election.
- N. Private Sale and Private Event Signs, provided that such Signs are not more than 4 s.f. in area; are located entirely on the premises where such sale or event is to be conducted; are clearly marked with the name, address and telephone number of the person responsible for the removal of such sign; are erected not more than 12 hours in advance of such sale or 45 hours in advance of such event, and are removed on the day following the conclusion of such sale or event.
- O. Real Estate Signs, provided that:
  - (1) residential property with structure(s) less than 40' in height and vacant land shall be limited to not more than one (1) Wall or Ground Sign and not more than 8 s.f. in area;
  - (2) Residential property with structure(s) greater than or equal to 40' in height shall be limited to not more than two (2) Wall or Ground Signs not more than 24 s.f. in area each;
  - (3) Commercial property with or without structure(s) shall be limited to not more than two (2) Wall or Ground Signs not more than 32 s.f. in area each;
  - (4) Such Signs shall be removed within one (1) week of settlement of the sale or consummation of the lease or rental; and
  - (5) Such Signs shall be set back 5' from the right-of-way and shall respect all Sight Triangles required by §300-47B.
- P. Trespassing Signs or signs indicating the private nature of a road, driveway or premises, and Signs prohibiting or otherwise controlling fishing or hunting, provided that the size of such sign does not exceed 6 s.f.

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- Q. Warning Signs, provided that such Signs are limited to not more than two (2) Wall or Ground Signs per property frontage, are not more than 4 s.f. in area each and are illuminated only by a direct source of light.
- R. Window Signs:
- (1) Unless otherwise provided for herein, permanent, non-illuminated Window Signs or similar window obstructions, provided that the aggregate area of all such Window Signs or obstructions do not exceed 33% of the area of the window in which they are exhibited nor block any window area required for light, ventilation or emergency exit by any applicable code.
  - (2) Temporary, non-illuminated Window Signs advertising coming events, special sales, contests, promotional activities and civic or political activities maintained for a period of no longer than 45 days before such event nor more than three (3) days after such event.

**§300-61 Prohibited Signs**

Subject to the more specific provisions of §300-63, the following Signs are prohibited in all Zoning Districts and shall not be erected, maintained or permitted to continue in any Zoning District:

- A. Animated or Moving Signs, except as expressly authorized by specific Zoning District regulations;
- B. Portable (A-frame, Sandwich-board, Sidewalk & Curb) Signs, except as specifically authorized by specific District regulations.
- C. Signs which are nailed, tacked, glued, taped, painted on or otherwise affixed to any tree, utility pole, utility cabinet, rock, ledge or other natural feature, whether on public or private property;
- D. Signs which contain statements, words or pictures of an obscene character or which contain advertising matter which is untruthful; and
- E. Temporary Signs, except as expressly authorized herein;

**§300-62 District-Specific Signage Regulations**

Subject to the more specific provisions of §300-63:

- A. Regulations for Signs Accessory to a Permitted Principal or Conditional Use, as well as all nonconforming uses, in the SFR & RD Zoning Districts

**(1) Functional Types Permitted**

- (a) Signs permitted in any Zoning District without Permit or Fee under §300-60;
- (b) Bulletin Board Signs, when accessory to a non-residential use;
- (c) Identification Signs, when accessory to a non-residential use and when accessory to a defined residential project of more than 8 units;

**(2) Structural Types Permitted**

- (a) Signs permitted in any Zoning District without Permit or Fee under §300-60;
- (b) Ground Signs;

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- (c) Wall Signs, when accessory to a non-residential use; and
- (d) Window Signs, when accessory to a non-residential use.

**(3) Number of Signs Permitted**

- (a) Signs permitted in any Zoning District without Permit or Fee under §300-60;
- (b) Ground Sign: 1 per street frontage.
- (c) Wall Sign: 1 per building elevation.
- (d) Window Sign: 1 per non-residential use.

**(4) Maximum Gross Surface Area of Signs Permitted**

- (a) Signs permitted in any Zoning District without Permit or Fee under §300-60;
- (b) Ground Sign: 15 s.f. per Sign Face and not more than two (2), back-to-back Sign faces.
- (c) Wall Sign: 10 s.f. per Sign Face and not more than one (1) Sign face.
- (d) Window Signs: not to exceed 33% of the non-residential window in which they are exhibited, nor block any window area required for light, ventilation or emergency exit by any applicable code.

**(5) Maximum Height of Signs Permitted**

- (a) Signs permitted in any Zoning District without Permit or Fee under §300-60;
- (b) Ground Signs: 3'
- (c) Wall Signs: the lower of 15' or the 2<sup>nd</sup> floor window sill.
- (d) Window Signs: no higher than within a window on the level at which the principal use takes place.

**(6) Minimum Setback Required for Ground Signs: 5' from all Lot Lines.**

**(7) Illumination**

In addition to the regulations established under §300-58B., no Window Sign installed in a window above the ground floor shall be illuminated.

- B. Regulations for Signs Accessory to a Permitted Principal or Conditional Use, as well as all nonconforming uses, in the in the MF, WR and NC Zoning Districts, and the Franklin Boulevard Professional Office Overlay, the Main Street Neighborhood Commercial Overlay and the New Road Professional Office Overlay.**

**(1) Functional Types Permitted**

- (a) Signs permitted in any Zoning District without Permit or Fee under §300-60;
- (b) Bulletin Board Signs, when accessory to a non-residential use;

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- (c) Identification Signs, when accessory to a non-residential use and when accessory to a defined residential project of more than 8 units in the MF and WF Zoning Districts;
- (d) Joint Identification Signs, when accessory to a non-residential use and when accessory to a defined residential project of more than 8 units in the MF and WF Zoning Districts;

**(2) Structural Types Permitted**

- (a) Signs permitted in any Zoning District without Permit or Fee under §300-60;
- (b) Awning, Canopy or Marquee Signs;
- (c) Ground Signs;
- (d) Wall Signs; when accessory to a non-residential use; and
- (e) Window Signs, when accessory to a non-residential use.

**(3) Number of Signs Permitted**

- (a) Signs permitted in any Zoning District without Permit or Fee under §300-60;
- (b) One (1) Awning, Canopy or Marquee Sign, Projecting Sign or Window Sign per building elevation.
- (c) One (1) Ground Sign, Portable Sign or Wall Sign per street frontage.

**(4) Maximum Gross Surface Area of Signs Permitted**

- (a) Signs permitted in any Zoning District without Permit or Fee under §300-60;
- (b) Awning, Canopy or Marquee Signs: not to exceed 50% of the area of the Awning, Canopy, Marquee on which they are placed.
- (c) Ground Signs: 25 s.f. per Sign face and not more than two (2), back-to-back sign faces per street frontage.
- (d) Portable Signs: 15 s.f. per Sign face and not more than two (2), back-to-back sign faces per street frontage.
- (e) Projecting Signs: 12 s.f. per Sign face and not more than two (2) back-to-back sign faces per building elevation;
- (f) Wall Sign: one (1) Sign face not to exceed 7.5% of the total wall surface per elevation;
- (g) Window Signs: not to exceed 25% of the area of the window in which they are exhibited nor block any window area required for light, ventilation or emergency exit by any applicable code.

**(5) Maximum Height of Signs Permitted**

- (a) Signs permitted in any Zoning District without Permit or Fee under §300-60;
- (b) Awning, Canopy or Marquee Signs, Projecting Signs: the lower of 20' or the 2<sup>nd</sup> floor window sill;
- (c) Ground Signs and Portable Signs: 5'

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(d) Wall Signs: the lower of 20' or the 2<sup>nd</sup> floor window sill.

(e) Window Signs: no higher than within a window on the level at which the principal use takes place.

**(6) Minimum Setback Required:**

(a) Awning, Canopy or Marquee Signs: No such sign shall project beyond the physical dimensions of the awning, canopy or marquee on which it is attached.

(b) Projecting Signs: No greater than 6' from the structure on which such sign is attached.

(c) Ground Signs & Portable Signs: 5' from all Lot Lines

**(7) Illumination**

In addition to the regulations established under §300-58B.:

(a) Neon or other gas-tube illumination is permitted.

(b) No Window Sign installed in a window above the ground floor shall be illuminated.

(c) Awning, Canopy and Marquee Signs may be illuminated along the front or side façade by interior or direct illumination, the source for which shall in no case extend beyond the surface of the sign on which such source of illumination is to be installed;

**C. Regulations for Signs Accessory to a Permitted Principal or Conditional Use, as well as all nonconforming uses, in the CBD, GC, RC, LI and BMU Zoning Districts, and the Bayside Mixed Use Overlay and City Center Support Overlay.**

**(1) Functional Types Permitted**

(a) Signs permitted in any Zoning District without Permit or Fee under §300-60;

(b) Bulletin Board Signs;

(c) Identification Signs & Joint-Identification Signs; and

(d) Advertising Signs, provided that no advertising material shall be placed upon the top of any Awning, Canopy or Marquee.

**(2) Structural Types Permitted**

(a) Signs permitted in any Zoning District without Permit or Fee under §300-60;

(b) All Structural Types specified in §300-59B., except Freestanding / Pole and Roof Signs; except that Hotels / Motels in the GC & RC Zone shall be permitted one (1) Freestanding / Pole Sign.

**(3) Number of Signs Permitted**

(a) Signs permitted in any Zoning District without Permit or Fee under §300-60;

(b) Awning, Canopy or Marquee Signs, Projecting Signs, Wall Signs and Window Signs: One (1) sign per building elevation.

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(c) Ground Signs, Portable Signs: One (1) sign per street frontage.

(d) For Hotel / Motel Uses in the GC & RC Zoning Districts: One Freestanding / Pole sign.

**(4) Maximum Gross Surface Area of Signs Permitted**

(a) Signs permitted in any Zoning District without Permit or Fee under §300-60;

(b) Awning, Canopy, Marquee Signs: not to exceed 50% of the area of the Awning, Canopy, Marquee on which they are placed.

(c) Ground Signs: 50 s.f. per Sign face and not more than two (2) back-to-back sign faces per street frontage.

(d) Portable Signs: 15 s.f. per Sign face and not more than two (2) back-to-back sign faces per street frontage.

(e) Projecting Signs: 12 s.f. per Sign face and not more than two (2) back-to-back sign faces per building elevation.

(f) Wall Sign: one (1) Sign face not to exceed 20% of the total wall surface per building elevation.

(g) Window Signs: not to exceed 25% of the area of the window in which they are exhibited nor block any window area required for light, ventilation or emergency exit by any applicable code.

(h) Freestanding / Pole Signs for Hotel / Motel Uses in the GC & RC Zoning Districts: not to exceed 25 s.f. in area.

**(5) Maximum Height of Signs Permitted**

(a) Signs permitted in any Zoning District without Permit or Fee under §300-60;

(b) Awning, Canopy or Marquee Signs & Projecting Signs: the lower of 20' or the 2<sup>nd</sup> floor window sill.

(c) Ground Signs and Portable Signs: 5'

(d) Wall Signs: No higher than the roofline of the wall supporting said Sign.

(e) Window Signs: no higher than within a window on the level at which the principal use takes place.

(f) Freestanding / Pole Signs for Hotel / Motel Uses in the GC & RC Zoning Districts: 15'.

**(6) Minimum Setback Required for Ground Signs and Freestanding / Pole Signs:**

(a) 5' from all Lot Lines

(b) For Hotel / Motel Uses in the GC & RC Zoning Districts: 10' from the Front Lot Line, 5' from all remaining Lot Lines.

(c) No such sign or supporting elements shall be located within any Sight Triangle.



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**(7) Illumination**

In addition to the regulations established under §300-58B.:

- (a) Neon or other gas-tube illumination is permitted;
- (b) No Window Sign installed in a window above the ground floor shall be illuminated;
- (c) Awning, Canopy and Marquee Signs may be illuminated along the front or side façade by interior or direct illumination, the source for which shall in no case extend beyond the surface of the sign on which such source of illumination is to be installed;

**D. Regulations for Signs Accessory to a Permitted Principal or Conditional Use, as well as all nonconforming uses, in the RSC Zoning District**

**(1) Hotel / Motel Uses**

**(a) Functional Types Permitted**

- [1] Signs permitted in any Zoning District without Permit or Fee under §300-60; and
- [2] Identification & Joint-Identification Signs.

**(b) Structural Types Permitted**

- [1] Signs permitted in any Zoning District without Permit or Fee under §300-60;
- [2] Freestanding / Pole Signs; and
- [3] Wall Signs.

**(c) Number of Signs Permitted**

- [1] Signs permitted in any Zoning District without Permit or Fee under §300-60;
- [2] Freestanding / Pole Signs: 1
- [3] Wall Signs: 3

**(d) Maximum Gross Surface Area of Signs Permitted**

- [1] Signs permitted in any Zoning District without Permit or Fee under §300-60;
- [2] Freestanding / Pole Signs: Not to exceed 150 s.f. per Sign side.
- [3] Wall Signs: Not to exceed 20% of the area of wall on which such Sign is mounted.

**(e) Maximum Height of Signs Permitted**

- [1] Signs permitted in any Zoning District without Permit or Fee under §300-60;
- [2] Freestanding / Pole Signs: 25'
- [3] Wall Signs: No higher than the roofline of the wall supporting said Sign.

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(f) Minimum Setback Required

[1] Signs permitted in any Zoning District without Permit or Fee under §300-60;

[a] Front Yard: 40'

[b] Rear Yard: 40'

[c] Side Yard: 20'

[2] Wall Signs shall not extend more than 16" from the building on which such Sign is mounted.

(g) Illumination

In addition to the regulations established under §300-58B., neon or other gas-tube illumination is permitted;

(2) Commercial / Retail Uses

(a) Functional Types Permitted

[1] Signs permitted in any Zoning District without Permit or Fee under §300-60; and

[2] Identification & Joint-Identification Signs

(b) Structural Types Permitted

[1] Signs permitted in any Zoning District without Permit or Fee under §300-60;

[2] Freestanding / Pole Signs; and

[3] Wall Signs.

(c) Number of Signs Permitted

[1] Signs permitted in any Zoning District without Permit or Fee under §300-60;

[2] Freestanding / Pole Signs: 1

[3] Wall-Mounted Identification Signs: 1

[4] Wall-Mounted Joint Identification Signs: 1 Sign per tenant or use.

(d) Maximum Gross Surface Area of Signs Permitted

[1] Signs permitted in any Zoning District without Permit or Fee under §300-60;

[2] Freestanding / Pole Signs: Not to exceed 150 s.f. per Sign side.

[3] Wall-Mounted Identification Signs: 200 s.f., configured not more than 40' in length and not more than 5' in height.

[4] Wall-Mounted Joint Identification Signs: Not more than 30' in height and not more than 70% of the frontage of the use to which such Sign is accessory.

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**(e) Maximum Height of Signs Permitted**

- [1] Signs permitted in any Zoning District without Permit or Fee under §300-60;
- [2] Freestanding / Pole Signs: 25’
- [3] Wall Signs: No higher than the roofline of the wall supporting said Sign.

**(f) Minimum Setback Required**

- [1] Signs permitted in any Zoning District without Permit or Fee under §300-60;
- [2] Front Yard: 40’
- [3] Rear Yard: 40’
- [4] Side Yard: 20’
- [5] Wall-Mounted Identification Signs: Not to extend more than 16” from the building on which such Sign is mounted.
- [6] Wall-Mounted Joint Identification Signs: Not to extend more than 12” from the building on which such Sign is mounted.

**(g) Illumination**

In addition to the regulations established under §300-58B., neon or other gas-tube illumination is permitted;

**(3) Office Buildings, Administrative & Educational Uses**

**(a) Functional Types Permitted**

- [1] Signs permitted in any Zoning District without Permit or Fee under §300-60;
- [2] Identification & Joint-Identification Signs.

**(b) Structural Types Permitted**

- [1] Signs permitted in any Zoning District without Permit or Fee under §300-60;
- [2] Freestanding / Pole Signs; and
- [3] Wall Signs.

**(c) Number of Signs Permitted**

- [1] Signs permitted in any Zoning District without Permit or Fee under §300-60;
- [2] Freestanding / Pole Signs: 1 per building.
- [3] Wall Signs: 1

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**(d) Maximum Gross Surface Area of Signs Permitted**

- [1] Signs permitted in any Zoning District without Permit or Fee under §300-60;
- [2] Freestanding / Pole Signs: Not to exceed 150 s.f. per Sign side.
- [3] Wall Signs: Not more than 5' in height and not more than 40' in length, but in no case more than 10% of the wall on which such Sign is mounted.

**(e) Maximum Height of Signs Permitted**

- [1] Signs permitted in any Zoning District without Permit or Fee under §300-60;
- [2] Freestanding / Pole Signs: 12'
- [3] Wall Signs: No higher than the roofline of the wall supporting said Sign.

**(f) Minimum Setback Required**

- [1] Signs permitted in any Zoning District without Permit or Fee under §300-60;
- [2] Front Yard: 40'
- [3] Rear Yard: 40'
- [4] Side Yard: 20'
- [5] Wall-Mounted Identification Signs: Not to extend more than 16" from the building on which such Sign is mounted.
- [6] Wall-Mounted Joint Identification Signs: Not to extend more than 12" from the building on which such Sign is mounted.

**(g) Illumination**

In addition to the regulations established under §300-58B., neon or other gas-tube illumination is permitted;

**(4) Food & Beverage Uses**

**(a) Functional Types Permitted**

- [1] Signs permitted in any Zoning District without Permit or Fee under §300-60;
- [2] Identification & Joint-Identification Signs.

**(b) Structural Types Permitted**

- [1] Signs permitted in any Zoning District without Permit or Fee under §300-60;
- [2] Freestanding / Pole Signs; and
- [3] Wall Signs.

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**(c) Number of Signs Permitted**

- [1] Signs permitted in any Zoning District without Permit or Fee under §300-60;
- [2] Freestanding / Pole Signs: 1 per building.
- [3] Wall Signs: 1 per building

**(d) Maximum Gross Surface Area of Signs Permitted**

- [1] Signs permitted in any Zoning District without Permit or Fee under §300-60;
- [2] Freestanding / Pole Signs: Not to exceed 120 s.f. per Sign side.
- [3] Wall Signs: Not more than 3' in height and not more than 25' in length, but in no case more than 10% of the wall on which such Sign is mounted.

**(e) Maximum Height of Signs Permitted**

- [1] Signs permitted in any Zoning District without Permit or Fee under §300-60;
- [2] Freestanding / Pole Signs: 12'
- [3] Wall Signs: Not to extend higher than the roof on which such Sign is mounted.

**(f) Minimum Setback Required**

- [1] Signs permitted in any Zoning District without Permit or Fee under §300-60;
- [2] Front Yard: 40'
- [3] Rear Yard: 40'
- [4] Side Yard: 20'
- [5] Wall Signs: Not to extend more than 16" from the building on which such Sign is mounted.

**(g) Illumination**

In addition to the regulations established under §300-58B., neon or other gas-tube illumination is permitted;

**(5) Other Permitted Uses**

**(a) Functional Types Permitted**

- [1] Signs permitted in any Zoning District without Permit or Fee under §300-60;
- [2] Identification & Joint-Identification Signs.

**(b) Structural Types Permitted**

- [1] Signs permitted in any Zoning District without Permit or Fee under §300-60;
- [2] Freestanding / Pole Signs; and

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[3] Wall Signs.

(d) Number of Signs Permitted

[1] Signs permitted in any Zoning District without Permit or Fee under §300-60;

[2] Freestanding / Pole Signs: 1 per building.

[3] Wall Signs: 1 per building

(e) Maximum Gross Surface Area of Signs Permitted

[1] Signs permitted in any Zoning District without Permit or Fee under §300-60;

[2] Freestanding / Pole Signs: Not to exceed 120 s.f. per Sign side.

[3] Wall Signs: Not more than 3' in height and not more than 25' in length, but in no case more than 10% of the wall on which such Sign is mounted.

(f) Maximum Height of Signs Permitted

[1] Signs permitted in any Zoning District without Permit or Fee under §300-60;

[2] Freestanding / Pole Signs: 12'

[3] Wall Signs: Not to extend higher than the roof on which such Sign is mounted.

(g) Minimum Setback Required

[1] Signs permitted in any Zoning District without Permit or Fee under §300-60;

[2] Front Yard: 40'

[3] Rear Yard: 40'

[4] Side Yard: 20'

[5] Wall Signs: Not to extend more than 16" from the building on which such Sign is mounted.

(h) Illumination

In addition to the regulations established under §300-58B., neon or other gas-tube illumination is permitted;

E. Regulations for Signs Accessory to a Permitted Principal or Conditional Use, as well as all nonconforming uses, in the CEM Zoning District

(1) Functional Types Permitted

(a) Signs permitted in any Zoning District without Permit or Fee under §300-60;

(b) Memorial Signs; and

(c) Nameplate Signs.

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(2) Structural Types Permitted

- (a) Signs permitted in any Zoning District without Permit or Fee under §300-60;
- (b) Ground Signs; and
- (c) Freestanding / Pole Signs.
- (d) Inscriptions or engravings on mausoleums, headstones and grave markers shall not be considered Signs.

(3) Number of Signs Permitted

- (a) Signs permitted in any Zoning District without Permit or Fee under §300-60;
- (b) One (1) Ground or Freestanding / Pole Sign at each entrance to the Cemetery.

(4) Maximum Gross Surface Area of Signs Permitted

- (a) Signs permitted in any Zoning District without Permit or Fee under §300-60;
- (b) Ground Signs: 50 s.f. per Sign face and not more than two (2) back-to-back sign faces per street frontage.
- (c) Freestanding / Pole Signs: 25 s.f. per Sign face and not more than two (2) back-to-back sign faces per street frontage.

(5) Maximum Height of Signs Permitted

- (a) Signs permitted in any Zoning District without Permit or Fee under §300-60;
- (b) Ground Signs: 5'
- (c) Freestanding / Pole Signs: 15'

(6) Minimum Setback Required for Ground & Freestanding / Pole Signs: 5' from all Lot Lines.

(7) Illumination

- (a) Direct or internal illumination is permitted;
- (b) Animated Signs are prohibited.

F. Regulations for Signs Accessory to a Permitted Principal or Conditional Use, as well as all nonconforming uses, in the CONSERV Zoning District.

(1) Functional Types Permitted

- (a) Signs permitted in any Zoning District without Permit or Fee under §300-60;
- (b) Governmental Signs;
- (c) Environmental Information or Designation Signs;

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(d) Memorial Signs; and

(e) Nameplate Signs.

(2) Structural Types Permitted

(a) Signs permitted in any Zoning District without Permit or Fee under §300-60;

(b) Ground Signs

(3) Number of Signs Permitted

(a) Signs permitted in any Zoning District without Permit or Fee under §300-60;

(b) One (1) Ground Sign per 250' of street frontage, placed at the edges of the CONSERV Zoning District(s). Where more than one such sign is permitted, no sign shall be placed closer than 250' from any other sign.

(4) Maximum Gross Surface Area of Signs Permitted

(a) Signs permitted in any Zoning District without Permit or Fee under §300-60;

(b) Ground Signs: 6 s.f.

(5) Maximum Height of Signs Permitted

(a) Signs permitted in any Zoning District without Permit or Fee under §300-60;

(b) Ground Signs: 3'

(6) Minimum Setback Required for Ground Signs: 5' from all Lot Lines.

(7) Illumination: No Sign shall be illuminated.

**§300-63 Sign Regulations Applicable to Specific Land Uses**

A. The following regulations, rather than the District-based regulations of §300-62, shall apply to Signs accessory to specific land uses located in the CBD, NC, GC, RC, LI and BMU Zoning Districts where such uses are permitted.

B. Signs accessory to a nonconforming residential use shall be subject to the regulations of §300-62A.

C. Signs accessory to any other nonconforming use shall be subject to the regulations of this subsection.

D. Parking Lot & Parking Garage Signs

(1) Functional Types Permitted

(a) Signs permitted in any Zoning District without Permit or Fee under §300-60;

(b) Identification Signs;

(c) Current Rate Signs;



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- (d) Tariff Signs;
- (e) Towing Signs; and
- (f) Open / Closed Signs.

**(2) Structural Types Permitted**

- (a) Signs permitted in any Zoning District without Permit or Fee under §300-60;
- (b) Awning, Canopy or Marquee Signs;
- (c) Ground Signs;
- (d) Freestanding / Pole Signs;
- (e) Projected Signs; and
- (f) Wall Signs.

**(3) Number of Signs Permitted**

- (a) Signs permitted in any Zoning District without Permit or Fee under §300-60;
- (b) As provided in each respective Zoning District.

**(4) Maximum Gross Surface Area of Signs Permitted**

- (a) Identification Signs: 16 s.f. in area;
- (b) Current Rate Signs: 16 s.f. in a 4'x4' configuration;
- (c) Tariff Signs: 6 s.f. in a 2'x3' configuration;
- (d) Towing Signs: 8 s.f. in a 2'x4' configuration;
- (e) Open / Closed Signs: Sized to fit over the fee of the Current Rate Sign.

**(5) Maximum Height of Signs Permitted**

- (a) Identification Signs: No lower than 4' and no higher than 14';
- (b) Current Rate Signs: No lower than 4' and no higher than 8';
- (c) Tariff Signs: Sufficiently high to permit visibility from all entrances when the lot is full, but in no case higher than 8'.
- (d) Towing Signs: No lower than 4' and no higher than 8';
- (e) Open / Closed Signs: No lower than 4' and no higher than 8'

**(6) Sign Placement**

- (a) Identification Signs: Placed where most desirable to fit the needs of the individual business;

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- (b) Current Rate Signs: Perpendicular to the street frontage;
- (c) Tariff Signs: Posted prominently, in an unobstructed location, permanently affixed to the attendant's booth.
- (d) Towing Signs: Posted in a visible, unobstructed location at all entrances to the facility. If the entrance requirement is not sufficient due to the largeness of the facility, then posted in a visible location or locations so that a sign is clearly visible to all entrances and parking places within the parking facility.
- (e) Open / Closed Signs: Posted at all entrances to the facility.

**(7) Message Requirements**

- (a) Identification Signs: Shall be similar in style and coloring with the operator's logo, trademark or other identifying symbol.
- (b) Current Rate Signs
  - [1] Rates must be in accordance with the Tariff Sign, with all rates being the same size;
  - [2] The sign must display the period(s) of time which the vehicle is permitted to be stored or parked, and the initial fee and the subsequent fee (if different than the initial fee) in effect for the time that the sign is displayed. Such information shall be displayed as follows:
    - White background with Helvetica Medium letter style font;
    - "CURRENT RATE" in capital letters, 6" high, black lettering;
    - Fee numerals in 8" minimum, 16" maximum, red lettering; and
    - Interchangeable inserts (slots) for rate fee and time.
- (c) Tariff Signs: Shall indicate that the current year rate schedule for the parking facility is on file with the City Clerk. All rates must be the same size, with white background, black lettering and red numerals and the name of the operator, mercantile license number and the address clearly visible. Lettering and numeral size shall be as large as possible within the mandated maximum gross surface area in order to convey the required information in a neat and clear manner.
- (d) Towing Signs: Shall include the name, address and telephone number of the towing company and the fee for said towing as follows:
  - White background;
  - 3" high red lettering in Helvetica Medium letter style font;
  - Company name in a 7" x 12 box;
  - Company address and telephone number in 7" x 12" box; and
  - Towing fee in 4" x 4" box.

Such information shall be printed below the following language:

- Public Lots: "Unauthorized Vehicles Will Be Towed".
- Private Lots: "Private Property, No Parking. Tow Away Zone".

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- (e) Open / Closed Signs: Posted across Current Rate Sign when the lot is not open to the public. Sign shall be white background with 6" high red lettering in Helvetica Medium letter style font.

**(8) Illumination**

In addition to the regulations established under §300-58B:

- [1] Identification Signs may be of neon or other gas-tube illumination;
- [2] Awning, Canopy and Marquee Signs may be illuminated along the front or side façade by interior or indirect illumination, the source for which shall in no case extend beyond the surface of the side on which such source of illumination is to be installed.

**E. Time-and-Temperature Signs**

**(1) Functional Types Permitted**

- (a) Identification and Joint Identification Signs; whereon, in addition to the purpose of the Sign as defined in §300-10, the current time or temperature, or both, is indicated by intermittent lighting; and
- (b) On-Site Informational Signs whereon the current time or temperature, or both, is indicated by intermittent lighting.

**(2) Structural Types Permitted**

- (a) Ground Signs;
- (b) Freestanding / Pole Signs;
- (c) Projecting Signs; and
- (d) Wall Signs

**(3) Number of Signs Permitted**

- (a) Ground Signs, Freestanding / Pole Signs & Projecting Signs: One (1) Sign per street frontage with a maximum of two (2), back-to-back sign faces per street frontage.
- (b) Wall Signs: 1

**(4) Maximum Gross Surface Area of Signs Permitted**

- (a) Ground Signs: 50 s.f. per Sign face and not more than two (2), back-to-back sign faces per street frontage.
- (b) Freestanding / Pole Signs: 25 s.f. per Sign face and not more than two (2), back-to-back sign faces per street frontage.
- (c) Projecting Signs: 12 s.f. per Sign face and not more than two (2) back-to-back sign faces per building elevation.
- (d) Wall Signs: one (1) Sign face not to exceed 20% of the total wall surface per elevation.

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(5) Maximum Height of Signs Permitted

- (a) Ground Signs: 5'
- (b) Freestanding / Pole Signs: 15'
- (c) Projecting Signs: the lower of 20' or the 2<sup>nd</sup> floor window sill.
- (d) Wall Signs: the lower of 20' or the 2<sup>nd</sup> floor window sill.

(6) Minimum Setback Required for Ground Signs and Freestanding / Pole Signs: 10' from any Street Line, 5' from all remaining Lot Lines.

(7) Illumination

The regulations established under §300-58B shall apply, except that the following types of illumination shall be permitted:

- (a) Bare bulb, Light Emitting Diode ("LED"), Liquid Crystal Display ("LCD") and Digital [television-type] signs);
- (b) Neon or other gas-tube illumination;

(8) Rate of Message Change

- (a) Lighting changes on any such sign shall be limited to the display of time and/or temperature.
- (b) With the exception of the passage of time, display changes shall be not less frequent than once every 15 seconds.

F. Advertising Signs

(1) A Zoning Permit is required for all Advertising Signs under this section.

(2) Structural Types Permitted

- (a) Freestanding / Pole Signs; and
- (b) Wall Signs.

(3) Number of Signs Permitted: 1

(4) Sign Location

No Advertising Sign shall be located:

- (a) On any Lot the Street Line of which forms part of a frontage wherein at least 50% of such length is used or zoned for residential purposes;
- (b) Lots or portions of Lots located within 50', measured perpendicularly, from a Street Lot Line which forms part of a frontage which is used or zoned for residential purposes;
- (c) Signs having a gross surface area less than 300 s.f.: Within 200' of any other such Sign located on the same side of the street or within 100' of any other such Sign.

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- (d) Signs having a gross surface area equal to or greater than 300 s.f.: Within a 500' radius of any other such sign.
- (e) Within 100' from any Lot Line of any School, Place of Worship, Library, Public Park or similar institution, when located in a residential zoning district if the sign or sign structure is visible from any such Lot Line at a point 5' above Finished Grade.
- (f) Within 100' of any Residential Zoning District, except that no sign having a gross surface area in excess of 300 s.f. shall be located within 500' of any Residential Zoning District.
- (g) For signs oriented toward the Atlantic City Expressway or the NJ Transit Rail Line, within a 500' radius of any other sign oriented toward the Atlantic City Expressway or the NJ Transit Rail Line.

**(5) Maximum Gross Surface Area of Signs Permitted**

- (a) 60 s.f. per Sign Face, except that the Maximum Gross Surface Area in the RC Zoning District shall not exceed 700 s.f. per Sign Face.
- (b) Signs oriented toward the Atlantic City Expressway or the NJ Transit Rail Line shall not exceed 700 s.f. per Sign Face.

**(6) Maximum Height of Signs Permitted**

- (a) Freestanding / Pole Signs: 30'.
- (b) Wall Signs: the lower of 20' or the 2<sup>nd</sup> windowsill, provided, however, that if the wall area to be covered has no windows or openings, the sign may be as high as the roof eave, regardless of height.

**(7) Minimum Setback Required for Freestanding / Pole Signs: 10' from any Street Line, 5' from all remaining Lot Lines.**

**(8) Illumination**

No sign shall be illuminated except by direct or internal illumination.

**§300-64 Sign Regulations for Redevelopment and Rehabilitation Areas**

Subject to the requirements of each individual Redevelopment Plan, signage regulations for portions of the City under an adopted Redevelopment Plan shall be:

- A. Block 189 Rehabilitation Area: As specified for the SFR-75 Zoning District;
- B. California Avenue Rehabilitation Area: As specified for the SFR-75 Zoning District;
- C. Cambria Avenue Redevelopment Area: As specified in the Amended and Restated Redevelopment Plan for the Cambria Avenue Redevelopment Area;
- D. City Center Redevelopment Area: As specified for the BMU Zoning District;
- E. Lakes Bay Waterfront Redevelopment Area: As specified for the SFR-75 Zoning District;
- F. Narcissus Avenue Rehabilitation Area: As specified for the RD Zoning District;
- G. Woodland Terrace Rehabilitation Area: As specified for the RD Zoning District;

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**ARTICLE XIII**  
**Landscaping, Fences & Walls**

**§300-65 Purpose & Intent**

The purpose of this section is to provide regulations for the landscaping of the various parcels and open spaces within the City of Pleasantville in order to prevent soil erosion; enhance aesthetics; reduce air, sound and light pollution; control winds and to provide visual barrier as appropriate.

**§300-66 Landscape Plan**

- A. With the exception of Exempt Development pursuant to §300-10, each application for new development, as well as exterior renovations to existing development shall include a comprehensive Landscape Plan, addressing the entire development and integrating the various elements of site design, topography, parking and buffering requirements of this Chapter in order to preserve and enhance the natural character of the Lot where such character exists, or to create a pleasing visual environment where such character does not exist.
- B. Landscape Plans shall be approved by the Planning Board or Zoning Board of Adjustment, as the case may be, as part of the Site Plan / Subdivision approval process.
- C. With the exception of Exempt Development pursuant to §300-10, Landscape Plans attendant to all other applications may be prepared by the Applicant, his/her Professional Planner or Professional Engineer, or a horticulturist or landscaper.
- D. Landscape Plans shall describe, in graphic and, as appropriate, schedule form:
  - (1) the location, quantity, common name, botanical (scientific) name, size and installation details for each species, including size and spacing at initial planting (either by caliper or width and height);
  - (2) information as to how the plants will be grown and moved (e.g., nursery grown, moved by ball and burlap, bare roots or containerized, etc.);
  - (3) the type of ground cover and mulches proposed;
  - (4) fence types and height;
  - (5) the height, width, slope and planting cover of all berms;
  - (6) the type of construction materials used in landscaping (e.g., railroad ties, stone, paver, etc);
  - (7) the sod / grass seed mixture, and, as applicable, rate of application;
  - (8) typical tree / shrub planting details, addressing existing and finished grades, typical saucer berm graphic, area and depth of mulch, directions for pruning, depth and width of pit, location and type of staking, type of topsoil mixture and wrapping details for deciduous trees; and
  - (9) when existing natural growth is proposed to remain, the Applicant shall include the proposed methods to protect existing elements both during and after construction.
- E. For the purposes of clarity, the Landscape Plan shall be an independent sheet and not combined with other required submission items (i.e., a combined "Landscape & Grading Plan").

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- F. Recognizing that landscaping involves biological life forms that constantly evolve to changing environments, the regulations of this Chapter may be modified or waived at the request of an Applicant, provided that such waiver request is supported by evidence or testimony from a qualified landscape professional, such as a horticulturist or landscape architect.

**§300-67 General Requirements**

- A. Topsoil Preservation: Topsoil moved during the course of construction shall be, to the extent practicable, cleaned to be free of roots, branches, stumps, and other tree parts; litter; stones; leaves; weeds; brush; excess or scrap building materials and other debris, and then redistributed on all regraded surfaces so as to provide at least 4" of even cover to all non-developed areas of the site, and shall be stabilized by seeding or planting.
- B. New Topsoil: Where 4" of topsoil can not be achieved by the redistribution / regarding of existing soils pursuant to §300-67A, new, clean topsoil shall be added to provide for the minimum 4" coverage.
- C. Removal of Debris: All stumps, tree parts, litter, brush, weeds, excess or scrap building materials or other debris shall be removed from the site and disposed in accordance with applicable law. No tree stumps, portions of tree trunks or limbs shall be buried anywhere on site. All dead or dying trees, standing or fallen, shall be removed from the site and properly disposed of. Subject to approval of the City Engineer, trees and limbs may be reduced to chips and used as mulch in landscaped areas.
- D. Protection of Existing Plantings: Maximum effort shall be made to save Specimen elements, as defined in §300-10. No material or temporary soil deposits shall be placed within 4' of Shrubs or 10' of Trees designated to be retained and so designated on the Preliminary and/or Final Landscape Plan.

Protective barriers of tree wells shall be installed around each plant and/or group of plants that are to remain on the site. Barriers shall not be supported by the plants they are protecting, but shall be self-supporting, shall be a minimum of 4' high and shall be constructed of a durable material that will last until construction is completed. Snow fences and slit fences are examples of acceptable barriers.

**§300-68 Planting Specifications**

- A. Natural topography and vegetation shall be employed where possible. The species utilized shall be appropriate for the site, considering soil and wind conditions, slope, use of the site and purpose of the plantings.
- B. Deciduous Trees shall have at least a 2½" caliper at planting, measured 12" above the ground, with a minimum standing height of 10'.
- C. Sizes of Evergreens Trees and Shrubs may vary depending on setting, species and proposed use.
- (1) Evergreen Trees shall be no less than 7' to 8' in height at time of planting.
- (2) Unless specifically a dwarf variety, Shrubs shall be no less than 24" to 30" at time of planting, except for shrubs used for buffer screening, which shall be 30" to 36".
- D. Trees shall be nursery grown, of substantially uniform size and shape with straight trunks (although Ornamental Trees need not have straight trunks, but must conform in other respects with the provisions for Trees and tree plantings outlined herein). All Trees shall be brought to the site balled and burlapped, or other acceptable means, free from insects and disease and true to species and variety.

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- E. Trees, Shrubs and ground cover shall be properly planted in accordance with accepted horticultural standards, shall be properly staked until established, and provision shall be made by the Applicant for regular watering and maintenance until established.

**(1) Staking**

- (a) Stakes are to be driven outside the root ball.
- (b) Stakes shall be hardwood. A minimum of two (2) stakes shall be used per Tree.
- (c) Stakes shall be a minimum of 2" in diameter at the thick end.
- (d) Stakes, when driven, must be  $\frac{1}{2}$  to  $\frac{2}{3}$  the height of the tree, measured from ground level.
- (e) Stakes shall be attached to the tree with twelve-gauge galvanized wire covered with rubber or plastic hose where wire is likely to come in contact with the tree trunk. An alternative may be any of the commercially available materials designed for staking trees as approved by the Zoning Officer, Planning Board or Zoning Board of Adjustment, as the case may be. The loop in contact with the tree shall be loose enough to permit growth and prevent girdling for two (2) years but shall be tightly bound to the stake to prevent slipping.
- (f) Stakes shall remain in place at least two (2) years and shall be removed at that time.

**(2) Wrapping**

- (a) Deciduous Trees shall be wrapped with an expandable paper or cloth treated to last at least one (1) year.
- (b) The wrap shall extend from the ground level to the first branches.
- (c) To prevent scald, wrap shall be attached or fastened at each end with a material that will permit growth without girdling.

**(3) Saucers**

- (a) A ring of packed soil shall be placed around the finished planting hole of each tree.
- (b) The saucer shall be a minimum of 6" higher than the finished grade.
- (c) Saucers placed on slopes shall be level at the top end and perpendicular to the tree trunk.
- (d) Saucers are to be designed to catch and hold the maximum amount of water either from natural precipitation or irrigation.

**(4) Mulching**

- (a) A 2" minimum layer of mulch shall be applied around each individual Tree or Shrub or group of Trees or Shrubs.
- (b) Partially rotted or nitrogen enriched wood chips may be used (new chips are not acceptable as their natural bacteria draws nitrogen from the soil, thus limiting the nitrogen available to the plants).

**(5) Tree Pits and Shrub Pits: shall be 6" deeper and at least 12" wider than the ball of the plant.**



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- (6) Planting: Plants shall be set straight and firmly tamped, and then adequately watered, guyed, pruned and wrapped.
- (7) Backfill Mixture: The types of backfill mixture shall consist of  $\frac{2}{3}$  topsoil and  $\frac{1}{3}$  peat, or other materials as required by specific plants.
- F. Dead or dying plants, including those which have been transplanted in accordance with the requirements of this Chapter, shall be replaced during the next recommended planting season.
- G. All Landscape Plans shall contain the following note: "All plant material not surviving for a period of two (2) years shall be replaced with the same or equivalent size species."
- H. With the exception of Single-Family Detached dwellings, all landscaped areas shall be irrigated by an automatic/mechanical irrigation system.
- I. Wherever possible, landscaping shall promote creativity in design, locations and species. For example, instead of planting trees in straight rows, the Applicant might group trees into clusters with different combinations of species in each cluster.

**§300-69 Plant Species & Functions**

**A. General Requirements**

- (1) Plant species should be hardy for Climatic Zone 7, and appropriate in terms of function and size.
- (2) Plant selection shall be varied to avoid monoculture, with species selected for their ability to survive in an urban environment. Species shall be salt tolerant if to be located in proximity to Lakes Bay or Absecon Bay.
- (3) Tree species may vary depending on overall effect desired. However, as a general rule, all Street Trees on a particular right-of-way shall be the same species, except where otherwise desired to achieve a special effect (as approved by the Zoning Officer, Planning Board or Zoning Board of Adjustment, as the case may be). Species selection shall be approved as part of the Landscape Plan.

**B. Street Trees**

- (1) Only Deciduous Trees shall be used as Street Trees.
- (2) Street Trees shall be installed in accordance with the approved Landscape Plan. The trees shall be installed between the curbline and the sidewalk when a grass area of at least 1' in width is provided. If the distance between the curb and sidewalk is less than 1', the street trees shall be installed 5' behind the sidewalk. Trees may be massed at critical points or spaced evenly along the street, or both.
- (3) When Street Trees are planted at intervals along streets, spacing shall depend on Tree size as follows:

(a) TREE SIZE	PLANTING INTERVAL
Trees 40' in height or taller at maturity	40' - 50' o.c.
Trees 30' to 40' in height at maturity	35' – 40' o.c.
Trees less than 30' in height at maturity	25' – 35' o.c.

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- (b) When the spacing interval exceeds 40', small ornamental Trees may be spaced between the larger Trees. If a street canopy effect is desired, Trees may be planted closer together, following the recommendation of a New Jersey Licensed Landscape Architect. The Trees shall be planted so as not to interfere with utilities, roadways, sidewalks, sight easements, Sight Triangles or streetlights. Tree location, landscaping design and spacing shall be approved by the Zoning Officer, Planning Board or Zoning Board of Adjustment, as the case may be, as the case may be, as part of the Landscape Plan.
- (4) At intersections, Trees shall not be located closer than 30' from the intersection of the street right-of-way lines, and may be further where the standards of §300-47B., increase the distance for Sight Triangles.
- (5) The Landscape Plan for Street Trees shall include a graphic tree-planting detail which shall address the following:
  - (a) Thinning of branches and foliage by 1/3. The leader shall not be cut;
  - (b) Staking and supporting in accordance with §300-68E.(1);
  - (c) The trunk shall be protected by tree wrap;
  - (d) Trees shall be mulched with 3" of approved organic material;
  - (e) A 3" saucer shall be constructed around the planting area;
  - (f) The top of the burlap shall be untied and removed;
  - (g) The ball shall rest on compacted soil; and
  - (h) The diameter of the hole shall be 2' larger than the diameter of the ball.
- (6) Although every site is unique, certain plant materials are known to have difficulty surviving in urban areas, areas where salt air is prevalent or other conditions commonly experienced in the City of Pleasantville. Accordingly, except as noted herein, the following species are prohibited:

<u><b>LATIN NAME</b></u>	<u><b>COMMON NAME</b></u>
All trees with thorns	
<i>Acer negundo</i>	Box Elder
<i>Acer platanoides</i>	Norway Maple
<i>Acer saccharinum</i>	Silver Maple
<i>Acer buergerianum</i>	Trident Maple Amur Maple
<i>Acer ginnala</i> <i>Acer triflorum</i>	Three-flowered Maple
<i>Acer truncatum x platantoides 'Keithsform'</i>	Norwegian Sunset Maple
<i>Aesculus</i> spp.	Buckeyes (unless fruitless)
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Albizia julibrissin</i>	Mimosa
<i>Aralia elata</i>	Japanese Angelica
<i>Betula nigra</i>	River Birch
<i>Betula papyrifera</i>	Paper Birch
<i>Betula pendula</i>	European White Birch

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<u><b>LATIN NAME</b></u>	<u><b>COMMON NAME</b></u>
Broussonetia papyrifera	Paper Mulberry
Carya spp.	Hickories
Catalpa speciosa	Catalpa
<i>Celtis koraiensis</i>	<i>Korean Hackberry</i>
<i>Chionanthus retusus</i>	<i>Chinese Fringetree</i>
<i>Chionanthus virginicus</i>	<i>Native Fringetree</i>
<i>Cornus alternifolia</i>	<i>Pagoda Dogwood</i>
Crataegus laevigata	English Hawthorn
Elaeagnus spp.	Hardy Olives
Fraxinus pennylvanica	Green Ash
Gleditsia triacanthos	Common Honey Locust
Juglans nigra	Black Walnut
<i>Koelreuteria paniculata</i>	<i>Goldenrain Tree</i>
Liquidambar styraciflua	Sweetgum (unless Rotundiloba cultivar)
Liriodendron tulipifera	Tuliptree
Maclura pomifera	Osage orange
Malus spp.	Crabapple (unless disease-resistant cultivar)
Morus spp.	Mulberries
Paulownia tomentosa	Empress Tree
Pinus strobus	White Pine
Populus deltoids	Cottonwood
Populus nigra 'Italica'	Lombardy Poplar
<i>Prunus x 'Okame'</i>	<i>Okame Cherry</i>
Prunus serotina	Black Cherry
Pyrus spp.	Flowering Pear <sup>59</sup>
Robinia pseudoacacia	Black Locust
<i>Sophora japonica</i>	<i>Scholartree</i>
Sorbus spp.	Mountain Ash
<i>Styrax japonicus</i>	<i>Japanese Snowbell</i>
<i>Syringa reticulata</i>	<i>Tree Lilac</i>
Tsuga canadensis	Eastern Hemlock
Ulmus pumila	Siberian Elm

<sup>59</sup> *Italicized text* denotes acceptable alternatives to Bradford Pear

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**C. Shade Trees**

- (1) Only Deciduous Trees shall be used as Shade Trees installed adjacent to streets or between sidewalks and streets.
- (2) Shade Trees planted in the islands of parking areas shall be a mix of evergreen and deciduous species; however, the first tree from the intersection shall not be an evergreen.
- (3) By way of guidance, and without limitation:
  - (a) Columnar trees shall be used for limited planting along narrow streets, but shall not be planted between the curb and sidewalk.
  - (b) Broad oval trees, globe-shaped trees and spreading-branch trees, as well as Coniferous Trees may also be used.
  - (c) Flowering Trees may be used for decorative purposes.

**D. Acceptable Species**

Although every site is unique, the following species have been found to be successful in locations similar to the City of Pleasantville. Special consideration to the nature of the soil, amount of sun, size of planting area, exposure to salt spray or salt air and the existence of overhead wires\* and/or underground utilities and other conditions should be given when considering a specific plant for a particular application:

<u><b>LATIN NAME</b></u>	<u><b>COMMON NAME</b></u>
	<u>Deciduous Trees</u>
Acer buergerianum*	Trident Maple
Acer campestre*	Hedge Maple
Acer ginnala*	Amur Maple
Acer griseum*	Paperbark Maple
Celtis occidentalis	Hackberry
Cercidiphyllum japonicum	Katsura
Chionanthus retusus*	Chinese Fringetree
Chionanthus virginicus*	Native Fringetree
Cornus kousa*	Kousa Dogwood
Crataegus crus-galli var. inermis*	Thornless Cockspur Hawthorn
Franklinia alatamaha*	Franklinia
Ginkgo biloba	Maidenhair Tree (males only)
Gleditsia triacanthos var. inermis	Honeylocust (thornless, podless cultivars only)
Koelreuteria paniculata	Goldenrain Tree
Lagerstroemia fauriei or L. indica*	Crape myrtle
Liquidambar styraciflua 'Rotundiloba'	Fruitless Sweetgum

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\* Denotes Potential Trees to Plant Under Overhead Wires

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<u>LATIN NAME</u>	<u>COMMON NAME</u>
Magnolia grandiflora 'Little Gem'*	Little Gem Magnolia
Magnolia virginiana*	Sweet Bay Magnolia
Malus spp.*	Crabapple (disease-resistant cultivars only)
Nyssa sylvatica	Sourgum
Oxydendrum arboretum*	Sourwood
Parrotia persica*	Persian Parrotia
Platanus x acerifolia 'Bloodgood'	Bloodgood London Planetree
Quercus acutissima	Sawtooth Oak Swamp
Quercus bicolor	White Oak
Quercus phellos	Willow Oak
Sophora japonica	Scholartree
Styrax japonicus*	Japanese Snowbell
Syringa reticulata*	Tree Lilac
Taxodium distichum	Bald Cypress
Ulmus parvifolia	Lacebark Elm
Zelkova serrata	Japanese Zelkova

Evergreen Trees

Cryptomeria japonica	Japanese Cryptomeria
Cupressocypariss leylandii	Leyland Cypress
Ilex opaca	American Holly
Juniperus virginiana	Eastern Red Cedar
Picea pungens 'Glauca'	Blue Spruce
Pinus thunbergii	Japanese Black Pine

Deciduous Shrubs

Aronia arbutifolia	Chokeberry
Buxus microphylla	Boxwood
Clethra alnifolia	Summersweet
Cotoneaster spp.	Rockspray
Hydrangea macrophylla	Bigleaf Hydrangea
Hydrangea quercifolia	Oakleaf Hydrangea
Ilex verticillata	Winterberry
Myrica pensylvanica	Bayberry
Rosa rugosa	Rugosa Rose
Spiraea spp.	Spirea

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<u>LATIN NAME</u>	<u>COMMON NAME</u>
Syringa patula 'Miss Kim'	Compact Lilac
Vaccinium corymbosum	Highbush Blueberry
Viburnum dentatum	Arrowwood
Viburnum opulus	European cranberry bush
Viburnum prunifolium	Blackhaw Viburnum

Evergreen Shrubs

Chamaecyparis spp.	False cypress
Ilex cornuta	Chinese Holly
Ilex glabra	Inkberry
Juniperus chinensis	Chinese Juniper
Juniperus conferta	Shore Juniper
Mahonia aquifolium	Oregon Holly Grape
Mahonia bealei	Leatherleaf mahonia
Taxus spp.	Yews

**E. Buffer Areas**

- (1) Buffer areas shall be developed in an aesthetic manner for the primary purpose of providing year-round visual screening and noise reduction in order to minimize adverse impacts from a site on an adjacent property or from adjacent areas, and may consist of a combination of fencing; evergreen trees, shrubbery or hedges; berms; rocks / boulders; decorative masonry or other elements to achieve the stated objectives.
- (2) Buffer areas shall be planted and maintained with either grass or ground cover together with a screen of live shrubs or scattered planting of live trees, shrubs or other plant materials. The preservation of natural wooded areas shall be an integral part of all development plans, and natural wooded areas located along a site boundary shall be integrated into the required Buffer area, provided that the growth is of a density and width sufficient for Buffering purposes. Additional plantings may be required by the Zoning Officer, Planning Board or Zoning Board of Adjustment, as the case may be, to establish an appropriate tone for an effective Buffer.
- (3) Buffering shall be required when topographical or other barriers do not provide reasonable screening and when the Zoning Officer, Planning Board or Zoning Board of Adjustment, as the case may be, determines that there is a need to shield the site from adjacent properties in order to minimize adverse impacts, such as incompatible land uses, noise, glaring light and traffic. For example, but without limitation, a Board may require landscaping, fences or walls to ensure privacy and screen dwelling units in small-lot developments when site and building design do not provide adequate privacy.
- (4) Buffer widths shall be measured horizontally and perpendicular to Lot and Street Lines.
- (5) The location and design of Buffer areas are intended to provide flexibility in providing effective screening. The following shall be considered in designing Buffer areas:
  - (a) the use of the portion of the property being screened;
  - (b) the distance between the use and the adjoining property line;

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- (c) the difference in elevations;
  - (d) the type of buffer (i.e., dense planting, existing woods, walls or fences);
  - (e) buffer height and width; and
  - (f) other combinations of man-made and natural features.
- (6) The buffer shall be designed, planted, graded, landscaped and developed with the general guideline that the closer a use or activity is to a property line, or the more intense the use, the more effective the buffer area must be in obscuring light and vision and reducing noise beyond the site.
- (7) Buffer areas and landscape screens shall consist predominately of Evergreen species having a minimum height of 5' above the ground when planted. Such Evergreens shall be placed 5' o.c. in two (2) or more staggered rows with a 5' separation between rows. The selected trees shall be thickly branched and dense, especially close to the ground, and shall have a fast growth rate in the early years.
- Evergreens may be supplemented with deciduous and flowering trees having a minimum 10' height at time of planting with a minimum caliper of 2".
- (8) No structure, activity, storage of materials or parking of vehicles shall be permitted in a Buffer area.
- (9) Except as otherwise provided for herein, Buffers shall be a minimum of 15' wide and shall be designed, planted, graded and landscaped to provide an aesthetically pleasing separation of uses.
- (10) Where required, buffers shall be measured from Side and Rear Property Lines, excluding access driveways.
- (11) If, in the judgment of the Zoning Officer, Planning Board or Zoning Board of Adjustment, as the case may be, the Buffer area depicted on the Landscape Plan will not adequately screen the site as required by this section, the Landscape Plan shall be modified to increase, enhance and/or redesign the Buffer to achieve the desired effect.
- (12) Where residential development abuts higher-order streets (collectors or arterials), units should front on internal streets with landscape buffers from the collector and arterial roads as applicable.
- (13) Buffer plantings shall be broken at points of vehicular and pedestrian ingress and egress to assure a clear Sight Triangle at all street and driveway intersections.
- (14) Off-Street Parking Areas, Loading Areas and Driveways

Except for Single-Family Detached and two-family dwelling units:

- (a) Off-street parking areas, garbage / recycling collection areas, utility areas and loading / unloading areas shall be screened around their perimeter by a minimum 5'-wide buffer consisting of screen plantings, berms, fences, walls, or combinations thereof, not less than 4' in height between the subject area and any Lot Line or Street Line, except where a building serves as the buffer between the parking area and the Lot Line or Street Line.
- (b) All loading areas shall be landscaped and screened sufficiently to obscure the view of the parked vehicles and loading platforms from any public street, adjacent property or Residential Zoning District for the full 12 months of the year. Such screening shall be made via an extension of the building, fence, berm, wall or planting, or combination thereof, and shall not be less than 4' in height.

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- (c) Each off-street parking area shall reserve a minimum 5% of its land area for landscaped islands, distributed throughout the parking area in order to break the view of parked cars in a manner not impairing visibility.
- (d) Parking areas located in front of buildings shall be generously landscaped to separate them from adjacent sidewalks and/or roadways.
- (e) One (1) Shade Tree, measuring a minimum of 2½" caliper at planting, shall be provided for every three (3) parking spaces. Trees shall be staggered or spaced so as not to interfere with driver vision, and have branches no lower than 6' from grade.
- (f) Areas adjacent to driveways shall be planted with low-lying plants or grass.

(15) The following trees are prohibited in all Buffer areas

<u>LATIN NAME</u>	<u>COMMON NAME</u>
Abies pinsapo	Spanish Fir
Araucaria araucana	Monkey Puzzle
Araucaria heterophylla	Norfolk Island Pine
Cedrus atlantica	Atlas Cedar
Cedrus libani	Lebanese Cedar
Cryptomeria japonica lobbii	Lobb's Japanese Cedar
Cunninghamia lanceolata	Chinese Fir
Ginkgo biloba	Maidenhair Tree
Larix decidua	European Larch
Larix kaempferi or L. leptolepis	Japanese Larch
Pinus wallichiana	Himalayan Pine
Pinus parviflora	Japanese White Pine
Pinus peuce	Macedonian Pine
Pinus ponderosa	Ponderosa Pine
Pinus thunbergii	Japanese Black Pine
Taxodium distichum (except for wet areas)	Common Bald Cypress
Torreya nucifera	Japanese Torreya

F. Additional Landscaping: In addition to the Street Tree and Buffer Area requirements of §300-69B.&E.

- (1) For residential development, additional landscaping elements shall be required where necessary for climate control, privacy or aesthetic purposes.
- (2) For non-residential development, all areas not occupied by buildings and required improvements shall be landscaped by the planting of grass or other ground cover, shrubs and trees.
- (3) Regional Shopping Center (RSC) Zoning District:
  - (a) In addition to landscape requirements of §300-65 through §300-70, a minimum 25' landscaped buffer zone shall be required from all lands owned by the City of Pleasantville or the South Jersey Transportation Authority.



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- (b) All areas not covered by buildings, sidewalks or paving shall be landscaped.
- (c) A planted area, no less than 25' in width at Primary Street Frontage, 10' at Rear Yard and no less than 5' wide at Side Yards, composed of lawn, shrubbery, trees, decorative crushed rock, gravel or bark, shall be placed and continuously maintained in a proper and attractive manner exclusive of driveway and access openings.
- (d) The integrity of all landscaped plantings and buffer areas shall be protected by adequate maintenance and necessary replacement of plant materials. Plant material shall be sufficiently hardy to withstand the rigors of weather, vehicle emission, wind blast, heat, glare, cold and other physical conditions common to this section of the City. All materials shall be adequately protected from damage resulting from traffic movement, pedestrian circulation or other physical conditions by designed curbing, fencing, dry wells, vent tiles, grasses and similar protective measures.
- (e) Adequate screening, composed of masonry walls or fencing of an approved design, dense plantings of evergreen shrubs or trees, berms, depression of visible portions of the site below the grade, or similar measures, shall be carried out to ensure that loading areas will not be visible from any adjoining property.

**(4) Light Industrial (LI) Zoning District:**

All uses in the Light Industrial Zoning District shall be screened from view from any public right-of-way or adjacent property by a fence or wall, as well as by an appropriate combination of plant material in order to soften the appearance of said fence or wall. The adequacy and acceptability of the landscaping plan shall be determined by the approving Board.

**§300-70 Tree Protection & Replacement**

**A. Purpose**

The purpose of this section is to establish protective regulations for Trees within the City of Pleasantville in order to assist in the control of flooding, soil erosion, air pollution and noise pollution; protect the public health, safety and welfare of citizens; and promote quality development in the City and to encourage the protection of the greatest number of Trees in general, and of Specimen Trees in particular, throughout the City.

Every attempt shall be made by Applicants to save existing Trees, even at the loss of parking spaces. Groupings of Trees should be saved over single Trees.

Recognizing that wild Trees often do not survive when their habitat is drastically altered, care should be taken by the Zoning Officer, Planning Board or Zoning Board of Adjustment, as the case may be, to properly evaluate site clearing proposals. Where loss of Trees is proposed, a Compensatory Planting Plan is required.

**B. Tree Protection Plan**

A Tree Protection Plan shall be required as part of the Landscape Plan where one (1) or more live trees are proposed to be cut or removed from the site during development. Such Plan shall be submitted at time of application and shall contain the following information:

- (1) The location of all buildings, driveways, grading, septic fields, easements, underground utility lines, rights-of-way and other existing or proposed improvements;

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- (2) The location of existing natural features, including wooded areas, water courses, wetlands and floodplains;
- (3) The limits of the proposed Tree Protection Zone;
- (4) The location of all existing live trees with trunk diameters 8" or greater, measured 4½' above ground level. Each such tree shall be noted by its species, size and general health condition;

Whenever possible, the actual canopy spread shall be shown. If it must be estimated, the canopy shall equal 1½' of diameter per 1" of trunk diameter;

Where the density of forestation makes identification of individual Trees impracticable, only the outermost individuals / canopy line need be shown, unless disturbance is proposed, then individual Trees located within 50' of the proposed edge of the woodland shall be shown;

- (5) A clear indication of each Tree (or groups of trees) to be removed or transplanted;
  - (6) A chart depicting each Tree proposed for removal, indicating their diameters and replacements pursuant to the Compensatory Tree Schedule as required by the Compensatory Planting Plan detailed in §300-70D.
  - (7) Specifications for the removal of existing Trees and the protection in place of existing Trees where they are to be preserved, including detail(s) of the Tree-protection fencing.
- C. The stripping of trees or filling more than 6" around trees shall not be permitted unless it can be demonstrated that construction requirements necessitate these actions, in which case the lots shall be replanted with trees to reestablish the tone of the area and to conform to adjacent lots in accordance with the Compensatory Planting Schedule detailed in §300-70D.

D. Compensatory Planting Plan

In the event that preservation of existing trees within the Tree Protection Zone is not practicable, and where a redesign of the project or relocation of improvements is not possible, a Compensatory Planting Plan shall be required to replace each live tree proposed to be removed from the Tree Protection Zone and each specimen tree proposed to be removed anywhere from the site.

The Compensatory Planting Plan shall include the following:

- (1) Compensatory Trees shall be provided in the following ratios, applicable to both Deciduous and Evergreen Trees.
  - (a) For trees 8" to 17" in diameter, one (1) new tree shall be provided for every one (1) existing tree cut or removed;
  - (b) For trees 18" to 30" in diameter, two (2) new trees shall be provided for every one (1) existing tree cut or removed;
  - (c) For trees 31" in diameter or greater, three (3) new trees shall be provided for every one (1) existing tree cut or removed.
  - (d) One (1) Street Tree shall be replanted in the street tree planting strip for each existing Street Tree cut or removed.

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- (2) In evaluating existing Trees for Compensatory Planting, trunk diameters shall be measured according to the following guidelines:
    - (a) Single-trunked Shade Trees shall be measured at a point 4½' above ground level at the location of the tree.
    - (b) Single-trunked ornamental Trees shall be measured at a point 12" above ground level at the location of the Tree.
    - (c) Evergreen Trees shall be measured at a point 12" above ground level at the location of the Tree.
    - (d) Multi-trunked trees that branch between 1' and 4½' above ground level at the location of the tree shall be measured at a point just below the split.
    - (e) Multi-trunked Trees that branch below 1' above ground level at the location of the tree, the diameter shall be 60% of the sum total of all trunks measured at a point 4½' above such ground level.
  - (3) Compensatory Trees shall be 3" to 3½" in caliper at time of planting. Evergreen and ornamental Trees may be substituted at a ratio of 2::1 for every Shade Tree otherwise required, for up to 50% of the requirement. Alternative types of compensatory plantings may be permitted when approved by the Zoning Officer, Planning Board or Zoning Board of Adjustment, as the case may be.
  - (4) The locations of Compensatory Trees must be clearly labeled on the Landscape Plan. Planting locations shall be as close to the Tree it replaces as possible.
  - (5) The Planting of Compensatory Trees shall be in addition to, and not substitute for, plantings otherwise required by this Chapter.
- E. In the event that the Applicant establishes, to the satisfaction of the Zoning Officer, Planning Board or Zoning Board of Adjustment, as the case may be, that constraints incidental to the land itself, including, without limitation, extreme topography, unsuitable soils, rock outcrops and existing dense canopy, render it impractical to provide the required number of Compensatory Trees, the Zoning Officer or Board may, at its sole discretion, require / permit the Applicant to:
- (1) Install Compensatory Trees on other public lands within the City;
  - (2) Contribute to the City the estimated cost of those trees which cannot practically be installed on the property for later installation of trees on public lands; and/or
  - (3) Install fewer, but larger, or more valuable Compensatory Trees on the site with an aggregate cost as installed and guaranteed not less than the estimated aggregate cost of the required number of Compensatory Trees.
- F. Compensatory Planting is not required for shrubs, unless the Area of Disturbance includes Specimen shrubbery, in which case an appropriate Compensation Plan for such shrubbery shall be submitted.

**§300-71 Fences and Walls**

- A. Fences, and Walls when serving as a fence, may be erected anywhere on a Lot, subject to the following (for these purposes, the terms "Fences" and "Walls" shall be interchangeable):
- (1) No Fence shall be located within a dedicated right-of-way.

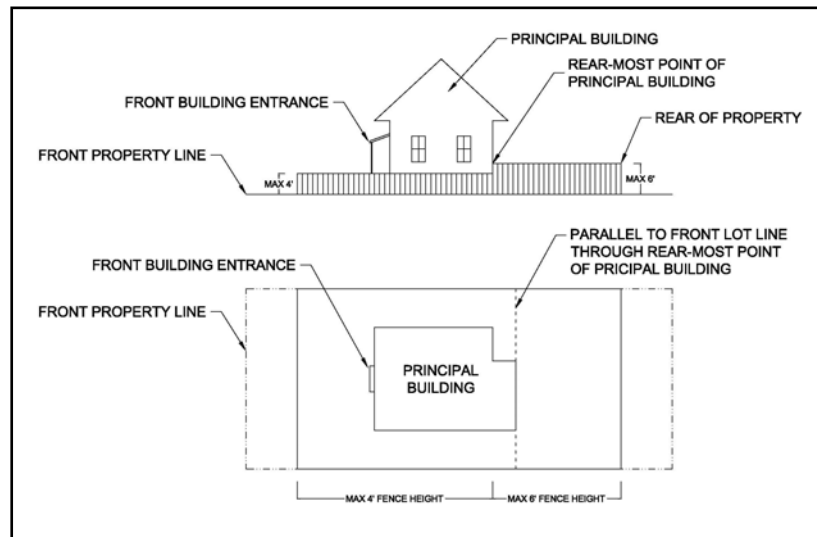
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- (2) Fences shall be exempt from the Setback requirements for Accessory Uses established by this Chapter;
- (3) All perimeter Fences shall be placed not less than 2" inside of the property line.
- (4) Fence height shall be measured from the finished grade at the location of each fence post.
- (5) Fences located in the Front Yard of a Lot, including the Primary Front Yards on Corner Lots, shall not exceed 4' in height.

For fences located in the Secondary or other Front Yards of a Corner Lot (i.e., any Front Yard other than the Primary Front Yard), a fence of up to 6' in height is permitted rearward of lines drawn parallel to each Front Lot Line through the points of the Principal Building or Structure that are the most distant from each such Front Lot Line.

(6) Rear Yard Privacy Fences

- (a) Fences located in the Side Yard of a Lot shall not exceed 4' in height between the Front Lot Line and a line drawn parallel to the Front Lot Line through the rear-most point of the Principal Building or Structure on such Lot. Rearward of such point, Fences shall not exceed a 6' in height.
- (b) Where a Principal Building or Structure is shaped such that the Prevailing Width (i.e., 50% or more of the building's width measured parallel to the front lot line) lies forward of the rear-most point of such Building or Structure, 6' Fences shall be permitted to extend forward of the rear-most point of the Principal Building or Structure to the rear-most point of the prevailing Width of the building. Forward of such point, Fences shall not exceed a 4' in height.



- (7) Where a property runs street-to-street, the street frontage of the property which does not include the primary entrance to the structure shall be treated as a Rear Yard for Fence-height purposes.
- (8) Fences in the Rear or Side Yard of a non-residential use within a Residential Zoning District, or of any non-residential use outside of a residential Zoning District but facing or abutting the boundaries of a Residential Zoning District, may be erected to a height of 7' to screen the non-residential activities from the view of abutting residences.

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- (9) Nothing herein shall be construed to preclude landscaping acting as a Fence from being planted or allowed to grow beyond the height limits enumerated in §300-71A. (6), (7) and (8).
- (10) No Fence shall be erected, placed or, in the case of landscaping acting as a Fence, planted or allowed to grow, in a Sight Triangle as to materially impede vision between a height of 2½' and 10' above the center-line grades of the intersecting streets adjacent to the corner.
- (11) Subject to the provisions of the International Building Code, fences enclosing swimming pools shall be a minimum of 4' in height and fitted with a self-closing, self-locking gate to prevent unauthorized or accidental entry or unauthorized use of the swimming pool. Such fencing may be erected so as to enclose only the swimming pool, in which case the height of the fence shall be 6', the yard in which the pool is located or the entire property.
- (12) Except where specifically prohibited under the terms of any other applicable ordinance or regulations of the City, nothing herein shall be construed to prohibit the use of hedges, trees or other plantings anywhere on the lot.
- (13) All fences or walls that have a front or finished side and a rear or unfinished side shall be erected so that the unfinished side shall face inward toward the property the fence is designed to protect.
- (14) Concertina, barbed or razor wire Fences are prohibited.
- (15) Except for commercially-available pet fences wherein the animal is fitted with a specialized collar to receive electric impulses, electrified fences are prohibited.

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**ARTICLE XIV**  
**Amendments**

**§300-72 Method of Amendment**

- A. This Chapter, or any part thereof, may be amended, modified, revised or supplemented by the Governing Body in accordance with N.J.S.A. 40:55D-62.

Such amendment, modification, revision or supplement shall either be substantially consistent with the Land Use Plan Element and the Housing Plan Element of the then current municipal Master Plan or designed to effectuate such plan elements; provided that the Governing Body may adopt an amendment, modification, revision or supplement which, in whole or in part, is inconsistent with or not designed to effectuate the Land Use Plan Element and the Housing Plan Element by affirmative vote of a majority of the full authorized membership of the Governing Body, with the reasons of the Governing Body for so acting set forth in a resolution and recorded in its minutes.

- B. Prior to the hearing on adoption of any such amendment, modification, revision or supplement, the Governing Body shall refer any such proposal to the Planning Board for review and recommendation.

Within 35 days after such referral, the Planning Board shall make and transmit to the Governing Body a report including identification of any provisions in the proposal which are inconsistent with the then current Master Plan, recommendations concerning these inconsistencies and any other matters as the Planning Board deems appropriate.

Consistent with the requirements of N.J.S.A. 40:55D-26A, the governing body, when considering the adoption of such amendment, modification, revision or supplement, shall review the report of the Planning Board and may disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendation.

Failure of the Planning Board to transmit its report within the 35-day period provided herein shall relieve the Governing Body from the requirements of this subsection.

**§300-73 Notice**

Pursuant to N.J.S.A. 40:55D-62.1, notice of the hearing on such amendment, modification, revision or supplement, exclusive of classification or boundary changes recommended in a periodic general reexamination of the Master Plan by the Planning Board pursuant to N.J.S.A. 40:55D-89, shall be given prior to adoption in accordance as follows:

- A. Notice shall be given at least 10 days prior to the hearing by the City clerk to the owners of all real property as shown on the current tax duplicates, located, in the case of a classification change, within the district and within the State within 200' in all directions of the boundaries of the district, and located, in the case of a boundary change, in the State within 200' in all directions of the proposed new boundaries of the district which is the subject of the hearing.
- B. Notice pursuant to this section shall state the date, time and place of the hearing, the nature of the matter to be considered and an identification of the affected zoning districts and proposed boundary changes, if any, by street names, common names or other identifiable landmarks, and by reference to lot and block numbers as shown on the current tax duplicate in the municipal tax assessor's office.
- C. Notice shall be given by: (1) serving a copy thereof on the property owner as shown on the said current tax duplicate, or his agent in charge of the property, or (2) mailing a copy thereof by certified mail and regular mail to the property owner at his address as shown on the said current tax duplicate.

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- D. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property regime, community trust or homeowners' association, because of its ownership of common elements or areas located within 200' of the boundaries of the district which is the subject of the hearing, may be made in the same manner as to a corporation, in addition to notice to unit owners, co-owners, or homeowners on account of such common elements or areas.
- E. The City Clerk shall execute affidavits of proof of service of the notices required by this section, and shall keep the affidavits on file along with the proof of publication of the notice. Costs of the notice provision shall be the responsibility of the proponent of the amendment.

**§300-74 Objections / Protest**

- A. Objections to any proposed amendment, modification, revision or supplement may be filed with the City Clerk, signed by the owners of 20% or more of the area either (1) of the lots or land included in such proposed change, or (2) of the lots or land extending 200' in all directions therefrom inclusive of street space, whether within or without the City.
- B. Such amendment or revision shall not become effective following the filing of such objections except by the favorable vote of  $\frac{2}{3}$  of all the members of the governing body.
- C. Pursuant to N.J.S.A. 40:55D-62b., no such amendment, modification, revision or supplement shall be submitted to or adopted by initiative or referendum.

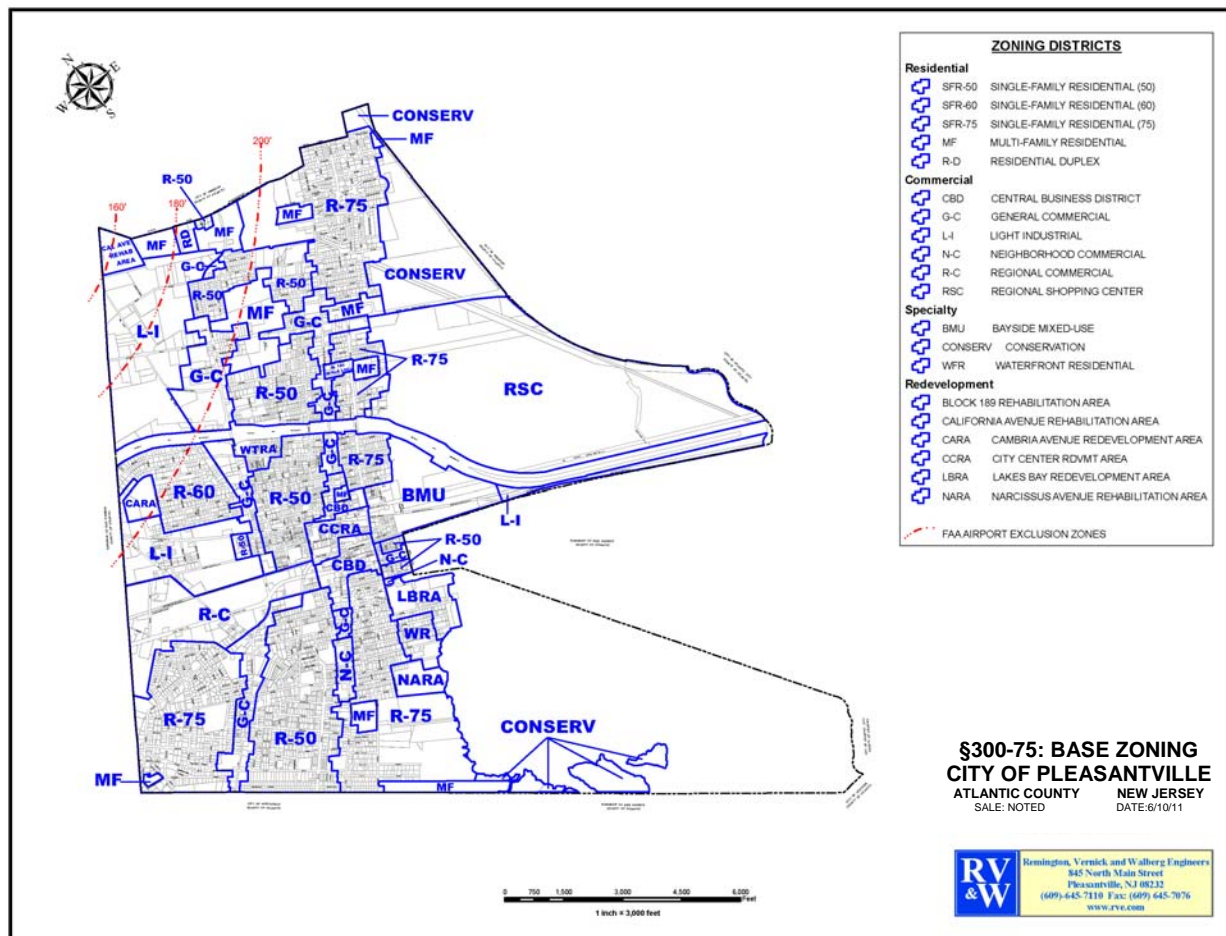
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**ARTICLE XV**  
**Zoning Map**

**§300-75 Base Zoning**

Reference §300-18

**Note: Larger scale versions of this map are maintained in the office of the Zoning Officer.**



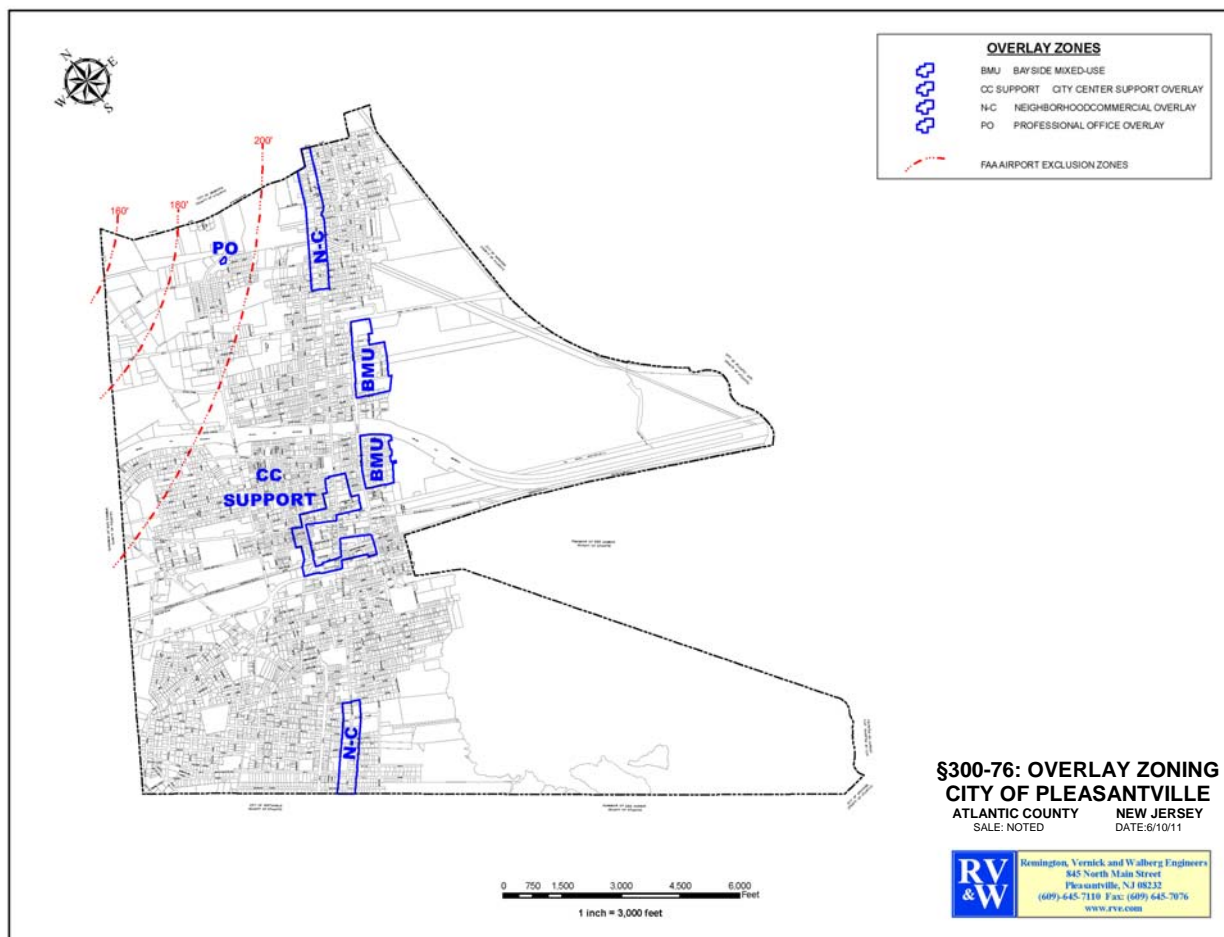


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**§300-76 Overlay Zoning**

Reference §300-18

**Note: Larger scale versions of this map are maintained in the office of the Zoning Officer.**



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**ARTICLE XVI**  
**Land Use Applications Packages**

**§300-77 Purpose & Intent**

In order to assist the public in making any of the various applications described under this Chapter, the Zoning Officer shall prepare and maintain an Applications Package for dissemination to any interested party.

Such Applications Package shall be, in form and substance, substantially consistent with the following, and shall be deemed to be a supplement, and not a substitute for, any of the requirements of contained in §300-1 through §300-74.

**APPLICATION PACKAGE  
for  
LAND USE APPROVAL**

**pursuant to the**

**LAND MANAGEMENT CODE  
(Chapter 300)  
CITY OF PLEASANTVILLE  
Atlantic County, New Jersey**

**Jesse L. Tweedle, Sr.  
Mayor**

with offices located at

18 North First Street

Pleasantville, New Jersey 08232

Planning Board Secretary: (609) 677-4805

Zoning Board Secretary: (609) 677-4805

Zoning Officer: (609) 484-3614

Fax: (609) 677-4804



**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

**APPLICATION STATUS CHECKLIST**  
(To Be Completed By Municipal Staff)

Application Filed: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Application Fees & Escrow Deposits Paid-In-Full: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
\$ \_\_\_\_\_

Application Referred to Zoning Officer for Completeness Review \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Application Deemed Complete: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Proof of Public Notice Submitted (where applicable): \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

(    ) Planning (    ) Zoning Board Meeting Schedule for: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Application Approved: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

with conditions (specify):

Application Denied: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Unused Escrow Returned: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
\$ \_\_\_\_\_

Additional Escrow Deposit Requested: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
\$ \_\_\_\_\_

Final Plan Certification: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_



**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

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**APPLICATION PACKAGE  
for  
LAND USE APPROVAL  
City of Pleasantville**

**1.0 INTRODUCTION**

1.1 This Land Use Application Package provides a summary of the requirements for making Application for Land Use Approval to the City of Pleasantville. As such, this Package is intended to provide Applicants and prospective Applicants with the information necessary to prepare and submit complete and comprehensive applications for:

- Zoning Permits;
- Site Plan Approval;
- Subdivision Approval;
- Variance Relief;
- Appeals or Interpretations of decisions of the Zoning Officer;
- Certificates of Nonconformity; and/or
- Certificates of Redevelopment Plan Conformance.

1.2 All applications require conformance with Pleasantville's Land Management Code. Certain applications may require conformance with the following agencies, whose review processes are beyond the scope of this Application Package:

- The Atlantic County Planning Board;
- The Cape Atlantic Soil Conservation District;
- The New Jersey Department of Environmental Protection;
- The NJ Department of Transportation; and/or
- City of Pleasantville Storm / Wastewater Management Division
- City of Pleasantville Fire Official

**ACCORDINGLY, APPLICANTS AND PROSPECTIVE APPLICANTS ARE ENCOURAGED TO CONSULT EXPERIENCED LAND USE PROFESSIONALS<sup>60</sup> PRIOR TO MAKING ANY APPLICATION.**

Additional information regarding the Land Use Application process may be obtained by consulting:

- A. The Land Management Code (Chapter 300) of the City of Pleasantville, with updates as indicated therein.<sup>61</sup>

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<sup>60</sup> Including, but not limited to, Attorney's, Professional Engineers, Professional Land Surveyors and Professional Planners licensed to practice in the State of New Jersey. **By Law, corporations must be represented by an attorney.**

<sup>61</sup> On file with the Pleasantville City Clerk and available for purchase with applicable copy charges as established by Ordinance.



**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

- B. The New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.)
- C. Patricia Racz, Planning Board & Zoning Board Secretary @ (609) 677-4805  
Kevin Cain, Pleasantville Zoning Officer @ (609) 484-3614  
Norman Zlotnick, Esquire: Planning Board Solicitor @ (609) 344-1173  
Ronald Bloom, Esquire: Zoning Board Solicitor @ (609) 677-5551  
David S. Scheidegg, P.E., P.P. CME: Planning Board Engineer @ (609) 625-7400  
Jennifer Beahm, P.P.: Planning Board Planner @ (732) 462-7400  
Debra Wahl, P.E., P.P., Zoning Board Engineer @ (609) 646-3111  
Stuart B. Wiser, P.P. AICP: Zoning Board Planner @ (609) 645-7110



**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

**2.0 SUBMISSION PROCEDURES**

**Throughout this Application Package, references to “Subject Property” shall mean the property(ies) for which Land Use Approval is being requested.**

2.1 All Applications for Land Use Approval shall consist of the following, to be submitted to the Zoning Office or Planning or Zoning Board Secretary as applicable. Applicants are urged to submit all required items in as complete a manner as possible so that the City can expeditiously process the application. Legal time limits to approve applications will not commence until the application is deemed Complete.

A. The required number of copies of the completed Application Form, all necessary plans, plats and drawings, narrative and other information pursuant to the applicable Application Checklist(s). Applicants are reminded that certain types of documentation require preparation by a New Jersey licensed professional;<sup>62</sup>

**Applicants are required to sign and date the bottom of *each page* of the Land Use Application Form, including all pages of all applicable Application Checklist(s). By so signing, the Applicant or agent for the Applicant certifies that he/she has read and understood these instructions and that the Application Form and all Checklists have been completed honestly and truthfully.**

B. Verification from Pleasantville Tax Collector that all taxes due and owing on the Subject Property have been paid or that adequate provision for their payment has been made in a manner satisfactory to the City;

C. Samples of public notices to be published and mailed, as required; and

D. All appropriate Fees and Escrow Deposits.

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<sup>62</sup> Including, but not limited to, Attorney's, Professional Engineers, Professional Land Surveyors and Professional Planners licensed to practice in the State of New Jersey. **By Law, corporations must be represented by an attorney.**





**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

**3.0 TYPES OF APPLICATIONS**

- 3.1 Applications which do not require Site Plan approval, Subdivision approval or Variance relief may be processed administratively by the Zoning Officer.
- 3.2 Applications for Minor Site Plan approval, Minor Subdivision approval, Preliminary and/or Final Major Site Plan approval and/or Preliminary and/or Final Major Subdivision approval are typically granted by the Planning Board. Submission requirements differ for each type of application.

Explanation of what constitutes a Minor or Major application and a Preliminary or Final application may be found in the City's Land Management Code.

- 3.3 Any of the foregoing may involve the need for bulk (generally, but not limited to, lot size or setback) variance relief. Such variances are known as 'c' variances.

Applications for 'c' variance relief, including Site Plan and Subdivision applications, may be approved by the Planning Board, or by the Zoning Board of Adjustment in cases where 'd' variance relief is also required.

- 3.4 'd' Variances include permission to use (or expand the use of) lands or buildings in areas (Zoning Districts) where the proposed use is not permitted, deviation from what is termed a Conditional Use standard under the City's Land Management Code, an increase in the floor area ratio or density permitted in a Zoning District and building height above 10' or 10% of what is permitted in a particular Zoning District. 'd' variances may only be approved by the Zoning Board of Adjustment.



**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

**4.0 COMPLETENESS**

- 4.1 All Applications shall be submitted **WITH** the appropriate Application Fees and Escrow Deposits for the Approval(s) being sought. For Completeness review, only one (1) copy of the Application Package need be submitted.
- 4.2 Upon receipt of an Application Package, the Board Secretary shall date-stamp the Application and verify that the proper forms and Checklists are completed and that the appropriate Fees and Escrows have been paid.
- 4.3 Once the Board Secretary is satisfied that the Application contains the appropriate Forms, Checklists Application Fees and Escrow Deposits, the Secretary shall deliver the Application Package to the Zoning Officer for a determination as to whether the Application complies with the submission requirements of Land Management Code (§300-27 Completeness).

The Zoning Officer, along with the City Planner or City Engineer, shall convene to review Applications for Completeness (typically) on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of the month. Applications must be submitted to the Board Secretary no less than seven (7) days prior to a particular meeting date for such Application to be reviewed for Completeness.

Under the New Jersey Municipal Land Use Law,<sup>63</sup> a determination of Completeness (or Incompleteness) must be made within 45 days of initial submission or said Application is automatically deemed Complete.

**HOWEVER, NO APPLICATION WILL BE REVIEWED FOR COMPLETENESS UNLESS ALL APPROPRIATE APPLICATION FEES AND ESCROW DEPOSITS HAVE BEEN SUBMITTED.**

Neither the Applicant nor the Applicant's professionals need appear at the Completeness review.

Applicants (or their professionals, as appropriate) shall be notified by the Board Secretary as to the determination of Completeness within seven (7) days of the review. Such notice shall either indicate that the Application was deemed Complete and scheduled for Zoning Officer review (in the case of an Application for a Zoning Permit) or a Board meeting (for all other Applications), or that the Application has been deemed Incomplete. In the latter case, the notice will include deficiencies found in the Application.

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<sup>63</sup> N.J.S.A. 40:55D-10.3



**APPLICATION PACKAGE**  
**for**  
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- 4.4 Applications deemed Incomplete will not be scheduled until all deficiencies have been resolved and the Application is deemed Complete.
- 4.5 Complete Applications for Zoning Permits will be processed by the Zoning Officer within 10 days of the Determination of Completeness.
- 4.6 Complete Applications requiring Planning or Zoning Board Approval shall be processed as follows:
- A. Applicant's shall submit to the Board Secretary the full number of copies of the Application Package as required by the applicable Application Checklist. Once such copies are submitted, the Board Secretary shall schedule the Application to be heard by the Appropriate Board.
  - B. Applicants must attend the Board meeting. Corporate Applicants must be represented by an attorney.
  - C. Planning Board meetings are (typically) held on the 1<sup>st</sup> Tuesday of the month. Meetings of the Zoning Board of Adjustment are (typically) held on the 4<sup>th</sup> Monday of the month. All meetings are held in the Municipal Court Room (Council Chambers) at the Pleasantville Police Complex, 17 N. First Street, Pleasantville New Jersey. All meetings begin promptly at 7:00.

Legal Holidays can impact the aforementioned meeting dates. Applicants are therefore urged to carefully note the *actual date* the Application has been scheduled.

While Applications are typically decided at a single meeting, the Planning Board and Zoning Board of Adjustment, as the case may be, reserve the right to continue the hearing on an Application for more than one meeting should the complexity of the Application so require. In such instance, and unless otherwise directed by the respective Board, no additional public notice shall be required.

Both the Planning Board and the Zoning Board of Adjustment attempt to set realistic meeting agendas, to hear applications on the date scheduled and to render decisions at the meeting the application is heard. However, situations do occur where an application can not be heard or completed on the date scheduled. In such an instance, the Board and Applicant will reschedule the hearing to a mutually-agreeable date, with no additional public notice required.



**APPLICATION PACKAGE  
for  
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- 4.7 **APPLICANTS ARE HEREBY ADVISED THAT A REVIEW FOR COMPLETENESS IS LIMITED TO CONFORMANCE WITH THE CHECKLIST(S)<sup>64</sup> APPROPRIATE TO THE SUBJECT APPLICATION. DETERMINATION OF COMPLETENESS (OR INCOMPLETENESS) SHALL NOT BE CONSTRUED AS A DETERMINATION AS TO THE TECHNICAL SUFFICIENCY OF ANY SUBMISSION ITEM.**
- 4.8 Questions regarding this procedure shall be addressed to the Zoning Officer @ (609) 484-3614.
- 4.9 **ALL LAND USE APPLICATION FORMS SHALL BE TYPED OR LEGIBLY PRINTED. DIFFICULTY READING AN ITEM MAY CAUSE CONFUSION WHICH MAY DELAY PROCESSING OF THE APPLICATION AND THE MEETING ON THE MATTER.**

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<sup>64</sup> Contained in this Land Use Application Package.



**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

**5.0 PUBLIC NOTICE REQUIREMENTS**

Once an Application has been deemed Complete and a meeting date scheduled, all applications to the Planning Board or Zoning Board of Adjustment are required to issue notice of the Subject Application by certified mail or hand delivery to all property owners within 200' of the Subject Property.

A Certified List of such property owners may be purchased from the City's Tax Assessor and is required to be included in the Application Package as part of the Completeness review. The List **must be less than three (3) months old** to be considered current.

Such notice must be accomplished at least 10 days prior to the scheduled meeting date (with the date of the meeting not counting toward the 10-day period).

In addition to mailed or hand delivered notice, notice must be published in either The Press of Atlantic City or the Mainland Journal at least 10 days prior to the scheduled meeting date (with the date of the meeting not counting toward the 10-day period). It is the Applicant's responsibility to make such notice.

An Affidavit indicating Proof of Notification must be submitted to the Board Secretary not less than seven (7) days prior to the Board meeting on the matter. For Certified mailings, such Affidavit shall be accompanied by the (white) "Return Receipt Requested" slips from the postal service. For hand delivered notices, such Affidavit shall be accompanied by a copy of the notice which has been signed and dated by the noticed property owner. For published notice, a copy of the legal advertisement, with publication name and date shall be provided.

Such Affidavit shall be signed by the Applicant, whose signature shall be attested by a Notary Public.

**Failure to notice properly or to provide evidence of proper notice will prevent the respective Board from meeting the application as scheduled; thereby requiring a rescheduling of the Application and the requirement that the Applicant reissue proper notice at his/her own cost and expense.** An example of appropriate notice language is included on the following page(s):



**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

**6.0 POST HEARING ACTIONS**

After completion of the hearing, the Planning Board or Zoning Board of Adjustment, as the case may be, shall vote to approve the Application, deny the Application or approve the Application with conditions.

The City shall advertise the action taken by the Board in The Press of Atlantic City or the Mainland Journal not more than 10 days after the Board action.

The action taken by the Board will be memorialized by a Decision & Resolution of the Board, which will be prepared by the Board Solicitor after the vote and approved by the Board at the next Board meeting after the vote is taken. An Application is not considered officially approved until the Decision and Resolution has been approved.

The Applicant shall submit all final plans and other documentation made a condition of the approval. In addition to paper copies, plats or plans shall be submitted in portable document format (".pdf") on CD-ROM. [This requirement may be waived, at the discretion of the Planning Board or Zoning Board of Adjustment, as the case may be, in cases where Applications require no professional assistance.]



**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

**FORM 1: NOTICE OF APPLICATION**  
**TO PROPERTY OWNERS**  
**WITHIN 200' OF SUBJECT PROPERTY**

**TAKE NOTICE THAT:**

As the owner of a property listed on the official tax records of the City of Pleasantville as being within 200' of my Property, you are hereby notified that I, \_\_\_\_\_, being the undersigned Applicant, have made application to [check one] ( ) the Planning Board of the City of Pleasantville or ( ) the Zoning Board of Adjustment of the City of Pleasantville for [check all that apply]:

- |   |  |
|---|--|
| ( ) Preliminary Major Site Plan Approval;   | ( ) 'c' Variance Relief;                           |
| ( ) Final Major Site Plan Approval;         | ( ) 'd' Variance Relief; and/or                    |
| ( ) Preliminary Major Subdivision Approval; | ( ) Certificate of Nonconformity                   |
| ( ) Final Major Subdivision Approval;       | ( ) Certificate of Redevelopment Plan Conformance. |
| ( ) Waiver of Site Plan Approval;           |  |

In accordance with the requirements of the Land Management Code of the City of Pleasantville (Chapter 300 of the Pleasantville City Code). Such Approval(s) / Relief / Certificate will permit me to:

*Description of Application, including requested deviations from the specific section(s) of the Pleasantville Land Management Code and the nature of such deviations:*

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at my property located : \_\_\_\_\_

Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_

in the City of Pleasantville, Atlantic County, New Jersey.

A Public Hearing has been scheduled on this matter for (insert date) \_\_\_\_\_, 201\_\_\_\_ at 7:00 p.m. in the Municipal Court Room, Police Complex, 17 North First Street, Pleasantville, New Jersey, at which time you may appear either in person or by agent or attorney to present any objection, support or other comments you may have regarding the Subject Application.



**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

Documentation related to this Application, including all maps, plans, plats, surveys and other information, is available for public inspection at least 10 days prior to the aforementioned hearing in the office of the Board Secretary, City Hall Annex, 132 West Washington Avenue, Pleasantville, New Jersey during regular business hours (8:30 a.m. to 4:30 p.m., Monday through Friday).

This Notice is sent to you as the owner of a property listed on the City's official tax records as being within 200' of the Subject Property by order of the Pleasantville [check one] (    ) Planning Board or (    ) Zoning Board of Adjustment in compliance with N.J.S.A. 40:55D-11 et seq. and N.J.S.A. 40:55D-12 et seq.

Respectfully,

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date





**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

**FORM 2: NOTICE OF APPLICATION**  
**FOR PUBLICATION**

**TAKE NOTICE THAT:**

\_\_\_\_\_, being the undersigned Applicant, has made application to [select one] ( )  
the Planning Board of the City of Pleasantville or ( ) the Zoning Board of Adjustment of the City of  
Pleasantville for [select all that apply]:

- |   |   |
|---|---|
| ( ) Preliminary Major Site Plan Approval;   | ( ) 'c' Variance Relief;                              |
| ( ) Final Major Site Plan Approval;         | ( ) 'd' Variance Relief; and/or                       |
| ( ) Preliminary Major Subdivision Approval; | ( ) Certificate of Nonconformity                      |
| ( ) Final Major Subdivision Approval;       | ( ) Certificate of Redevelopment Plan<br>Conformance. |
| ( ) Waiver of Site Plan Approval;           |   |

In accordance with the requirements of the Land Management Code of the City of Pleasantville (Chapter 300 of the Pleasantville City Code). Such Approval(s) / Relief / Certificate will permit:

*Description of Application, including requested deviations from the specific section(s) of the Pleasantville Land Management Code and the nature of such deviations:*

---

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---

at the property located : \_\_\_\_\_

Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_

in the City of Pleasantville, Atlantic County, New Jersey.

A Public Hearing has been scheduled on this matter for (insert date) \_\_\_\_\_, 201\_\_\_\_ at  
7:00 p.m. in the Municipal Court Room, Police Complex, 17 North First Street, Pleasantville, New  
Jersey, at which time individuals may appear either in person or by agent or attorney to present any  
objection, support or other comments regarding the Subject Application.



**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

Documentation related to this Application, including all maps, plans, plats, surveys and other information, is available for public inspection at least 10 days prior to the aforementioned hearing in the office of the Board Secretary, City Hall Annex, 132 West Washington Avenue, Pleasantville, New Jersey during regular business hours (8:30 a.m. to 4:30 p.m., Monday through Friday).

This Notice is made in compliance with N.J.S.A. 40:55D-11 et seq. and N.J.S.A. 40:55D-12 et seq.

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Name of Applicant



**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

**FORM 3: AFFIDAVIT OF SERVICE**

**STATE OF NEW JERSEY)**    ss.

**COUNTY OF ATLANTIC)**

I, \_\_\_\_\_, of full age, being duly sworn according to law, under oath, deposes and says, that I reside at \_\_\_\_\_ in the City of \_\_\_\_\_, County of \_\_\_\_\_, State of \_\_\_\_\_, that I am the Applicant or Agent for the Applicant in a proceeding before the Planning Board and/or Zoning Board of Adjustment for the City of Pleasantville, Atlantic County, New Jersey, being an application under Land Management Code of the City of Pleasantville, New Jersey, which has the Application Number \_\_\_\_\_ and relates to the premises at \_\_\_\_\_, also known as Block \_\_\_\_\_, Lot(s) \_\_\_\_\_ on the official Tax Map of the City of Pleasantville.

I further depose and say that I gave notice to each and all owners of property affected by said application as required by N.J.S.A. 40:55D-11 et seq. and N.J.S.A. 40:55D-12 et seq. as well as the Pleasantville Land Management Code by personal service or by Certified mail on \_\_\_\_\_, 201\_\_\_\_, such date being not less than 10 days prior to the scheduled hearing on such matter.

A true copy of such notice is attached to this Affidavit as Exhibit A hereto, together with a list of owners of property within 200' of the Subject Property upon whom notice was served, with Block and Lot number indicated, as prepared by the City Tax Assessor (attached as Exhibit B. hereto).

\_\_\_\_\_  
Applicant's Signature

Sworn to and subscribed before me this  
\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public of New Jersey



**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

**FORM 4: APPLICATION FOR LAND USE APPROVAL**

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**TO BE COMPLETED BY MUNICIPAL STAFF**

Application Filed: \_\_\_\_/\_\_\_\_/\_\_\_\_

Application No.: \_\_\_\_\_

Received By: \_\_\_\_\_

Application Fees: \_\_\_\_\_

Application Found Complete: \_\_\_\_/\_\_\_\_/\_\_\_\_

Escrow Number: \_\_\_\_\_

Application Found Incomplete: \_\_\_\_/\_\_\_\_/\_\_\_\_

Escrow Deposit: \_\_\_\_\_

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**TO BE COMPLETED BY THE APPLICANT**

**Applicant**

Applicant's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

**Agent for Applicant (if applicable)**

Agent's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

**Subject Property**

Street Address: \_\_\_\_\_

Block(s): \_\_\_\_\_ Lot(s): \_\_\_\_\_

Zoning Districts: \_\_\_\_\_

**Application is being made to:**

( ) Zoning Officer      ( ) Zoning Board of Adjustment      ( ) Planning Board

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date



**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

**APPLICATION IS BEING MADE FOR:**

- ☐ Zoning Permit under N.J.S.A. 40:55D-18
- ☐ Preapplication Conference under N.J.S.A. 40:55D-10.1
- ☐ Minor Site Plan Approval under N.J.S.A. 40:55D-46.1
- ☐ Preliminary Major Site Plan Approval under N.J.S.A. 40:55D-46
- ☐ Final Major Site Plan Approval under N.J.S.A. 40:55D-50
- ☐ Waiver of (under N.J.S.A. 40:55D-10.3):
  - ☐ Preliminary or
  - ☐ Final Major Site Plan Approval, or
  - ☐ Both
- ☐ Minor Subdivision Approval under N.J.S.A. 40:55D-47
- ☐ Major Subdivision Approval under N.J.S.A. 40:55D-48
- ☐ Variance Relief under N.J.S.A. 40:55D-70(c)
- ☐ Amendment or Revision to Existing Approval
- ☐ Extension of Prior Approval under N.J.S.A. 40:55D-52
- ☐ Certificate of Redevelopment Plan Conformance under N.J.S.A. 40A:12A-1 et seq.

*[As relates solely to the jurisdiction of the Zoning Board of Adjustment]*

- ☐ Directing the issuance of a building permit for construction ( ☐ ) in the bed of mapped street, public drainage-way, flood control basin or public area under N.J.S.A. 40:55D-60(b) or ( ☐ ) on a lot not abutting an approved public street under N.J.S.A. 40:55D-60(c)
- ☐ Appeal from action of the Administrative Officer under N.J.S.A. 40:5D-70(a)
- ☐ Map or other Interpretation or Special Question under N.J.S.A. 40:55D-70(b)
- ☐ Variance relief under N.J.S.A. 40:55D-70(d)
- ☐ Certificate of Nonconformity under N.J.S.A. 40:55D-70(d)
- ☐ Any of the foregoing where Application for Site Plan approval is to follow.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

**FORM 5: OWNERSHIP INFORMATION & CORPORATE DISCLOSURE**

(To be completed by the Owner of Record of the Subject Property)

Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Email Address: \_\_\_\_\_

Date Owner purchased the Subject Property: \_\_\_\_/\_\_\_\_/\_\_\_\_

Was Subject Property purchased from the City of Pleasantville: ( ) Yes

( ) No

If not the Owner, Applicant's standing to bring Application:

( ) Lessee ( ) Contract Purchaser ( ) Other

Attach Lease, Contract to Purchase or other proof of relationship as applicable.

Applicant is a(n) (check one):

( ) Individual ( ) Corporation ( ) Partnership

( ) Limited Liability Corporation (LLC) ( ) Limited Liability Partnership (LLP)

If Applicant is not an individual,

Name of Corporation, Partnership, LLC or LLP: \_\_\_\_\_

Official empowered to complete this Disclosure on behalf of the Corporation, Partnership, LLC or

LLP: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Email Address: \_\_\_\_\_

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date



**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

Pursuant to N.J.S.A. 40:55D-48.1, Applicants must disclose the names and addresses of all persons owning 10% or more of the stock in a corporate applicant or 10% or more interest in a partnership applicant. N.J.S.A. 40:55D-48.2 provides that such disclosure applies to any corporation or partnership which owns 10% or more interest in any entity subject to disclosure under N.J.S.A. 40:55D-48.1.

Where a corporation / partnership owns 10% or more of the stock / interest in the Applicant or in another corporation / partnership so reported, this requirement shall apply to all non-corporate stockholders / individuals / partners qualifying under the 10% ownership criterion.

NAME & ADDRESS OF QUALIFYING INDIVIDUAL / ENTITY		DATE OF BIRTH (as applicable)	TAX ID NUMBER (tin)	POSITION	% INTEREST
		/ /			
		/ /			
		/ /			
		/ /			
		/ /			
		/ /			
		/ /			

**(use additional sheets if necessary)**

Signature of official empowered to complete the following Disclosure on behalf of the Corporation, Partnership, LLC or LLP (if additional sheets are necessary, such signature shall appear on each sheet):

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



**APPLICATION PACKAGE**  
**for**  
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**City of Pleasantville**

**FORM 6: PROJECT INFORMATION**

Project Name: \_\_\_\_\_

Present Use of the Subject Property: \_\_\_\_\_

Proposed Use of the Subject Property:

- ☐ Sale of Lot(s) (no construction proposed)
- ☐ Construction of owner-occupied residential dwelling
- ☐ Construction of ☐ rental or ☐ for-sale residential dwellings
- ☐ Construction of owner-occupied commercial or other use.

Specify: \_\_\_\_\_

- ☐ Construction of rental or for-sale commercial or other use.

Specify: \_\_\_\_\_

- ☐ Other. Specify: \_\_\_\_\_

\_\_\_\_\_

For each category (as applicable), provide number and type of units. For residential projects, include number of bedrooms per unit. For commercial projects, include the s.f. per unit:


For residential projects, number of units to be deed restricted as “Affordable” under regulations established by the New Jersey Council on Affordable Housing (COAH): \_\_\_\_\_

Estimated cost of construction of Proposed Project: \$\_\_\_\_\_

Have any of the lands within the Subject Property been classified by any State or Federal Agency as Environmentally Sensitive, Wetlands, Riparian Lands, Brownfield, Greyfields or other applicable designation? ☐ Yes ☐ No

If Yes, explain: \_\_\_\_\_

\_\_\_\_\_

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.





**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

If No, is there any indication that the Subject Property might contain subsurface or groundwater contamination? ( ) Yes ( ) No

If Yes, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other than what is required by the City of Pleasantville, are any other approvals required for the Proposed Project? ( ) Yes ( ) No

If yes, specify (as applicable)

GOVERNMENTAL AGENCY OR PRIVATE ENTITY	YES	NO	DATE SUBMITTED	STATUS OF APPROVAL
City of Pleasantville Storm / Wastewater Division			___/___/___	
Atlantic County Board of Health			___/___/___	
Atlantic County Health Department			___/___/___	
Atlantic County Planning Board			___/___/___	
Cape Atlantic Soil Conservation District			___/___/___	
NJ Department of Environmental Protection			___/___/___	
NJ Department of Transportation			___/___/___	
NJ Council on Affordable Housing			___/___/___	
Other			___/___/___	
Other			___/___/___	
Other			___/___/___	

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

**FORM 7: ZONING CONFORMANCE**

(if multiple Principal buildings, provide information for all buildings)

Zoning District in which Subject Property is located:

**Residential Zoning Districts**

- ☐ Single-Family Residential 50 (SFR-50)
- ☐ Single-Family Residential 60 (SFR-60)
- ☐ Single-Family Residential 75 (SFR-75)
- ☐ Residential Duplex (R-D)
- ☐ Multi-Family (MF)

**Commercial Zoning Districts**

- ☐ Central Business District (CBD)
- ☐ Neighborhood Commercial (NC)
- ☐ General Commercial (GC)
- ☐ Regional Commercial (RC)
- ☐ Regional Shopping Center (RSC)
- ☐ Light Industrial (LI)

**Specialty Zoning Districts**

- ☐ Bayside Mixed-Use (BMU)
- ☐ Cemetery (CEM)
- ☐ Conservation (CONSERV)
- ☐ Waterfront Residential (WR)

**Overlay Zoning Districts**

- ☐ Bayside Mixed Use Overlay Zone
- ☐ City Center Support Overlay
- ☐ Franklin Boulevard Professional Office Overlay
- ☐ Main Street Neighborhood Commercial Overlay
- ☐ New Road Professional Office Overlay

**Redevelopment Plans**

- ☐ Block 189 Rehabilitation Area
- ☐ California Avenue Rehabilitation Area
- ☐ CARA Cambria Avenue Redevelopment Area
- ☐ CCRA Center City Redevelopment Area
- ☐ LBRA Lakes Bay Waterfront Redevelopment Area
- ☐ NARA Narcissus Avenue Rehabilitation Area
- ☐ WTRA Woodland Terrace Rehabilitation Area

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

Lot Regulations for Zoning District in which Subject Property is located:

	<u>Existing</u>	<u>Required</u>	<u>Proposed</u>
Lot Width (ft)	_____	_____	_____
Lot Depth (ft)	_____	_____	_____
Lot Size (s.f.)	_____	_____	_____

Building Regulations for Zoning District in which Subject Property is located:

	<u>Existing</u>	<u>Required</u>	<u>Proposed</u>
Front Yard Setback (ft)	_____	_____	_____
Side Yard Setback [L / R] (ft)	_____ / _____	_____ / _____	_____ / _____
Rear Yard Setback (ft)	_____	_____	_____
Impervious Coverage (%)	_____	_____	_____

Height and number of stories for Principal Building (if multiple Principal buildings, provide information for tallest building): \_\_\_\_\_ feet      \_\_\_\_\_ stories

Does the Subject Project conform with all applicable requirements for the specific Zoning District in which the Subject Property is located as specified by the Pleasantville Land Management Code (Chapter 300)?      (    ) Yes      (    ) No

If No, explain nonconformities: \_\_\_\_\_  
\_\_\_\_\_

Have any variances, waivers of zoning interpretations been obtained as relates to the existing or proposed use of the Subject Property?      (    ) Yes      (    ) No

If Yes, explain: \_\_\_\_\_

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

(insert revision date)      \_\_\_\_\_      \_\_\_\_\_  
Signature of Applicant      Date



**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

**FORM 8: PROJECT PROFESSIONALS**

(use additional sheets if necessary)

Project Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Email Address: \_\_\_\_\_

Project Engineer: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Email Address: \_\_\_\_\_

Project Planner: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Email Address: \_\_\_\_\_

Project Architect: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Email Address: \_\_\_\_\_

Project Surveyor: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Email Address: \_\_\_\_\_

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



APPLICATION PACKAGE  
for  
LAND USE APPROVAL  
City of Pleasantville

FORM 9: CERTIFICATION OF PAYMENT OF TAXES

Date: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_

Subject Property

Address: \_\_\_\_\_

Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_

Qualification Code(s): \_\_\_\_\_

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TO BE COMPLETED BY THE PLEASANTVILLE TAX COLLECTOR

Taxes are paid and current through and including:	1Q	2Q	3Q	4Q	201_____
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The following taxes are unpaid and delinquent: \$\_\_\_\_\_ with interest  
calculated until: \_\_\_\_\_, 201\_\_\_\_\_.

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Flor M. Roman  
Pleasantville Tax Collector

NO APPLICATION FOR LAND USE APPROVAL SHALL BE DEEMED COMPLETE WHERE  
TAXES ARE DUE



**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

**FORM 10: CERTIFICATIONS**

**APPLICANT:** I certify that the foregoing statements and the materials submitted are true. I further certify that I am that the individual Applicant or that I am an Officer of the Corporation who is the Applicant, and that I am authorized to sign the application for the Corporation, or that I am general partner of the partnership Applicant. If the Applicant is a Corporation, an authorized Corporate Officer must sign this Certification. If the Applicant is a Partnership, a General Partner must sign this Certification. If the Applicant is an LLC, the Managing Member must sign this Certification.

\_\_\_\_\_  
Applicant's Signature

Sworn to and subscribed before me this  
\_\_\_\_ Day of \_\_\_\_\_, 201\_\_\_\_.

\_\_\_\_\_  
Notary Public of New Jersey

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**PROPERTY OWNER WHERE NOT APPLICANT:** I certify that I am the Owner of the property which is the subject of this application, that I have authorized the Applicant to make this Application and that I agree to be bound by the Application, the representations made by the Applicant and the decision of the Board in the same manner as if I were the Applicant. If the owner is a Corporation, an authorized Corporate Officer must sign this Certification. If the owner is a Partnership, the General Partner must sign this Certification. If the owner is an LLC, the Managing Member must sign this Certification.

\_\_\_\_\_  
Applicant's Signature

Sworn to and subscribed before me this  
\_\_\_\_ Day of \_\_\_\_\_, 201\_\_\_\_.

\_\_\_\_\_  
Notary Public of New Jersey



**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

**FORM 11: CONSENT TO AN EXTENSION**  
**OF TIME FOR OFFICIAL ACTION**  
(as applicable)

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**APPLICATION IS BEING MADE TO:**

☐ Zoning Officer

☐ Zoning Board of Adjustment

☐ Planning Board

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I, \_\_\_\_\_, being the undersigned Applicant or individual authorized to act for the Applicant, hereby consent to an extension of time within which the entity designated above shall be required to act on my Application.

I understand that such consent stops all time periods (deadlines) for the City to act on my application pursuant to the Municipal Land Use Law and the Pleasantville Land Management Code.

*For Applications to the Planning Board or Zoning Board of Adjustment:*

I understand that the City will make every effort to reschedule a hearing date on my application within a reasonable time period, but that it can not guarantee that my application will be heard at the next regularly-scheduled Board meeting.

I further understand that this request for extension will require me to issue or reissue a public notice to all property owners within 200' of my property once a new hearing date has been established.

\_\_\_\_\_  
Signature of Applicant  
(or Authorized Representative)

\_\_\_\_\_  
Date

Sworn to and subscribed before me this  
\_\_\_\_ Day of \_\_\_\_\_, 201\_\_\_\_.

\_\_\_\_\_  
Notary Public of New Jersey



**APPLICATION PACKAGE**  
**for**  
**LAND USE APPROVAL**  
**City of Pleasantville**

**FORM 12: REQUEST FOR**  
**CERTIFIED LIST OF PROPERTY OWNERS**

I, \_\_\_\_\_, being the undersigned Applicant or individual authorized to act for the Applicant, hereby request the names and addresses of the owners of record of every block and lot within 200' of the boundaries of the property known as:

Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_

in the City of Pleasantville, Atlantic County, New Jersey.

I also request the name(s) and address(s) of:

- ☐ the Commissioner of the New Jersey Department of Transportation (if the Subject Property is located on a State Highway);
- ☐ the Atlantic County Planning Board (if the Subject Property is located on a County Highway);
- ☐ all public utility / CATV companies that may possess an easement or right-of-way within 200' of the Subject Property; and
- ☐ The municipal clerk for (if the Subject Property is located within 200' thereof);
  - ☐ City of Absecon                      ☐ City of Northfield
  - ☐ City of Atlantic City              ☐ Egg Harbor Township
  - ☐ City of Ventnor

Requests for the Certified List shall be made by completing and delivering this form to the Pleasantville Tax Assessor. The List will be made available within 7 days from the date of this request.

Payment shall be made in the form of Check or Money Order, made payable to the City of Pleasantville, in the amount of \$10.00 for the first 40 names on the List plus an additional \$0.25 for each name thereafter.

\_\_\_\_\_  
Signature of Applicant  
(or Authorized Representative)

\_\_\_\_\_  
Date





## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST A. General Requirements & Instructions

See §300-26 and 27 for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

The following series of Checklists were crafted to provide the City and its professionals with detailed information pertinent to each of the specific types of approvals or relief available to applicants. Applicants shall complete this Checklist A. for all applications except Applications for Zoning Permits, and shall complete Checklists C. through L. as applicable. Applicants requesting multiple approvals shall complete the appropriate Checklist for each approval requested.

**Applications for Zoning Permits need only complete Checklist B.**

**Site Plans which include design of drainage, pavement, curbing, walkways, embankments, horizontal and vertical geometrics, utilities and other pertinent structures shall be prepared, signed and sealed by a New Jersey licensed Professional Engineer. A New Jersey Registered Architect may prepare a Site Plan if limited to general locations.**

**Topographical and Boundary Survey information, including all subdivisions, shall be provided by or attributed to a New Jersey licensed Professional Land Surveyor.**

- \_\_\_\_ 1. One (1) original and fourteen (14) copies of:
  - \_\_\_ A. the completed Application Forms, all certifications and other components;
  - \_\_\_ B. all required checklist(s) **in completed form**; and
  - \_\_\_ C. all documents, reports, plats, plans, drawings and photographs relating to the Application.
- \_\_\_\_ 2. All plats, plans and drawings shall contain a Title Block, including:
  - \_\_\_ A. The name and title of the Application / Project, City of Pleasantville, Atlantic County;
  - \_\_\_ B. The name, title, address, telephone and fax number of the Applicant;
  - \_\_\_ C. The name, title, address, telephone and fax number of the person who prepared the plat, plan or drawing, including the New Jersey License number and original embossed seal with signature if the preparer is a New Jersey Licensed Land Surveyor, Professional Engineer, Professional Planner or Architect;
  - \_\_\_ D. The name, address, telephone and fax number of the owner(s) of record of the Subject Property;

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST A.

#### General Requirements & Instructions

See §300-26 and 27 for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

- ☐ E. Written and graphic (bar) scale in inches to feet;
- ☐ F. North Arrow
- ☐ G. The original date that the plans were prepared, the date of each subsequent revision thereof and a list of specific revisions entered on each sheet.
- ☐ 3. Unless otherwise specified in Checklists C. through L., no plat, plan or drawings shall be accepted unless:
  - ☐ A. drawn to a scale of 1"=10', 1"=20', 1"=30', 1"=40', 1"=50' or 1"=60' for engineering drawings or 1/8"=1', 3/8"=1', 1/4"=1', 1/2"=1', 3/4"=1' or 1"=1' for architectural drawings, as per standard scales commercially available at any office supply store. **Items drawn to such scales but subsequently reduced or enlarged shall be summarily rejected.**
  - ☐ B. submitted on 24"x36" or larger sheet sizes, folded into eighths, with title block revealed. If one sheet is not sufficient to depict the entire tract, the plat, plan or drawing may be divided into sections and shown on separate sheets of equal size, with reference on each sheet as to the location of all adjoining sheets.
  - ☐ C. fully dimensioned to confirm conformity with all requirements.
  - ☐ D. dimensions are expressed to the nearest tenth of an acre when describing acreage or 2 decimal places when describing square feet of area or linear feet of distance. Bearings shall be given to the nearest 10 seconds and the error of closure shall not exceed 1 to 10,000.
- ☐ 4. A Key Map showing the entire parcel to be developed, the proposed development and the proposed street pattern, if any, within it, and the relationship of the tract to the surrounding area, with the proposed development shown in place, including all intersections and waterways within 300', at a scale not less than 1"=100', based on the City's official tax map. Where the scale of the map results in a street name not appearing, the Applicant shall legibly hand-print the missing street name.
- ☐ 5 Existing tax sheet with existing block and lot number(s) of the Subject Property(ies) as they appear on the current City Tax Map as well as all properties within 200' of the subject. Existing Street names of all streets bounding the subject property shall be clearly visible. Where the scale of the map results in a street name not appearing, the Applicant shall legibly hand-print the missing street name.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST A.

#### General Requirements & Instructions

See §300-26 and 27 for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

- \_\_\_\_\_ 6. Existing Zoning Map with existing block and lot number(s) of the Subject Property(ies) as they appear on the current City Tax Map as well as all properties within 200' of the subject. Existing Street names of all streets bounding the subject property shall be clearly visible. Where the scale of the map results in a street name not appearing, the Applicant shall legibly hand-print the missing street name.

Matrix containing the requirements of the Zoning District(s) in which the Subject Property(ies) are located, including the use(s) proposed, the bulk requirements of such District(s), and whether or not the proposed project conform(s) to such regulations. Such information shall be indicated on the plot or plan as well as a separate table.

- \_\_\_\_\_ 7. Recent Aerial photograph depicting the Subject Property and one (1) block in each direction from the Subject Property, dated and showing the location and size of structures and from other land uses as well as all access points to such uses.

2007 aerial photography is available at no charge from the NJGIN Information Warehouse ([https://njgin.state.nj.us/NJ\\_NJGINExplorer/IW.jsp?DLayer=NJ%202007%20Orthophotography](https://njgin.state.nj.us/NJ_NJGINExplorer/IW.jsp?DLayer=NJ%202007%20Orthophotography)). Should an applicant not be able to download such information, aerial photography from Google Earth, Microsoft Virtual Earth, Bing or other commercially available sources is acceptable.

- \_\_\_\_\_ 8. Neighborhood characteristic photographs depicting the Subject Property from the opposite side of the street as well as all properties fronting both sides of the street of the block on which the Subject Property is located.

Such photography shall be dated and keyed to a reproduction of the City's official tax map, at a scale of not less than 1"=60', with the Subject Property and all photographed properties indicated.

- \_\_\_\_\_ 9. A certified list of all property owners whose property is located within 200' of the extreme limits of the Subject Property, as they appear on the most recent tax list prepared by the Tax Assessor. Such list must be certified as current within three (3) months prior to the date of submission of the Subject Application. Such list shall include Owner's Name and Mailing Address as well as the Block number, Lot number and Property Address of the property within 200' of the Subject.

In addition to the Tax Assessor's (8½"x11") printout, such list shall be depicted on the plans.

- \_\_\_\_\_ 10. Certification that there are no outstanding uncollected fees or escrows resulting from past applications or prior submissions by the Applicant, or any entity now or previously related to the applicant, involving this property or any other properties connected with the Applicant within the City of Pleasantville. **No applications will be processed if the applicant owes the City or its professionals monies from previous applications.**

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST A. General Requirements & Instructions

See §300-26 and 27 for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

- \_\_\_\_ 11. Certification from the Zoning Officer and/or City Engineer that any conditions required as a result of any prior approval granted for the Subject Property have been fulfilled.
- \_\_\_\_ 12. Certification from the City Tax Collector that all taxes and assessments are paid and current as of the date the Application is submitted, or that adequate provision for payments has been made in a matter satisfactory to the City.
- \_\_\_\_ 13. Statement regarding any prior Planning Board or Zoning Board of Adjustment appeal, approval or denial related to the Subject Property.
- \_\_\_\_ 14. Copies of protective covenants or deed restrictions affecting any portion of the Subject Property or any adjacent property (if obtainable).
- \_\_\_\_ 15. The location, width, legal (metes and bounds) description, use(s) for which they are intended, any limitations thereof and the manner of control or maintenance for all existing or proposed utility easements, right-of-way dedications and/or sight triangle dedication(s) affecting the Subject Property.

Items 14. and 15. are intended to address, but are not limited to, existing or proposed easements to telephone, electric, gas, water and sewer utilities; deed restrictions and covenants, master deeds and proposed by-laws of any homeowner's or community associations; proposed deeds to dedicate any portion of the affected property for public use or for ownership by any public body.

- \_\_\_\_ 16. **Detailed narrative** describing the existing use and condition of and the development proposed for the Subject property, addressing the individual lands and buildings therein, including a statement of the applicant's intent with respect to the ownership, sale and leasing of the project or the various components thereof.
- \_\_\_\_ 17. **Detailed narrative** justification for any requested waivers from any Checklist requirement. **Items which are not applicable shall be addressed as N/A.**
- \_\_\_\_ 18. **Detailed narrative** justification for any requested waiver(s) from any development standard and/or regulation where a variance is not required.
- \_\_\_\_ 19. Evidence that the Applicant has sufficient control over the Subject Property to effectuate the proposed development. Including, as appropriate:
  - \_\_\_\_ A. Property Owner's authorization to file the application when the Owner is not the Applicant.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST A.

#### General Requirements & Instructions

See §300-26 and 27 for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

\_\_\_\_ B. Notarized signature of the Applicant or Agent for the Applicant.

- \_\_\_\_ 20. All Application Fee(s) and Escrow Deposit(s), including Tax Map Update Fees for subdivisions or lot consolidations. **No application will be processed which does not include the appropriate Fees and Escrows.**

The Applicant shall be responsible to insure that Fees and Escrow Deposits are sufficient to address all approvals required, consistent with the Fee Schedule under §300-9. The City reserves the right to require additional Application Fees and Escrow Deposits should the review of the Application find that additional approvals are required.

Once such additional approvals have been identified, the City, and or its professionals shall immediately cease review of the subject application and issue a letter to the Board Secretary informing the Secretary of the situation. The Board Secretary shall immediately inform the Applicant of the necessity for additional funds. The review of the application shall not resume until the appropriate funds have been submitted.

- \_\_\_\_ 21. The Zoning Officer, Planning & Redevelopment Advisory Committee, Planning Board or Zoning Board of Adjustment, through their respective professionals, reserves the right to require such additional information as may be deemed necessary and appropriate for a full consideration of the entirety of the Subject Application.

While no application shall be deemed Incomplete for the lack of such information, the entities so indicated reserve the right to delay the granting of approvals until such information has been submitted and appropriately reviewed.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST B. Zoning Permits

See §300-26, 27 & 34 A. for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

**This Checklist B. was crafted to provide the Zoning Officer with detailed information pertinent to development under §300-34. Applicants for such development shall complete this Checklist B., but are not required to complete Checklist A. or Checklists C. through L. However, Applicants requesting multiple approvals shall complete the appropriate Checklist for each approval requested.**

**Site Plans which include design of drainage, pavement, curbing, walkways, embankments, horizontal and vertical geometrics, utilities and other pertinent structures shall be prepared, signed and sealed by a New Jersey licensed Professional Engineer. A New Jersey Registered Architect may prepare a Site Plan if limited to general locations.**

**Topographical and Boundary Survey information, including all subdivisions, shall be provided by or attributed to a New Jersey licensed Professional Land Surveyor.**

- \_\_\_\_ 1. One (1) original and fourteen (14) copies of:
- \_\_\_\_ A. the completed Application Form, all certifications and other components;
- \_\_\_\_ B. all required checklist(s) **in completed form**; and
- \_\_\_\_ C. all documents, reports, plats, plans, drawings and photographs relating to the Application.
- \_\_\_\_ 2. All plats, plans and drawings shall contain a Title Block, including:
- \_\_\_\_ A. The name and title of the Application / Project, City of Pleasantville, Atlantic County;
- \_\_\_\_ B. The name, title, address, telephone and fax number of the Applicant;
- \_\_\_\_ C. The name, title, address, telephone and fax number of the person who prepared the plat, plan or drawing, including the New Jersey License number and original embossed seal with signature if the preparer is a New Jersey Licensed Land Surveyor, Professional Engineer, Professional Planner or Architect;
- \_\_\_\_ D. The name, address, telephone and fax number of the owner(s) of record of the Subject Property;
- \_\_\_\_ E. Written and graphic (bar) scale in inches to feet;
- \_\_\_\_ F. North Arrow

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST B. Zoning Permits

See §300-26, 27 & 34 A. for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

\_\_\_\_ G. The original date that the plans were prepared, the date of each subsequent revision thereof and a list of specific revisions entered on each sheet.

\_\_\_\_ 3. Unless otherwise specified, no plat, plan or drawings shall be accepted unless:

\_\_\_\_ A. drawn to a scale of 1"=10', 1"=20', 1"=30', 1"=40', 1"=50' or 1"=60' for engineering drawings or  $\frac{1}{8}"=1'$ ,  $\frac{3}{8}"=1'$ ,  $\frac{1}{4}"=1'$ ,  $\frac{1}{2}"=1'$ ,  $\frac{3}{4}"=1'$  or 1"=1' for architectural drawings, as per standard scales commercially available at any office supply store. **Items drawn to such scales but subsequently reduced or enlarged shall be summarily rejected.**

\_\_\_\_ B. submitted on 24"x36" or larger sheet sizes, folded into eighths, with title block revealed. If one sheet is not sufficient to depict the entire tract, the plat, plan or drawing may be divided into sections and shown on separate sheets of equal size, with reference on each sheet as to the location of all adjoining sheets.

\_\_\_\_ C. fully dimensioned to confirm conformity with all requirements.

\_\_\_\_ D. dimensions are expressed to the nearest tenth of an acre when describing acreage or 2 decimal places when describing square feet of area or linear feet of distance. Bearings shall be given to the nearest 10 seconds and the error of closure shall not exceed 1 to 10,000.

\_\_\_\_ 4. Existing tax sheet with existing block and lot number(s) of the Subject Property as they appear on the current City Tax Map. Existing Street names of all streets bounding the subject property shall be clearly visible. Where the scale of the map results in a street name not appearing, the Applicant shall legibly hand-print the missing street name.

\_\_\_\_ 5. Existing Conditions and Topographical Outbound Survey of the Subject Property, at a scale of not less than 1"=50', prepared by a New Jersey Licensed Land Surveyor, showing the property boundary lines and dimensions, structures, available utilities and easements, roadways, rail lines and public rights-of-way crossing and adjacent to the subject property.

If Survey is dated more than 2 years prior to the date of submission of the Subject Application, an Affidavit of No Change, prepared by a New Jersey Licensed Land Surveyor, certifying that the submitted survey depicts the true existing conditions on the subject property.

\_\_\_\_ 6. On a separate copy of the Survey required under item 5.

\_\_\_\_ A. Scaled drawing depicting the location of all buildings, structures, walls, fences, signs, and other elements proposed for the site (with numerical dimensions, including height, to the nearest tenth of a foot).

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date





## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST B. Zoning Permits

See §300-26, 27 & 34 A. for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

- \_\_\_\_\_ B. The dimensions of all yards in relation to the existing and proposed building(s) and the distances between such buildings and any other buildings on the same lot.
- \_\_\_\_\_ C. The distances between the proposed building(s) and any other buildings on adjacent lots (on both sides and the rear of the Subject Property).

- \_\_\_\_\_ 7. Recent Aerial photograph depicting a 200' radius from the extreme edges of the Subject Property, dated and printed / plotted at a scale not less than 1"=100', showing the location, use, size and height, in stories and feet, of structures and other land uses as well as all access points to such uses.

2007 aerial photography is available at no charge from the NJGIN Information Warehouse ([https://njgin.state.nj.us/NJ\\_NJGINExplorer/IW.jsp?DLayer=NJ%202007%20Orthophotography](https://njgin.state.nj.us/NJ_NJGINExplorer/IW.jsp?DLayer=NJ%202007%20Orthophotography)). Should an applicant not be able to download such information, aerial photography from Google Earth, Microsoft Virtual Earth, Bing or other commercially available sources is acceptable.

- \_\_\_\_\_ 8. Neighborhood characteristic photographs depicting the Subject Property from the opposite side of the street as well as all properties fronting both sides of the street of the block on which the Subject Property is located.

Such photography shall be dated and keyed to a reproduction of the City's official tax map, at a scale of not less than 1"=60', with the Subject Property and all photographed properties indicated.

- \_\_\_\_\_ 9. Certification that there are no outstanding uncollected fees or escrows resulting from past applications or prior submissions by the Applicant, or any entity now or previously related to the applicant, involving this property or any other properties connected with the Applicant within the City of Pleasantville. **No applications will be processed if the applicant owes the City or its professionals monies from previous applications.**

- \_\_\_\_\_ 10. Certification from the Zoning Officer and/or City Engineer that any conditions required as a result of any prior approval granted for the Subject Property have been fulfilled.

- \_\_\_\_\_ 11. Certification from the City Tax Collector that all taxes and assessments are paid and current as of the date the Application is submitted, or that adequate provision for payments has been made in a matter satisfactory to the City.

- \_\_\_\_\_ 12. Statement regarding any prior Planning Board or Zoning Board of Adjustment appeal, approval or denial related to the Subject Property.

- \_\_\_\_\_ 13. Copies of protective covenants or deed restrictions affecting any portion of the Subject Property or any adjacent property (if obtainable).

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.





## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST B. Zoning Permits

See §300-26, 27 & 34 A. for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

- \_\_\_\_ 14. The location, width, legal (metes and bounds) description, use(s) for which they are intended, any limitations thereof and the manner of control or maintenance for all existing or proposed utility easements, right-of-way dedications and/or sight triangle dedication(s) affecting the Subject Property.

Items 13. and 14. are intended to address, but are not limited to, existing or proposed easements to telephone, electric, gas, water and sewer utilities; deed restrictions and covenants, master deeds and proposed by-laws of any homeowner's or community associations; proposed deeds to dedicate any portion of the affected property for public use or for ownership by any public body.

- \_\_\_\_ 15. **Detailed narrative** describing the existing use and condition of and the development proposed for the Subject property, including the number of dwelling units the building is designed to accommodate.

- \_\_\_\_ 16. **Detailed narrative** justification for any requested waivers from any Checklist requirement. **Items which are not applicable shall be addressed as N/A.**

- \_\_\_\_ 17. **Detailed narrative** justification for any requested waiver(s) from any development standard and/or regulation where a variance is not required.

- \_\_\_\_ 18. Evidence that the Applicant has sufficient control over the Subject Property to effectuate the proposed development. Including, as appropriate:

\_\_\_\_ A. Property Owner's authorization to file the application when the Owner is not the Applicant.

\_\_\_\_ B. Notarized signature of the Applicant or Agent for the Applicant.

- \_\_\_\_ 19. All Application Fee(s). **No application will be processed which does not include the appropriate Fees.** The Applicant shall be responsible to insure that Fees are sufficient to address all approvals required, consistent with the Fee Schedule under §300-9. The City reserves the right to require additional Application Fees and, as applicable, Escrow Deposits should the review of the Application find that additional approvals are required.

Once such additional approvals have been identified, the City, and or its professionals shall immediately cease review of the subject application and issue a letter informing the Applicant of the necessity for additional funds. The review of the application shall not resume until the appropriate funds have been submitted.

- \_\_\_\_ 20. The Zoning Officer reserves the right to require such additional information as may be deemed necessary and appropriate for a full consideration of the entirety of the Subject Application. While no application shall be deemed Incomplete for the lack of such information, the entities so indicated reserve the right to delay the granting of approvals until such information has been submitted and appropriately reviewed.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST C. Preapplication Conference

See §300-26, 27 & 35 for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

- \_\_\_\_ 1. All General Checklist Requirements in such number as indicated in Checklist A.
- \_\_\_\_ 2. A Project Concept Plan and Description of Project Elements, clearly indicating:
  - \_\_\_\_ A. A brief and general description of the nature, location and extent of the proposed development;
  - \_\_\_\_ B. The name of the proposed development;
  - \_\_\_\_ C. The date of preparation of the plan and the name, address and telephone number of the person who prepared the plan;
  - \_\_\_\_ D. Scale, reference meridian and North arrow;
  - \_\_\_\_ E. The name, address and phone number of the person to be contacted concerning any questions on the proposed development;
  - \_\_\_\_ F. Area of the subject property, in square feet and in acres, to the nearest tenth of an acre; and
  - \_\_\_\_ G. A list of the professional consultants advising the prospective applicant with respect to the proposed development;
  - \_\_\_\_ H. Identification of variances required and requested waiver(s) from any development standard and/or regulation where a variance is not required.
  - \_\_\_\_ J. A statement as to any state and/or Federal approvals required in connection with the proposed development;
  - \_\_\_\_ K. The number and approximate area of new lots or parcels, if any, to be created, tabulated by each separate use as proposed.
- \_\_\_\_ 3. The names and addresses of all owners of property located within 200' of the Subject Property as shown in the latest property tax records.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST D.

#### Minor Site Plans and Minor Subdivision Plats

See §300-26, 27 & 36 E. for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

- \_\_\_\_ 1. All General Checklist Requirements in such number as indicated in Checklist A.
- \_\_\_\_ 2. Plats or plans of the proposed project at a scale and paper size specified under Checklist A., item 2. B.
- \_\_\_\_ 3. Existing Conditions and Topographical Outbound Survey of the Subject Property, at a scale of not less than 1"=50', prepared by a New Jersey Licensed Land Surveyor, showing the property boundary lines and dimensions, structures, available utilities and easements, roadways, rail lines and public rights-of-way crossing and adjacent to the subject property.  
  
Survey shall include the distances between the proposed building(s) and any other buildings on adjacent lots (on both sides and the rear of the Subject Property).  
  
If Survey is dated more than 2 years prior to the date of submission of the Subject Application, an Affidavit of No Change, prepared by a New Jersey Licensed Land Surveyor, certifying that the submitted survey depicts the true existing conditions on the subject property.
- \_\_\_\_ 4. Lot area expressed both in acreage (to the nearest tenth of an acre) and square feet (to 2 decimal places), both with and without any area(s) located within any existing or proposed public rights-of-way.
- \_\_\_\_ 5. Computation of the area of the tract to be disturbed in square feet, the number of lots proposed and the area and dimensions of each proposed lot.
- \_\_\_\_ 6. Existing contours referenced to United States Geological Survey datum, with project site and proposed contours at 1' intervals plotted thereon, except in areas where the slope exceeds 5%, where intervals may be 5'. Any proposed regrading shall be shown.
- \_\_\_\_ 7. Existing and proposed spot elevations at all corners of the buildings and along the curbline.
- \_\_\_\_ 8. A soils map with project site plotted thereon.
- \_\_\_\_ 9. Existing tax sheet and existing block and lot number(s) of the lots to be subdivided or developed, as they appear on the current City Tax Map, with proposed block and lot numbers as provided by the City Tax Assessor.
- \_\_\_\_ 10. Subdivision or development boundary lines (heavy solid line), lot lines to be removed (faded) and new lots to be created.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST D.

#### Minor Site Plans and Minor Subdivision Plats

See §300-26, 27 & 36 E. for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

- \_\_\_\_ 11. The location of existing and proposed property lines (with bearings and distances), streets, structures, walls, fences, signs, culverts and bridges (with numerical dimensions, including height, to the nearest tenth of a foot).
- \_\_\_\_ 12. Parking spaces, loading areas, driveways, watercourses, railroads, bridges, culverts, drain pipes, any natural features such as wetlands and vegetated areas both within the tract and within 100' of its boundary.
- \_\_\_\_ 13. The location and width of all existing proposed utility easements, the use(s) for which they are intended and the manner in which they will be controlled.
- \_\_\_\_ 14. Delineation of flood plains, including floodway, flood fringe areas and lands subject to flooding, and the location of all natural features, including wetlands, water courses, vegetated areas and buffers both within the tract and within 100' of the boundaries thereof.
- \_\_\_\_ 15. The location and material of all existing and proposed monuments, including iron and copper pins.
- \_\_\_\_ 16. Right-of-way dedication(s) and improvement(s), as applicable.
- \_\_\_\_ 17. Sight triangle easements with dimensions, bearings and distances, as applicable.
- \_\_\_\_ 18. Plans of proposed site improvements and/or utility layouts as required by ordinance. Plans must show proposed connections to existing water supply and sanitary sewerage systems.
- \_\_\_\_ 19. Detailed site drawings, drawn to scale and fully dimensioned, depicting the size and location of all existing and proposed structures, signs and lighting, with height noted, and indicating if existing structures and uses will be retained or removed. All existing and proposed setbacks must be delineated on the plans.
- \_\_\_\_ 20. Detailed architectural and elevation drawings, drawn to scale and fully dimensioned, depicting all four (4) building elevations (labeled north, south, east and west, with street names as applicable), with colors and materials indicated on the plans. All proposed setbacks for structures must be delineated on the plans.
- \_\_\_\_ 21. Certification from appropriate state and county agencies and private providers as applicable, granting approval for the extension of utility service(s).
- \_\_\_\_ 22. Soil Erosion and Sediment Control Plan as required by N.J.S.A. 4:24-39 et seq., as applicable.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST D.

#### Minor Site Plans and Minor Subdivision Plats

See §300-26, 27 & 36 E. for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

- \_\_\_\_ 23. Statement regarding details of any impact the proposed development may have on the City's Stormwater Management System in conformance with Chapter 251 of the City Code.
- \_\_\_\_ 24. Plans and computations for any storm drainage systems required.
- \_\_\_\_ 25. A Landscape Plan, depicting existing and proposed screening, buffering and landscape areas in conformance with §300-66.  
  
The location of all proposed plantings shall be indicated on the Landscape Plan, which shall be keyed to a Plant Schedule listing the botanical and common names, the sizes of plant material at time of planting and the total quantity of each plant.
- \_\_\_\_ 25. A Lightning Plan, addressing the proposed location, direction of illumination, power and type of proposed outdoor lighting, including details regarding light standards and fixtures, lumen pattern and foot-candles.
- \_\_\_\_ 27. Tax Map Update Fees, to be submitted on a separate check calculated at \$65 per affected lot.
- \_\_\_\_ 28. Trash/refuse and recycling storage plans, if applicable.
- \_\_\_\_ 29. Signage Plan, with details addressing location, dimensions, area, height, illumination and materials for all signage.
- \_\_\_\_ 30. Approval signature lines for the Board Chair, Board Secretary and City Engineer.
- \_\_\_\_ 31. Indication that Subdivision is to be filed by Deed or Plat.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST E. Preliminary Major Site Plans & Preliminary Major Subdivision Plats

See §300-26, 27 & 36 F. for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

- \_\_\_\_ 1. All General Checklist Requirements in such number as indicated in Checklist A.
- \_\_\_\_ 2. Plats or plans of the proposed project at a scale and paper size specified under Checklist A., item 2. B.
- \_\_\_\_ 3. Topographical Outbound Survey of the Subject Property, at a scale of not less than 1"=50', prepared by a New Jersey Licensed Land Surveyor. If Survey is dated more than 2 years prior to the date of submission of the Subject Application, an Affidavit of No Change, prepared by a New Jersey Licensed Land Surveyor, certifying that the submitted survey depicts the true existing conditions on the subject property, shall also be required.  
  
Survey shall include the distances between the proposed building(s) and any other buildings on adjacent lots (on both sides and the rear of the Subject Property).
- \_\_\_\_ 4. Computation of lot area, and breakout of the area of the lot to be disturbed, expressed both in acreage and square feet, to the nearest tenth of an acre, both with and without existing and proposed public rights-of-way, parking and common open space areas.
- \_\_\_\_ 5. Number of lots proposed, including the area and dimensions of each.
- \_\_\_\_ 6. Existing contours referenced to United States Geological Survey datum, with project site and proposed contours at 1' intervals plotted thereon, except in areas where the slope exceeds 5%, where intervals may be 5'. Any proposed regrading shall be shown.
- \_\_\_\_ 7. Existing and proposed spot elevations at all corners of the buildings and along the curbline.
- \_\_\_\_ 8. A soils map with project site plotted thereon.
- \_\_\_\_ 9. Existing tax sheet and existing block and lot number(s) of the lots to be subdivided or developed, as they appear on the current City Tax Map, with proposed block and lot numbers as provided by the City Tax Assessor.
- \_\_\_\_ 10. Subdivision or development boundary lines (heavy solid line), lot lines to be removed (faded) and new lots to be created.
- \_\_\_\_ 11. The location of existing and proposed property lines (with bearings and distances), streets, structures, walls, fences, signs, culverts and bridges (with numerical dimensions, including height, to the nearest tenth of a foot).

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST E. Preliminary Major Site Plans & Preliminary Major Subdivision Plats

See §300-26, 27 & 36 F. for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

- \_\_\_\_ 12. Parking spaces, loading areas, driveways, watercourses, railroads, bridges, culverts, drain pipes, any natural features such as wetlands and vegetated areas both within the tract and within 100' of its boundary.
- \_\_\_\_ 13. The location and width of all existing proposed utility easements, the use(s) for which they are intended, and the manner in which they will be controlled.
- \_\_\_\_ 14. Delineation of flood plains, including floodway, flood fringe areas and lands subject to flooding, and the location of all natural features, including wetlands, water courses, vegetated areas and buffers both within the tract and within 100' of the boundaries thereof.
- \_\_\_\_ 15. The location and material of all existing and proposed monuments, including iron and copper pins.
- \_\_\_\_ 16. Right-of-way dedication(s) and improvement(s), as applicable.
- \_\_\_\_ 17. Proposed reservations for parks, playgrounds and common open space.
- \_\_\_\_ 18. Sight triangle easements with dimensions, bearings (to the nearest 10 seconds) and distances, as applicable.
- \_\_\_\_ 19. Plans of proposed site improvements and/or utility layouts required by ordinance. Plans shall show proposed locations for all water and sewer lines, with connection details to existing water supply and sanitary sewerage systems for all valves, manholes and hydrants.
- \_\_\_\_ 20. Certification from appropriate state and county agencies and private providers as applicable, granting approval for the extension of utility service(s).
- \_\_\_\_ 21. Soil Erosion and Sediment Control Plan as required by N.J.S.A. 4:24-39 et seq., as applicable.
- \_\_\_\_ 22. Detailed site drawings, drawn to scale and fully dimensioned, depicting the size and location of all existing and proposed structures, sidewalks and pedestrian walkways, signs and lighting, with height noted as applicable, and indicating if existing structures and uses will be retained or removed. All existing and proposed setbacks for structures must be delineated on the plans.
- \_\_\_\_ 23. Detailed architectural (floor-plan) and elevation drawings, drawn to scale and fully dimensioned, depicting all four (4) building elevations (labeled "viewed from the" north, south, east and west, with street names as applicable), with finished-floor elevation, colors and materials indicated on the plans. All proposed setbacks for structures shall be delineated on the plans.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.





## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST E. Preliminary Major Site Plans & Preliminary Major Subdivision Plats

See §300-26, 27 & 36 F. for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

- \_\_\_\_ 24. Plans and computations for any storm drainage systems required, including boring logs showing the character of the soil and elevation of the groundwater table; the location of all existing and proposed storm drainage pipes and watercourses; pipe sizes; grades; and flow directions.
- \_\_\_\_ 25. Flood Zone.
- \_\_\_\_ 26. A Landscape Plan, depicting existing and proposed open space, screening, buffering and landscape areas in conformance with §300-66.  
  
The location of all proposed plantings shall be indicated on the Landscape Plan, which shall be keyed to a Plant Schedule listing the botanical and common names, the sizes of plant material at time of planting and the total quantity of each plant.
- \_\_\_\_ 27. A Lightning Plan, addressing the proposed location, direction of illumination, power and type of proposed outdoor lighting, including details regarding light standards and fixtures, lumen pattern and foot-candles.
- \_\_\_\_ 28. Trash/refuse and recycling storage plans, if applicable.
- \_\_\_\_ 29. Signage Plan, with details addressing location, dimensions, area, height, illumination and materials for all signage.
- \_\_\_\_ 30. When a stream is proposed for alteration, improvement or relocation, or when a drainage structure or fill is proposed over, under, in or along a running stream, a report on the status of review by NJDEP (Division of Land Use Regulation);
- \_\_\_\_ 31. Cross sections of watercourses and/or drainage swales at an appropriate scale, showing the extent of floodplain, top of bank, normal water levels and bottom elevations at locations required by the City Engineer.
- \_\_\_\_ 32. The location and extent of drainage and conservation easements and stream encroachment lines.
- \_\_\_\_ 33. When a tidal watercourse or wetlands are proposed for alteration, development, improvement or relocation, provide the status of review by NJDEP (Division of Land Use Regulation).
- \_\_\_\_ 34. The status of application or request for exemption from NJDEP (Division of Land Use Regulation) for compliance with the Coastal Area Facility Review Act (N.J.S.A. 13:19-1 et seq.)

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.





## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST E. Preliminary Major Site Plans & Preliminary Major Subdivision Plats

See §300-26, 27 & 36 F. for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

- \_\_\_\_ 35. The location and type of adequate drainage provisions to reasonably reduce and minimize exposure to flood damage.
- \_\_\_\_ 36. The location, design and size of any on- or off-street parking or loading area(s), showing location of stalls, bays, aisles and barriers as well all means of vehicular ingress and egress from the site onto public streets.
- \_\_\_\_ 37. The location of existing utility structures on the tract and within 200' of the extreme limits of the tract.
- \_\_\_\_ 38. Profile plans, typical cross sections, construction details and horizontal and vertical alignment of the centerline of all proposed streets and of existing streets abutting the tract, clearly indicating the type and width of pavement and the location of curbs, sidewalks, shade trees and planting strips.
- \_\_\_\_ 39. Statement of compliance with the Stormwater Management Rules (N.J.A.C. 7:8) and Chapter 251 of the City Code.
- \_\_\_\_ 40. Concerning commercial development: the proposed number of shifts, the maximum number of employees on each shift and the hours of operation.
- \_\_\_\_ 41. Concerning the development, conversion, expansion or use of condominiums:
  - \_\_\_\_ A. Where a condominium is a single structure, a detailed floor plan of the entire structure.
  - \_\_\_\_ B. Where the condominium is a complex of multiple structures, a detailed floor plan of the entire complex.
- \_\_\_\_ 42. If the development is proposed for construction in stages or units, a schedule for the development of such stages or units, stating the approximate beginning and completion date for each such stage or unit; the proportion of the total public and private open space and the proportion of each type of proposed land use to be provided or constructed during each such stage; and the overall chronology of development to be followed from stage to stage.
- \_\_\_\_ 43. Approval signature lines for the Board Chair, Board Secretary & City Engineer.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST F. Final Major Site Plans & Final Major Subdivision Plats

See §300-26, 27 & 36 G. for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

- \_\_\_\_ 1. All General Checklist Requirements in such number as indicated in Checklist A.
- \_\_\_\_ 2. The date on which Preliminary approval was granted and, if required, by Atlantic County, and a copy of each Decision & Resolution granting such approval(s).
- \_\_\_\_ 3. A final version of the approved Preliminary plan or plat containing any revisions required as a condition of Preliminary approval.
- \_\_\_\_ 4. Engineering plans, specifications and cost estimates.
- \_\_\_\_ 5. A tabulation of the following information for the stage or unit of the development being proposed for final approval:
  - \_\_\_\_ A. The total number of dwelling units and rooming units proposed, by type of structure and number of bedrooms.
  - \_\_\_\_ B. The total square footage of building floor area proposed for non-residential uses, by general type of use.
  - \_\_\_\_ C. The proposed number of off-street parking and loading spaces for each proposed type of land use.
  - \_\_\_\_ D. The total land area, expressed in square feet and as a percent of the total development area, proposed to be devoted to residential and non-residential uses, by type of structure; public and private open space; streets; off-street parking and loading areas; pedestrian circulation elements; and miscellaneous impervious areas.
- \_\_\_\_ 6. Section or Construction Staging Plan, if proposed.
- \_\_\_\_ 7. Copies of all required easements, declarations and covenants to be recorded upon final approval.
- \_\_\_\_ 8. Copies of all declarations, covenants and bylaws necessary to establish, activate and govern any entity that is to be responsible for the management and maintenance of any private common open space or facility.
- \_\_\_\_ 9. Copies of all preconstruction permits and approvals required from any federal or state agency or, for any required permit not yet secured, a copy of the application as filed and a statement of its current status or a statement explaining why an application has not been filed and indicating when it will be filed.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST F. Final Major Site Plans & Final Major Subdivision Plats

See §300-26, 27 & 36 G. for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

- \_\_\_\_\_ 10. A statement summarizing all changes which have been made in or have occurred with respect to any document, plan, data or information made part of the Preliminary Approval, together with revised copies of same.
- \_\_\_\_\_ 11. "Form-of" easements and deeds to be executed upon final plan approval necessary to convey any easements, rights-of-way or other lands or interests in lands to be conveyed or dedicated to any governmental agency or public utility.
- \_\_\_\_\_ 12. "Form-of" the performance guaranty and maintenance guaranty to be submitted pursuant to §300-49, upon final plan approval and of any other performance or maintenance guaranties required to ensure installation and completion of the entire development, or any specific portion thereof, or the future provision and improvement of common open space or facilities.
- \_\_\_\_\_ 13. Any stipulation or condition imposed at time of Preliminary Approval
- \_\_\_\_\_ 14. Any ordinance requirement for Final Plan approval.
- \_\_\_\_\_ 15. A statement from the City Engineer that all installed improvements have been inspected and satisfactorily installed.
- \_\_\_\_\_ 16. Letters directed to the Board Chair and signed by a responsible official of all utility companies, etc., providing service to the tract.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST G.

#### Appeal or Interpretation / Special Question Pursuant to N.J.S.A. 40:55d-70a

See §300-26, 27, 38 & 39 for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

- \_\_\_\_\_ 1. All General Checklist Requirements in such number as indicated in Checklist A
- \_\_\_\_\_ 2. **Detailed narrative** justification for the Appeal or Interpretation sought or the Special Question at issue.
- \_\_\_\_\_ 3. Such other and further information or documentation as may be deemed to be necessary or appropriate to a full and proper consideration and disposition of the particular application.

For Interpretations other than for the permissibility of use issues::

- \_\_\_\_\_ 4. The specific provision or provisions to be interpreted, the facts of the specific situation giving rise to the request for interpretation and the precise interpretation asserted by the applicant to be correct.

For Interpretation of the permissibility of use issues:

- \_\_\_\_\_ 5. The uses permitted in the zoning district which are most similar to the proposed use.
- \_\_\_\_\_ 6. Documents, statements and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST H.

#### 'c' Variances

#### Pursuant to N.J.S.A. 40:55d-70c

See §300-26, 27 & 37 C. for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

### PLEASE READ THE FOLLOWING CAREFULLY BEFORE COMPLETING THE VARIANCE JUSTIFICATION NARRATIVE

Under N.J.S.A. 40:55D-70(c), 'c' variance relief is required to permit the deviation from the strict application of land use regulations (generally) governing the physical development of a piece of property.

In order for a Planning Board or Zoning Board of Adjustment, as the case may be, to grant a 'c' variance request, an Applicant must demonstrate, to the Board's satisfaction, that special reasons (broadly defined as relieving an undue hardship on the Applicant [commonly referred to as a 'c-1' variance] OR advancing the purposes of the Municipal Land Use Law [commonly referred to as a 'c-2' variance]) exist. This is known as the Positive Criteria. Additionally, no variance may be granted which will be detrimental to the public good or the City's Zone Plan or Zoning Ordinance.

The grant of a 'c' variance requires an affirmative vote by a simple majority of the Board members present.

In order to satisfy the Positive Criteria for 'c-1' variances, the applicant must prove that:

(a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) 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...would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property..."

In order to satisfy the Positive Criteria for 'c-2' variances, the applicant must prove that the proposed development will achieve at least one (1) of the following Purposes of the Municipal Land Use Law:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST H.

#### 'c' Variances

#### Pursuant to N.J.S.A. 40:55d-70c

See §300-26, 27 & 37 C. for further details regarding submission requirements and procedures.

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- b. To secure safety from fire, flood, panic and other natural and man-made disasters;
- c. To provide adequate light, air and open space;
- d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- e. 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;
- f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, 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's citizens;
- h. 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 result in congestion or blight;
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST H.

#### 'c' Variances

Pursuant to N.J.S.A. 40:55d-70c

See §300-26, 27 & 37 C. for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

- l. To encourage senior citizen community housing construction;
- m. 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;
- n. To promote utilization of renewable energy resources;
- o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

Applicants requesting 'c' variance relief must complete the following **Checklist G.**, along with the accompanying **Schedule of Requested 'c' Variance(s)** and **'c' Variance Justification Narrative** setting forth and describing the specific requirements of the Pleasantville Land Management Code from which relief is being sought. Applicants must also address the reasons why such relief is justified.

**Applicants MUST submit variance justifications for all requested variances as part of this application process. Applications not containing the aforementioned detailed written narrative, addressing both the Positive Criteria required for 'c' variance relief and any impact the granting of the requested variance will have on the public good and the City's Zone Plan and Zoning Ordinance, shall be deemed INCOMPLETE.**

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST H.

#### 'c' Variances

#### Pursuant to N.J.S.A. 40:55d-70c

See §300-26, 27 & 37 C. for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

- \_\_\_\_ 1. All General Checklist Requirements in such number as indicated in Checklist A.
- \_\_\_\_ 2. Plats, plans drawings of the proposed project at a scale specified under Checklist A., item 3.  
A. Plats, plans or drawings prepared by a New Jersey Licensed Land Surveyor, Professional Engineer, Professional Planner or Architect shall be submitted on a paper size specified under Checklist A., item 3. B. Plats or plans prepared by the Applicant may be submitted on a sheet no smaller than 11"x17".
- \_\_\_\_ 3. Topographical Outbound Survey of the Subject Property, at a scale of not less than 1"=50', prepared by a New Jersey Licensed Land Surveyor. If Survey is dated more than 2 years prior to the date of submission of the Subject Application, an Affidavit of No Change, prepared by a New Jersey Licensed Land Surveyor, certifying that the submitted survey depicts the true existing conditions on the subject property, shall also be required. The Survey shall include the distances between the proposed building(s) and any other buildings on adjacent lots (on both sides and the rear of the Subject Property).
- \_\_\_\_ 4. Lot area expressed both in acreage and square feet, to the nearest tenth of an acre, both with and without any area(s) located within any existing or proposed public rights-of-way.
- \_\_\_\_ 5. Development boundary lines (heavy solid line).
- \_\_\_\_ 6. Detailed site drawings, drawn to scale and fully dimensioned, depicting the size and location of all existing and proposed structures, signs and lighting, with height noted, and indicating if existing structures and uses will be retained or removed. All existing and proposed setbacks for structures must be delineated on the plans.
- \_\_\_\_ 7. Detailed architectural and elevation drawings, drawn to scale and fully dimensioned, depicting all four (4) building elevations (labeled north, south, east and west, with street names as applicable), with colors and materials indicated on the plans. All proposed setbacks for structures must be delineated on the plans.
- \_\_\_\_ 8. Completed **Schedule of Requested 'c' Variances** attached to this Checklist.
- \_\_\_\_ 9. Detailed justification for the relief requested, including statement addressing the Positive Criteria required for 'c' Variance relief, and specifically addressing any detrimental impact the grant of such variance might have to the public good or the City's Zone Plan or Zoning Ordinance.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.





## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST H.

#### 'c' Variances

Pursuant to N.J.S.A. 40:55d-70c

See §300-26, 27 & 37 C. for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

**APPLICANTS MAY UTILIZE THIS FORM OR MAY CREATE THEIR OWN SCHEDULE AS LONG AS THE REQUIRED INFORMATION IS INCLUDED.**

SCHEDULE OF REQUESTED 'c' VARIANCES			
Variance Number	Ordinance Reference (§300-____)	Regulation / Requirement	Existing / Proposed Condition
1.			
2.			
3.			
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**(use additional pages if necessary)**

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST H.

#### 'c' Variances

Pursuant to N.J.S.A. 40:55d-70c

See §300-26, 27 & 37 C. for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

**APPLICANTS MAY UTILIZE THIS FORM OR MAY CREATE THEIR OWN SCHEDULE AS LONG AS THE REQUIRED INFORMATION IS INCLUDED.**

'c' VARIANCE JUSTIFICATION NARRATIVE	
Variance Number (from Schedule of Requested 'c' Variances)	Detailed Justification for Variance Request
1.	
2.	
3.	
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**(use additional pages if necessary)**

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST I.

#### 'd' Variances

#### Pursuant to N.J.S.A. 40:55d-70d

See §300-26, 27 & 37 D. for further details regarding submission requirements and procedures.

Each page of this Checklist must be signed and dated by the Applicant.

### PLEASE READ THE FOLLOWING CAREFULLY BEFORE COMPLETING THE VARIANCE JUSTIFICATION NARRATIVE

Under N.J.S.A. 40:55D-70 (d), 'd' variance relief is required to permit (1) the use of lands or buildings in areas of the City (Zoning Districts) where such use is not permitted, (2) to expand an existing non-permitted use, (3) to deviate from a conditional use standard as defined in the City's Land Management Code, (4) to develop beyond the floor area ratio permitted in a Zoning District, (5) to develop beyond the density permitted in a Zoning District, and (6) to develop at a building height 10' or 10% beyond that which is permitted in a Zoning District.

Generally, in order for the Zoning Board of Adjustment<sup>65</sup> to grant a 'd' variance request, an Applicant must demonstrate, to the Board's satisfaction, that special reasons (broadly defined as relieving an undue hardship on the Applicant OR advancing the purposes of the Municipal Land Use Law) exist. This is known as the Positive Criteria. The Applicant must also demonstrate that granting such relief will not substantially impair the purpose and intent of the City's Zone Plan or Zoning Ordinance, and that the relief requested will not be a substantial detriment to the public good. This is known as the Negative Criteria.

Both the Positive Criteria and the Negative Criteria must be satisfied in order for the Board to grant a 'd' variance request.

The grant of a 'd' variance requires an affirmative vote by five (5) Board members, regardless of how many members may be attending the meeting.

In order to satisfy the Positive Criteria for 'd' variances, the applicant must prove that:

- (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and

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<sup>65</sup> Only a Zoning Board may grant 'd' variance relief

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

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Signature of Applicant

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Date



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST I.

#### 'd' Variances

#### Pursuant to N.J.S.A. 40:55d-70d

See §300-26, 27 & 37 D. for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation...would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property..."

**OR**, the applicant must prove that the proposed development will achieve at least one (1) of the following Purposes of the Municipal Land Use Law:

- a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;
- b. To secure safety from fire, flood, panic and other natural and man-made disasters;
- c. To provide adequate light, air and open space;
- d. To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole;
- e. 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;
- f. To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- g. To provide sufficient space in appropriate locations for a variety of agricultural, 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's citizens;
- h. 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 result in congestion or blight;

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST I.

#### 'd' Variances

Pursuant to N.J.S.A. 40:55d-70d

See §300-26, 27 & 37 D. for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
- j. To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land;
- k. To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- l. To encourage senior citizen community housing construction;
- m. 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;
- n. To promote utilization of renewable energy resources;
- o. To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.

Applicants requesting 'd' variance relief must complete the following **Checklist H.**, along with the accompanying **Schedule of Requested 'd' Variance(s)** and **'d' Variance Justification Narrative** setting forth and describing the specific requirements of the Pleasantville Land Management Code from which relief is being sought. Applicants must also address the reasons why such relief is justified.

**Applicants MUST submit variance justifications for all requested variances as part of this application process. Applications not containing the aforementioned detailed written narrative, addressing both the Positive Criteria and Negative Criteria required for 'd' variance relief, shall be deemed INCOMPLETE.**

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST I.

#### 'd' Variances

#### Pursuant to N.J.S.A. 40:55d-70d

See §300-26, 27 & 37 D. for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

- \_\_\_\_ 1. All General Checklist Requirements in such number as indicated in Checklist A.
- \_\_\_\_ 2. Plats, plans drawings of the proposed project at a scale specified under Checklist A., item 3.  
A. Plats, plans or drawings prepared by a New Jersey Licensed Land Surveyor, Professional Engineer, Professional Planner or Architect shall be submitted on a paper size specified under Checklist A., item 3. B. Plats or plans prepared by the Applicant may be submitted on a sheet no smaller than 11"x17".
- \_\_\_\_ 3. Topographical Outbound Survey of the Subject Property, at a scale of not less than 1"=50', prepared by a New Jersey Licensed Land Surveyor. If Survey is dated more than 2 years prior to the date of submission of the Subject Application, an Affidavit of No Change, prepared by a New Jersey Licensed Land Surveyor, certifying that the submitted survey depicts the true existing conditions on the subject property, shall also be required. The Survey shall include the distances between the proposed building(s) and any other buildings on adjacent lots (on both sides and the rear of the Subject Property).
- \_\_\_\_ 4. Lot area expressed both in acreage and square feet, to the nearest tenth of an acre, both with and without any area(s) located within any existing or proposed public rights-of-way.
- \_\_\_\_ 5. Development boundary lines (heavy solid line).
- \_\_\_\_ 6. Variance requests under N.J.S.A. 40:55d-70d(3), (4) & (6) only:
  - \_\_\_\_ A. detailed site drawings, drawn to scale and fully dimensioned, depicting the size and location of all existing and proposed structures, signs and lighting, with height noted, and indicating if existing structures and uses will be retained or removed.
  - \_\_\_\_ B. detailed architectural and elevation drawings, drawn to scale and fully dimensioned, depicting all four (4) building elevations (labeled north, south, east and west, with street names as applicable), with colors and materials indicated on the plans.
- \_\_\_\_ 7. Completed **Schedule of Requested 'd' Variances** attached to this Checklist.
- \_\_\_\_ 8. Detailed justification for the relief requested, including statement addressing the Positive Criteria and Negative Criteria required for 'd' Variance relief.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST I.

#### 'd' Variances

Pursuant to N.J.S.A. 40:55d-70d

See §300-26, 27 & 37 D. for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

**APPLICANTS MAY UTILIZE THIS FORM OR MAY CREATE THEIR OWN SCHEDULE AS LONG AS THE REQUIRED INFORMATION IS INCLUDED.**

SCHEDULE OF REQUESTED 'd' VARIANCES			
Variance Number	Ordinance Reference (§300-____)	Regulation / Requirement	Existing / Proposed Condition
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**(use additional pages if necessary)**

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST I.

#### 'd' Variances

Pursuant to N.J.S.A. 40:55d-70d

See §300-26, 27 & 37 D. for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the Applicant.

**APPLICANTS MAY UTILIZE THIS FORM OR MAY CREATE THEIR OWN SCHEDULE AS LONG AS THE REQUIRED INFORMATION IS INCLUDED.**

'd' VARIANCE JUSTIFICATION NARRATIVE	
Variance Number (from Schedule of Requested 'c' Variances)	Detailed Justification for Variance Request
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(use additional pages if necessary)

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.





## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST J. Certificate of Nonconformity Pursuant to N.J.S.A. 40:55d-68.

See §300-20, 26 & 27 for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the person completing the Checklist.

#### APPLICATIONS FOR CERTIFICATE OF NONCONFORMITY

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Pursuant to N.J.S.A. 40:55d-68:

any nonconforming use or structure existing at the time of the passage of the Land Management Code may be continued upon the lot or in the structure so occupied and any such structure may be restored or repaired in the event of partial destruction thereof.

A prospective purchaser, prospective mortgagee or any other person interested in any land upon which a nonconforming use or structure exists may apply in writing for the issuance of a Certificate of Nonconformity, certifying that the use or structure existed before the adoption of the section of the Land Management Code which rendered the use or structure nonconforming.

The Applicant for a Certificate of Nonconformity shall have the burden of proof.

Application for a Certificate of Nonconformity may be made to the Zoning Officer within one (1) year of the adoption of the section of the Land Management Code which rendered the use or structure nonconforming, or at any time to the Zoning Board of Adjustment.

The Pleasantville Land Management Code was adopted on the date indicated under §300-1 therein. Until such time as the Land Management Code is amended, such date shall be the Test Date for any nonconformity. Upon any amendment to the Land Management Code, the date of adoption of an ordinance amending a specific section of the Land Management Code shall become the Test Date for such section.

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I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST J. Certificate of Nonconformity Pursuant to N.J.S.A. 40:55d-68.

See §300-20, 26 & 27 for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the person completing the Checklist.

Certificate of Nonconformity is being sought for nonconforming:

(    ) Use

(    ) Building

(    ) Both

Explain in detail the present nature of the nonconformity (use additional sheets if necessary):

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List all submitted evidence supporting the claim of nonconformity (use additional sheets if necessary):

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I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST J. Certificate of Nonconformity Pursuant to N.J.S.A. 40:55d-68.

See §300-20, 26 & 27 for further details regarding submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the person completing the Checklist.

- \_\_\_\_ 1. All General Checklist Requirements in such number as indicated in Checklist A.
- \_\_\_\_ 2. Topographical Outbound Survey of the Subject Property, at a scale of not less than 1"=50', prepared by a New Jersey Licensed Land Surveyor. If Survey is dated more than 2 years prior to the date of submission of the Subject Application, an Affidavit of No Change, prepared by a New Jersey Licensed Land Surveyor, certifying that the submitted survey depicts the true existing conditions on the subject property, shall also be required. The Survey shall include the distances between the proposed building(s) and any other buildings on adjacent lots (on both sides and the rear of the Subject Property).
- \_\_\_\_ 3. Lot area expressed both in acreage and square feet, to the nearest tenth of an acre.
- \_\_\_\_ 4. **Test Date** for the portion of the Land Management Code which rendered the use or structure nonconforming.
- \_\_\_\_ 5. **Detailed narrative** supporting the lawful use of the Subject Property or the lawful existence of the nonconforming nature of the structure prior to the Test Date.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.



## PLEASANTVILLE LAND MANAGEMENT CODE

### CHECKLIST K.

#### Certificate of Redevelopment Plan Conformance Pursuant to applicable Redevelopment Plan

See §300-26, 27 & the applicable Redevelopment Plan for further details of submission requirements and procedures.

**Each page** of this Checklist must be signed and dated by the person completing the Checklist.

- \_\_\_\_ 1. All General Checklist Requirements in such number as indicated in Checklist A.
- \_\_\_\_ 2. Redevelopment Plan under which certification of conformance is requested.
- \_\_\_\_ 3. Plats, plans drawings of the proposed project at a scale specified under Checklist A., item 3.  
A. Plats, plans or drawings prepared by a New Jersey Licensed Land Surveyor, Professional Engineer, Professional Planner or Architect shall be submitted on a paper size specified under Checklist A., item 3. B. Plats or plans prepared by the Applicant may be submitted on a sheet no smaller than 11"x17".
- \_\_\_\_ 4. Topographical Outbound Survey of the Subject Property, at a scale of not less than 1"=50', prepared by a New Jersey Licensed Land Surveyor. If Survey is dated more than 2 years prior to the date of submission of the Subject Application, an Affidavit of No Change, prepared by a New Jersey Licensed Land Surveyor, certifying that the submitted survey depicts the true existing conditions on the subject property, shall also be required. The Survey shall include the distances between the proposed building(s) and any other buildings on adjacent lots (on both sides and the rear of the Subject Property).
- \_\_\_\_ 5. Lot area expressed both in acreage and square feet, to the nearest tenth of an acre, both with and without any area(s) located within any existing or proposed public rights-of-way.
- \_\_\_\_ 6. Development boundary lines (heavy solid line).
- \_\_\_\_ 7. Detailed narrative of the proposed project and relationship to all applicable requirements of the subject Redevelopment Plan.
- \_\_\_\_ 8. Where physical changes are proposed to the Subject Property:
  - \_\_\_\_ A. detailed site drawings, drawn to scale and fully dimensioned, depicting the size and location of all existing and proposed structures, signs and lighting, with height noted, and indicating if existing structures and uses will be retained or removed. All existing and proposed setbacks for structures must be delineated on the plans.
  - \_\_\_\_ B. detailed architectural and elevation drawings, drawn to scale and fully dimensioned, depicting all four (4) building elevations (labeled north, south, east and west, with street names as applicable), with colors and materials indicated on the plans. All proposed setbacks for structures must be delineated on the plans.

I, as applicant for the subject Application, acknowledge that I have read and am familiar with the procedures set forth herein for submitting and acting upon applications for Land Use Approval in the City of Pleasantville and agree to be bound by same.

