

CHAPTER XXX
SITE PLAN REVIEW

30-1 ADOPTION OF CHECKLISTS.*

30-1.1 Checklist for Preliminary and Final Site Plan Approval.**

The checklist appended hereto as Exhibit A be, and the same is hereby, adopted as the Official Checklist for Completeness for use in conjunction with applications for development seeking preliminary and final site plan approval. (Ord. No. 853 § 2)

30-1.2 Checklist for Minor Subdivision Approval.

The checklist appended hereto as Exhibit B be, and the same is hereby, adopted as the Official Checklist for Completeness for use in conjunction with applications for development seeking minor subdivision approval. (Ord. No. 858 § 3)

30-1.3 Checklist of Preliminary Major Subdivision Approval.

The checklist appended hereto as Exhibit C be, and the same is hereby, adopted as the Official Checklist for Completeness for use in conjunction with applications seeking preliminary major subdivision approval. (Ord. No. 858 § 4)

30-1.4 Checklist for Final Major Subdivision Approval.

The checklist appended hereto as Exhibit D be, and the same is hereby, adopted as the Official Checklist for Completeness for use in conjunction with applications for development seeking final major subdivision approval. (Ord. No. 858 § 5)

30-1.5 Compliance with Completeness Checklists.

In cases where the applicant seeks final major subdivision approval without first obtaining, or having obtained preliminary major subdivision approval, the applicant shall comply with the completeness requirements applicable to both preliminary and final major subdivision approvals. (Ord. No. 858 § 6)

* Editor's Note: Checklists can be found at the end of the chapter.

** History Note: Site Plan Review was Chapter 19.1 of the 1976 Code, codified from Ordinance No. 668, which was repealed by Ordinance No. 858.

30-2 PROVISIONS GOVERNING SITE PLAN APPLICATIONS.**30-2.1 Approval Required.**

Prior to excavation for, construction or issuance of any permit by the Construction Official or Zoning Officer of the City for any construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining excavation or landfill, or any use or change in the use of any building or other structure or land or extension of use of land, site plan approval for the proposed development must be obtained from the Planning Board of the City. (Ord. No. 858 § 7; Ord. No. 932 § 1)

30-2.2 Exceptions to Requirements.

a. The following developmental activities shall not require or be subject to the requirements for site plan approval:

1. Single-family and two-family (duplex) principal and accessory residential uses where such uses are permitted uses and no prior existing site plan is in effect.
2. Construction of a parking area for less than three (3) vehicles.
3. A proposed use permitted as of right under applicable zoning districts, except when the proposed use involves any type of food service, including restaurant and take-out food service, or any establishment open for the sale of alcoholic beverages.
4. A proposed use involving no change in the permitted use that is within the same zone.
5. A proposed use involving a change in use from one permitted use to another permitted use within the same zone, except when the proposed use involves any type of food service, including restaurant and take-out food service, or any establishment open for the sale of alcoholic beverages.
6. Any undertaking which involves any normal maintenance or replacement, such as a new roof, painting, new siding, or similar activity.

b. All applicants who meet one of the exemptions noted above must receive a waiver from site plan approval from the Zoning Officer. All applicants shall submit a written application for exemption to the Zoning Officer of the City of Sea Isle City for his or her review. The Zoning Officer, upon receipt of said written application, may either accept or deny the application. Any waiver granted herein is limited to the exemptions listed in subsection 30-2.2.

c. Any change in intensity, increase in floor area ratios, existing circulation, drainage, building arrangements, landscaping, buffering, lighting, trash and recyclables, fire safety, noise, creation of additional parking, will necessitate a site plan review.

d. Nothing contained herein shall be intended or is intended to permit any use to be created which is nonconforming or to permit any nonconforming structures or conditions to be expanded without first obtaining all other necessary governmental approvals, including, but not limited to variance relief.

(Ord. No. 932 § 2; Ord. No. 1111 § 1)

30-2.3 Application Procedures and Requirements.

a. Applications for site plan review shall be filed with the Planning Board pursuant to the instructions hereinafter set forth. Application shall be made upon the forms supplied by the Planning Board, which can be obtained from the Secretary of the Planning Board. All information required by the official checklist, a copy of which will be given to applicant, shall be supplied.

b. The applicant shall file with the Board an original and eighteen (18) copies of the application together with a like number of all supporting documents submitted with the application. Forms dealing with service and proof of service shall be filed in triplicate.

c. When the application and all checklist items have been completed and filed with the Secretary of the Planning Board together with the appropriate fee and a certification from the Tax Collector that taxes have been paid, and the application has been certified as complete, the applicant will be notified of the date of his hearing. At that time, the applicant will be supplied with the necessary forms and affidavits for the required notice of the property owners and others required to receive notice, pursuant to State Statute.

d. With respect to applications for preliminary major subdivision approval and variances over which the Planning Board exercises jurisdiction, the applicant shall give notice, at least ten (10) days prior to the date of the hearing, as follows:

1. Public notice shall be made by the publication, in the official newspaper of the City, of a legal advertisement, and proof of such application in the form of an affidavit to be obtained from the Secretary of the Planning Board shall be submitted to the Board as hereinafter set forth.

2. Notice shall be given to the owners of all real property, as shown in the current tax duplicate or duplicates, located in the State and within two hundred (200') feet in all directions of the property which is the subject of the hearing and whether located within or without the municipality in which applicant's land is located. This requirement is deemed to have been satisfied when condominiums or horizontal property regimes are within two hundred (200') feet of applicant's property by making service in the following manner:

(a) If the applicant's property abuts a condominium and the owner of any unit is within two hundred (200') feet of the applicant's property and the unit has a unit above or below it, by giving notice to the Condominium Association.

(b) If the applicant's property abuts a horizontal property regime and an apartment of the co-owner is within two hundred (200') feet of the applicant's property and the apartment has an apartment above or below it, by giving notice to the horizontal property regime.

(c) If the applicant is the owner of a condominium unit or co-owner of an apartment, notice will be given to all other unit owners or apartment co-owners within two hundred (200') feet of the unit or apartment owned or co-owned by the applicant.

(d) Names and addresses of such property owners located within the City may be procured by making written request to the City Clerk and payment of a fee not to exceed twenty-five (\$.25) cents per name or ten (\$10.00) dollars, whichever is greater. If there are other property owners who have land within two hundred (200') feet, but not within the City, their names and addresses must be procured from the administrative officer of the municipality within which their property is located. Such notice shall be given by:

(1) Serving a copy thereof on the owner, as shown on current tax duplicate, or his/her agent in charge of the property, or

(2) Mailing a copy thereof by certified mail to the property owner at his/her address as shown on the current tax duplicate. A return receipt is not required. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its President, Vice President, Secretary or other person authorized, by appointment or by law, to accept service on behalf of the corporation.

(e) Where a condominium association, horizontal property regime, community trust or homeowner's association own grass, landscaped areas, driveways, parking lots, recreational facilities etc., which are common elements or areas, that are within two hundred (200') feet of the property which is the subject of a hearing, notice may be made in the same manner as to a corporation, without further notice to the unit owners, co-owners, or homeowners on account of such common elements or areas.

3. Notice of all hearings on applications for development involving property located within two hundred (200') feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of the municipality, which notice shall be in addition to the notice required to be given to the owners of land in the adjoining municipality which are located within two hundred (200') feet of the subject premises.

4. Notice shall be given by personal service or certified mail to the County Planning Board of a hearing on an application for development of property adjacent to an existing County road or proposed road shown on the Official County Map or on the County Master Plan, adjoining other County land, or situate within two hundred (200') feet of a municipal boundary.

5. Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a State Highway.

6. Notice shall be given by personal service or certified mail to the Director of the Division of State and Regional Planning in the Department of Community Affairs of a hearing on an application for development of property which exceeds one hundred fifty (150) acres or five hundred (500) dwelling units. The notice shall include a copy of any maps or documents required to be on file with the City Clerk pursuant to N.J.S.A. 40:55D-10(b).

7. The applicant shall file an affidavit of proof of service with the Planning Board, as hereinafter set forth.

8. Any notice made by certified mail as hereinabove required shall be deemed complete upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14. If notice has not been given as stated above, the application cannot be heard.

e. The applicant shall file a list of property owners served and indicate the Lot and Block number of each owner served, designating the method of service on the form provided. The form shall be filled in completely and the affidavit of service shall be signed, notarized and filed with the Secretary of the Planning Board at least ten (10) days prior to the date of the scheduled hearing. To the affidavit of service shall be appended a completed form of notice, filled in as it was sent to the persons entitled to notice of the hearing. A copy of the certified list of persons to whom notice should be sent, as compiled by the appropriate administrative officer of the municipality in which the property is located, may also be attached to the affidavit of service. Where service has been made by certified or registered mail, the post office receipts must be postmarked at the time they are mailed and must be attached to the affidavit of service.

f. If the applicant does not own the property described in the application, the affidavit of ownership must be completed on the form provided and filed either with the application or with the proof of service.

g. The applicant shall file with the application eighteen (18) copies of the site plan plat; at a scale of not less than one inch equals (1" = 50') feet, that shall show all properties within two hundred (200') feet of the subject properties, together with the structures on all such properties within two hundred (200') feet and shall also include all information required in the applicable checklist provided with the application form. The site plan shall

be prepared only by those so authorized pursuant to the administrative rules and regulations of the State Board of Professional Engineers and Land Surveyors.

h. The applicant shall file, with the application, proof that no taxes or assessments for local improvements are due or delinquent on the property for which the application is made. Such proof shall be in the form of a certification from the Tax Collector.

i. No application shall be scheduled to be heard within twenty (20) days of the date on which an application is certified as complete.

j. All corporate applicants must be represented by an attorney admitted to practice law in the State of New Jersey and, where applicable, all corporations and partnerships must provide the following information:

1. A corporation or partnership applying to the Planning Board for a variance to construct a multiple dwelling of twenty-five (25) or more family units, or in connection with an application for a variance pursuant to N.J.S.A. 40:55D-70(d), or seeking permission to subdivide a parcel of land into six (6) or more lots, or for approval of a site plan to be used for commercial purposes, shall file a list of the names and addresses of all stockholders or individual partners owning at least ten (10%) percent of its stock of any class or at least ten (10%) percent of the interest in the partnership, as the case may be. The list shall be filed with the Board along with the original application.

2. If a corporation or partnership owns ten (10%) percent or greater interest in the partnership which is subject to the disclosure requirements of subparagraph 1. above, that corporation or partnership shall file a list of names and addresses of its stockholders holding ten (10%) percent or more of its stock or of ten (10%) percent or greater interest in the partnership as the case may be, and this requirement shall be followed by every corporate stockholder or partner in the partnership until the names and addresses of the non-corporate stockholders and individual partners, exceeding the ten (10%) percent ownership criteria established by this requirement, have been listed.

3. Should a corporate or partnership applicant fail to comply with subparagraphs 1. and 2. above, the Planning Board shall not approve the application. Other applicants may proceed either with or without an attorney.

k. The case of the applicant will be ready for hearing when the applicant has completed all of the following steps pursuant to these instructions:

1. Original and eighteen (18) copies of the application form.
2. Certification of Tax Collector that taxes have been paid.
3. Eighteen (18) copies of the required plot plan.

4. Affidavit of ownership where applicable.
5. Affidavit of service, form of notice, list of property owners served, together with Post Office receipts where service is made by certified or registered mail, and proof of publication of the legal advertisement placed in the official newspaper of the municipality.
6. Septic systems permit, if applied for and received.
7. Supply a list of all additional required permits from any municipal, County, State or Federal agency.

1. No application requiring public notice shall be tabled without the applicant first notifying all parties previously notified at least seventy-two (72) hours prior to the then scheduled hearing. If such notice is not given, the Board may dismiss the application, take testimony from parties not receiving notice of the tabling, or such other action as it deems appropriate at its sole discretion. No application will be tabled after ninety (90) days have elapsed from the date of the application.

(Ord. No. 858 § 2)

30-2.4 Site Plan Requirements.

The site plan submitted by applicant shall include and comply with the following requirements:

- a. Give title and location of development and the name and address of record and/or development applicant, and site planner preparing the site development plan.
- b. Indicate proposed use or uses of the land and buildings.
- c. Site plans should be presented at a scale no smaller than one inch equals fifty (1" = 50') feet nor larger than one inch equals twenty (1" = 20') feet; size of sheets should not exceed thirty-six inches by twenty-four (36" x 24") inches.
- d. Scale and graphic scale.
- e. North arrow in same direction on all sheets.
- f. Submit survey of the property prepared by a licensed surveyor of New Jersey showing boundaries of properties, line of all existing streets and roads, easements, rights-of-way and areas dedicated to public use within two hundred (200') feet of the development. Also indicated on this sheet will be the north arrow, scale feet and graphic scale, name and address and professional license number and seal of the surveyor who prepared the survey.
- g. Give names of all owners of record of all adjacent properties with Lot and Block number, parcel number, tax map number, within two hundred (200') feet of the property.

h. Show existing and proposed buildings with dimensions showing, with first elevation, present and finished grade elevations at all corners and entrances. Present buildings and structures to be removed are to be indicated.

i. Submit topographic map to delineate existing contours at one (1') foot intervals up to ten (10') feet beyond property lines as well as proposed grading and contours, wooded areas, trees where six (6") inches or greater in diameter], flood plains, ponds, streams and drainage ditches, etc.

j. Indicate the location of all existing and proposed structures, i.e., walls, fences, culverts, bridges, roadways, etc., with grade elevations for each structure.

k. Indicate existing zones of the development site and of zones within two hundred (200') feet of the property.

l. Show all existing schools and special district boundaries within two hundred (200') feet of the property. This should be shown on a separate map on the site plan map itself.

m. Indicate the distance of the property line (measured along the center line of existing streets abutting property) to the nearest intersection which should be shown.

n. Show the boundaries of the property, building and setback lines and lines of existing streets dedicated to public use.

o. Indicate locations of all utility structures and lines, existing and proposed stormwater drainage on site and off site and from buildings and structures as well as telephone, power and light, water hydrant locations, sewer, gas, etc., whether privately or publicly owned, with manholes, inlets, pipe sizes, grades inverts and directions of flow.

p. Show location, size and nature of the entire lot or lots in question, of contiguous lots owned by the applicant or owner of record, or in which the applicant has a direct interest even though a portion of the entire property is involved in site plan development. Provide on a key map, if necessary.

q. Show all proposed easements and public and community areas.

r. Indicate all means of vehicular ingress and egress to and from the site onto public streets, showing the size and location of driveways, curb cuts and curbing and site lines.

s. Show location and design of off-street parking areas, showing their size and the location of internal circulation, traffic patterns, parking space, aisles, driveways, curbing, barriers and wearing surface finishes and construction.

t. Show location, arrangement and dimensions of truck loading and unloading platforms and docks.

u. Indicate provisions for refuse and garbage disposal. Insure that such areas are not exposed to view, are unpolluting, covered from weather and are secure from vandalism. Incineration or burning units will be of such design and construction as to be approvable by the State Department of Health and Environmental Protection. Compactor units will ensure completely sealed operation. Open dump areas for garbage or refuse should be prohibited but where they are deemed necessary they must be enclosed and constructed with views to sight, fire protection, sanitation and security.

v. Show provisions for screening or storage of equipment attached or separate from buildings.

w. Indicate all existing or proposed exterior lighting (freestanding and/or on building) for size, nature of construction, lumens, heights, area and direction of illumination, foot-candles produced as well as time controls proposed for outdoor lighting and display.

x. Note all existing and proposed signs and their sizes, nature of construction and locations, height and orientation including all identification signs, traffic and directional signs and arrows, freestanding and facade signs and time control for sign lighting.

y. Indicate locations, dimensions and construction of off-site sidewalks, on-site exits, walks and sidewalks. Provision should be made for pedestrian safety, access ways and, where necessary, a bicycle system and racking.

z. Show proposed screening of green areas and landscaping and fencing including a planting plan and schedule and trees off-site and along road etc. Provision should be made for maintenance.

aa. Show improvements to adjoining streets and roads and traffic control devices necessary in streets or highways. Acceleration and deceleration lanes, paving, land dedication or acquisition for roads should be considered.

bb. Copies of any covenants and deed restrictions intended to cover any of the development site should be submitted.

cc. A detailed written description, sketch, rendering or picture of any new buildings or structures should be presented.

dd. Preliminary architectural floor plans and elevations should be submitted with the name, address, professional number and seal of the architect.

ee. Supply appropriate places for signature and date of approval of the Chairman and Secretary of the Planning Board and its engineer.

ff. In fire prevention, consideration must be shown for service lines, hydrants, Siamese connections, automatic sprinkler system, fire zones, "no parking fire zones" and pavement and wall signs.

- gg. Flood zone and based flood elevation.
 - hh. Final lot grading plan.
 - ii. Show house numbers for each building lot on the final site plan plot only.
 - jj. Certificate from Tax Collector that all taxes have been paid to date.
- (Ord. No. 858 § 2)

30-2.5 Initial Planning Board Action; Preliminary Approval.

The Planning Board shall take action on the site plan at a public meeting of the Planning Board as follows:

a. If the application is for approval of a site plan of ten (10) acres of land or less, the Planning Board shall grant or deny preliminary approval within forty-five (45) days of the date the application is certified as complete or within such further time as may be consented to by the applicant.

b. If the application is for approval of a site plan of more than ten (10) acres of land, the Planning Board shall grant or deny preliminary approval within ninety-five (95) days of the date the application is certified as complete or within such further time as may be consented to by the applicant.

c. Failure of the Planning Board to act within the period prescribed shall constitute preliminary site plan approval.
(Ord. No. 858 § 2)

30-2.6 Approval Subject to Conditions.

Whenever the Planning Board shall grant approval subject to conditions, a notation shall be made on the plat indicating that "The approval of the site plan is subject to conditions as set forth in the minutes of the Planning Board." (Ord. No. 858 § 2)

30-2.7 Recommendations of County Planning Board.

In all cases the recommendation of the Cape May County Planning Board shall be given careful consideration in the final decision of the Planning Board. If the County Planning Board has approval authority, its action shall be noted on the plat and, if disapproved, two (2) copies of the reasons for disapproval shall be returned with the plat. If either the City Planning Board or County Planning Board disapproves a plat, the reasons for disapproval shall be remedied prior to further consideration. If approval is required by any other officer or public body, the same procedure as applies to submission to and approval by the County Planning Board shall apply. (Ord. No. 858 § 2)

30-2.8 Effect of Preliminary Approval.

Preliminary approval of a site plan shall have the same effect upon the applicant as set forth in the New Jersey Municipal Land Use Law. The applicant shall submit funds for engineering and planning review if necessary. (Ord. No. 858 § 2)

30-2.9 Grant of Preliminary Approval; Standards and Regulations.

The approval of the site plan shall be granted by the Planning Board upon its determination that the site plan complies with all ordinances cited hereinabove, including the Zoning Ordinances of the City and all other official maps such as the Zoning Map, the plan proposed right-of-way widths or others as may be in existence at the time of the application and with the following standards and regulations:

- a. The applicant shall submit a site plan containing all of the information provided for in this chapter.
- b. The details of the site plan shall be in accordance with the construction standards of the City.
- c. All parking and traffic problems shall be kept at a minimum.
- d. Soil and subsoil conditions shall be suitable for excavation and site preparation.
- e. The topography of the site and its drainage shall be suitable for the proposed development and designed to prevent flooding and erosion.
- f. Natural features, such as lakes, streams, sand dunes, topsoil, trees and shrubs, shall be preserved and incorporated into the final landscaping.
- g. Skillful treatment of vegetation in the development of sites shall be required.
- h. Trees and shrubs shall be suitable for the coastal environment and shall be designated as approved by the Environmental Commission if appropriate.
- i. Seeding, sodding or other planting shall be applied to stabilize topsoil and enhance the appearance of open areas when not wooded or naturally covered.
- j. Adequate provisions shall be made to prevent any drainage problems and, where adequate surface drainage is not possible or advisable, a supplementary drainage system conforming to City standards and approved by the City Engineer will be required.
- k. A landscaped buffer strip shall be established along lot lines which abut a residential district as designated on the Zoning Map.
- l. All parking areas and access drives shall be constructed of a six (6") inch gravel base course, Soil Aggregate I-5 and a two (2") inch surface course of FABC-1, Mix I-5 and drained in accordance with City specifications.

m. A maximum of two (2) drives shall be permitted to provide access to parking areas for each one hundred fifty (150') feet of street frontage for all uses other than single family and two-family residential, except that no such driveway shall be located closer than one hundred (100') feet to the intersection of any street intersection.

n. Such drive openings shall be at least twenty-four (24') feet but not more than thirty-four (34') feet in width as per paragraph m. hereinabove.

o. There shall be acceleration and deceleration lanes on arterial roads as may be required by the Planning Board.

p. Parking lots shall be suitably landscaped both within the lot and around the perimeter to enhance the appearance of the total site. Trees shall be provided within the parking lots as well as landscape areas and dividers in order to accomplish this objective. At least one (1) tree may be required within the parking lot for each twenty (20) parking spaces approved by the Planning Board after concurrence with the Environmental Commission as to locations and species.

q. Topsoil shall not be removed from the site during construction but shall be stored and redistributed to areas most exposed to view by occupants and the public and such areas shall be seeded or planted.

r. Other standards and conditions pertaining to curbing, driveways, parking areas, pedestrian walks, landscaping and planting not otherwise specified herein may be attached as conditions by the Planning Board.

s. Reasonable screening at all seasons of the year of all playgrounds and parking and service areas from the view of adjacent properties and streets, including any company office or individual office, shall be provided where necessary for the purpose of protecting the health, safety, general welfare, comfort and convenience of the public.

t. The location, intensity, power, direction and time of any outdoor lighting shall not have an adverse effect upon any properties in adjoining residential districts by impairing the established character of potential use of properties in such districts.

u. The proposed construction submitted for site plan approval must be completed in all respects as provided for hereinabove within two (2) years from the date of final approval of the site plan by the Planning Board or such time as may be extended by the Planning Board pursuant to the provisions of the New Jersey Municipal Land Use Law. Failure of the applicant to complete construction within such period will nullify and void the site approval heretofore granted for the premises as if no site approval had ever been granted for the plans, and the applicant will be in violation of this chapter if any construction or excavation is undertaken or continued after the expiration of the two (2) year period from the date of approval.

v. Fire hydrant size, type and locations shall be reviewed by the Fire Department and/or the Department of Public Works and Safety.

w. Parking in any congested areas shall be subject to review and regulation by the Fire Department and/or Department of Safety.

x. All plans shall be submitted for review to the Fire Department, Departments of Public Works and Safety for a recommendation in writing to the Planning Board for consideration and incorporation in the final approval.

y. All areas not covered by driveways, pedestrian walkways or parking areas shall be landscaped. The following minimum standards shall apply:

1. Trees. One (1) per dwelling unit and/or two (2) per one thousand (1,000) square feet of gross floor area for business, commercial and industrial uses, with a minimum of two (2) trees for residential uses and four (4) trees for all other uses.

2. Buffers. Business, commercial and industrial uses: perimeter buffer of five (5') feet. Five (5') foot buffers shall consist of evergreen trees of four (4') feet minimum height at planting placed six (6') feet apart with smaller evergreens or deciduous plant material between. Within ten (10') feet of property corners, evergreens of not more than three (3') feet in height shall be used.

3. Fences or walls shall be permitted provided:

(a) All perimeter fences and walls shall be placed within four (4') feet of the property lines and shall be consistent in size, texture and design and shall be constructed by the developer.

(b) No fence or wall shall be more than five (5') feet from grade, excepting fences immediately around swimming pools which must be (6') feet. Fences within twenty (20') feet of the street line shall not be more than four (4') feet from grade.

All landscaping and fencing will be replaced as required as a part of the common open space maintenance program.

(Ord. No. 858 § 2)

30-2.10 Grant of Final Approval.

a. The Planning Board shall grant final approval if the detailed drawings, specifications and estimates for the application for final approval conform to the standards established by this chapter and the conditions of preliminary approval.

b. Final approval shall be granted or denied within forty-five (45) days of the date the application is deemed as complete or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall

constitute final approval, and a certificate of the Secretary as to the failure of the Planning Board to act shall be issued on request of the applicant and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required.

1. Whenever review or approval of the application by the County Planning Board is required, the City Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or by its failure to report thereon within the required time period.

2. Whenever the Planning Board shall grant approval subject to conditions, a notation shall be made on the plat indicating the "The approval of the site plan is subject to conditions as set forth in the minutes of the Planning Board."

(Ord. No. 858 § 2)

30-2.11 Site Plan Requirements; Final Approval.

Final site plan approval shall be in accordance with the criteria set forth in this chapter with respect to preliminary site plans and shall set forth those conditions and requirements imposed by the Planning Board at the time of preliminary approval. The applicant shall submit a final site plan review fee. (Ord. No. 858 § 2)

30-2.12 Performance Bond.

The posting of performance bonds which shall be third party surety bonds, the form of which shall be approved by the City Attorney, in the amount of the estimated cost of improvements pursuant to the terms of this chapter shall be required by the Planning Board. (Ord. No. 858 § 2)

30-2.13 Fees.

At the time of submission of the preliminary and final site plan, the applicant shall pay a fee to be established by the Governing Body and shall deposit the review funds required by the fee schedule of this Code. Prior to commencement of construction and/or prior to the granting of final approval, the applicant shall deposit in escrow the professional inspection funds required by the fee schedule in Chapter XXVII. (Ord. No. 858 § 2; Ord. No. 1431 § CXXXIX)

30-2.14 Minor Site Plan Requirements.

Minor site plan review may be applied for if the application review subcommittee of the Planning Board determines that the proposed development will not adversely affect or substantially alter existing circulation, drainage, building arrangements, landscaping, buffering, lighting, driveways, sidewalks, curbs, loading areas, parking and pedestrian access, and similar conditions; and where the Board also determines that the size of any proposed expansion does not exceed twenty-five (25%) percent of the square footage of

the existing structure or structures on site. In order to qualify for minor site plan review, all of these criteria must be deemed to have been met in the sole and exclusive judgment of the application review subcommittee. Where the subcommittee has determined that minor site plan review is appropriate, the applicant shall submit, in lieu of the details required for major site plan review, the following:

- a. 1. Three (3) current copies of a survey of the site, dated within five (5) years of the submission of the application, and eleven (11) copies of a drawing showing the location of all existing buildings and entrances including height and dimension of buildings. The drawings prepared by an applicant or a representative shall include a notarized affidavit by the applicant certifying that the drawing reflects existing conditions. The current use of the site, present zoning, and present bulk requirements must all be indicated on the drawing.
 2. At least four (4) photographs, showing the front, rear and sides of the site.
 - b. The drawing must show all existing driveways, sidewalks, curbs, loading areas, parking, and pedestrian access, including dimensions; and the number of parking spaces required for the current use must be so noted.
 - c. The drawings must show all existing fences, signs, lights, landscape buffering, and trash disposal facilities, including dimensions.
 - d. Proposed changes and additions must be shown on the drawing and the proposed use must be noted on the drawing.
 - e. Other than the substitution of these submission requirements for the submission requirements otherwise required for major site plan review, all other procedural requirements of the major site plan review process shall apply to the minor site plan review process.
- (Ord. No. 932 § 3; Ord. No. 1178 § I)

30-3 ENFORCEMENT; PENALTY FOR VIOLATIONS.

30-3.1 Enforcement.

The Construction Official shall enforce this chapter. In case any building or structure is re-erected, constructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this chapter, the Construction Official or an interested party, in addition to other remedies, may institute an appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use so as to restrain, correct or abate the violation, to prevent the occupancy of the building, structure or land, or to prevent any illegal act, conduct, business of use in or about the premises. (Ord. No. 1075 § 1)

30-3.2 Penalty.

Any violation of this chapter shall, upon conviction subject the individual violating the same to the penalty stated in Chapter I, Section 1-5. (Ord. No. 1075 § 1)