



Development Application Review Procedures

## **801 RESERVED**

*Note: Former Section 801 Jurisdiction of Responsibility During Development Application Review was repealed by Ordinance 946-12.*

## **802 APPLICATION OF REQUIREMENTS**

### **A. Subdivision Review**

All subdivisions, as defined in Chapter 200, are subject to the review procedures specified herein.

### **B. Site Plan Review**

No construction permit shall be issued for any new structure or parking lot designed for four (4) or more vehicles, or for an addition to an existing structure or parking lot, and no Certificate of Occupancy shall be issued for any change of use of an existing structure until the site plan has been reviewed and approved by the appropriate municipal agency except that:

1. A construction permit for a single-family detached dwelling unit or a two-family dwelling unit, except for the development of two (2) or more two-family or semi-detached dwelling units on contiguous lots, and/or their accessory building(s) on a lot, shall not require site plan approval; except that the use of any existing or proposed principal or accessory building for a "home occupation" as defined and permitted by this Ordinance shall require minor site plan approval prior to the issuance of a construction permit or certificate of occupancy . The foregoing shall in no way affect the responsibility of an applicant to submit the necessary information and receive the necessary approvals as may be required pursuant to other Ordinances.
2. Any change of use from one (1) permitted category of non-residential use to another permitted category of non-residential use shall not require site plan approval if:
  - a. Both the Construction Official and Zoning Officer stipulate to the Board that the existing site development meets the requirements of this Ordinance for the new use category.
  - b. The new use category does not require an increase in the number of required parking spaces.

3. Any addition or alteration, which is less than 500 sq. ft. to an existing conforming non-residential structure and which does not account for more than 25% additional building coverage shall not require site plan approval if in the opinion of the Zoning Official and the Construction Official such addition or alteration will not create a nuisance problem to adjacent land uses and the addition or alteration does not require an increase in the number of parking spaces; provided however, that such approval may only be granted once per property.
4. A construction permit for a structure on property owned by the municipality shall not require site plan approval.

All site plan applications for the development, conversion, expansion, or use of condominiums shall include a detailed floor plan of the entire structure on one (1) twenty-four inch by thirty-six inch (24" x 36") Mylar transparency for tax mapping purposes. Requirements of electronic submittal can also be found in this Chapter.

An applicant may elect to file for preliminary and final site plan approval simultaneously to expedite the review process. The site plan shall be prepared according to the requirements stipulated for final approval. Developers electing to by-pass the preliminary approval stage are doing so at the peril of added expense if changes in design are required.

#### C. Variance Relief

All applications for variance relief to the Board not involving any related site plan, subdivision or conditional use approval shall be filed at least three (3) weeks prior to the meeting. The filing shall include copies of any maps and related material; completed copies of the appropriate application form(s), which includes the checklist for variances pursuant to N.J.S.A. 40:55D-10.3 attached to this Ordinance; and the fee in accordance with Chapter 900 of this Ordinance. The Board shall act upon the application as stipulated by law.

#### D. Informal Review by the Planning Board

1. At the request of a developer, the Planning Board shall grant one (1) informal review of a concept plan for a development for which the developer intends to prepare and submit an application for development.
2. The developer shall submit a fee for such an informal review; however, no professional review(s) will be undertaken unless the developer agrees to full payment of designated Professionals' fees by executed escrow agreement for said review(s) in accordance with Chapter 900 of this Ordinance.

3. The developer shall not be bound by any concept plan for which review is requested, and the Planning Board shall not be bound by any such review.
4. A developer desiring to have a concept plan informally reviewed by the Planning Board shall so notify the Planning Board secretary at least three (3) weeks prior to the meeting of the Planning Board. The Planning Board secretary shall thereafter notify the developer of the time and place which has been scheduled by the Planning Board for the informal review.

### **803 SUBMISSION OF MINOR SUBDIVISION PLATS & MINOR SITE PLANS**

#### **A. Procedure for Submitting Minor Subdivision Plats & Minor Site Plans**

The applicant shall submit to the Planning Board Secretary at least five (5) weeks prior to the meeting:

1. 20 copies of the minor plat or plan.
2. 20 copies of the appropriate application(s), which includes the checklist(s) pursuant to N.J.S.A. 40:55D-10.3 and made part of this Ordinance herein.
3. An application fee in accordance with Chapter 900 of this Ordinance.
4. An escrow fee in accordance with Chapter 900 of this Ordinance.

The application shall contain an acknowledgement signed by the applicant stating that the applicant is familiar with the entire review procedure set forth herein for submitting and acting upon minor subdivision plats and minor site plans, and agrees to be bound by it. The Planning Board Secretary shall process the application and shall issue 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 for processing in conjunction with the application.

#### **B. Details Required for Minor Subdivision Plats & Minor Site Plans**

Each minor subdivision plat or minor site plan shall be drawn by a Professional Engineer and/or Land Surveyor licensed to practice in the State of New Jersey and shall bear the signature, seal, license number and telephone number of the said Professional Engineer and/or Land Surveyor; provided, however, that all engineering data shall be signed and sealed by a professional engineer and all surveying data shall be signed and sealed by a professional land surveyor.

Each submission shall be drawn at an appropriate scale not less than 1" equals 20' and shall be submitted on one of four of the following standard sheet sizes (8 1/2" x 13"; 15" x 21"; 24" x 36"; or 30" x 42").

Each minor plat or plan shall show the following information, as such information is applicable to the minor subdivision or minor site plan submission:

1. A key map showing the entire tract and its relation to the surrounding area at a scale of one inch equals not more than 1,000 feet.
2. Title block in accordance with the rules governing title blocks for Professional Engineers (N.J.S.A. 45:8-36), including:
  - a. Name of subdivision or development, City of Wildwood and Cape May County.
  - b. Name, title, address and telephone number of applicant or developer.
  - c. Name, title, address and license number of the professional or professionals who prepared the plat or plan.
  - d. Name, title and address of the owner or owners of record.
  - e. Scale.
  - f. Date of original preparation and of each subsequent revision thereof and a list of the specific revisions entered on each sheet.
3. Acreage figures (both with and without areas within public rights-of-way) and north arrow.
4. Approval signature lines for Chairman, Secretary, and City Engineer.
5. Existing block and lot number(s) of the lot(s) to be subdivided or developed as they appear on the City Tax Map.
6. Subdivision or development boundary line (heavy solid line).
7. The location of existing and proposed property lines (with bearings and distances), streets, structures (with their numerical dimensions and an indication as to whether existing structures will be retained or removed), parking spaces, loading areas, driveways, watercourses, railroads, bridges, culverts,

drain pipes, any natural features such as wetlands and treed areas, both within the tract and within 100' of its boundary.

8. The location and width of all existing and proposed utility easements, the use(s) for which they are intended to be limited, and the manner in which the easements will be controlled.
9. Zoning districts affecting the tract, including district names and requirements, and a comparison to the application.
10. Proposed buffer and landscaped areas.
11. Delineation of flood plains, including both floodway and flood fringe areas.
12. Contours as shown on the U.S.G.S. topographic sheets.
13. Marshes, ponds and lands subject to flooding within the tract and within 100' thereof.
14. The name of all adjacent property owners within 200' as they appear on the most recent tax list prepared by the City Tax Assessor.
15. Certificate from the City Tax Collector that all taxes and assessments are paid to date.
16. Concerning minor subdivisions only, existing and proposed monuments.
17. No minor subdivision or minor site plan involving any street(s) additional right-of-way width as specified in the Master Plan or Official Map and the street requirements of this Ordinance shall be approved unless such additional right-of-way, either along one (1) or both sides of said streets, as applicable, shall be granted to the City or other appropriate governmental agency.
18. Plans of proposed improvements and utility layouts including sewers, storm drains and water lines, and feasible connections to gas, telephone and electrical utility systems. If private utilities are proposed, they shall comply fully with all City, County, State and Federal regulations. If service will be provided by an existing utility company, in lieu of detailed plans, a letter from that company stating that service will be available before occupancy will be sufficient. Additionally, letters from the appropriate County and State agencies granting approval for the extension of utility service(s) under their respective jurisdiction shall be submitted with the application.

19.No minor subdivision or minor site plan involving any corner lot shall be approved unless a sight triangle easement shall be granted as specified in this Ordinance.

20.Deed descriptions including metes and bounds, easements, covenants, restrictions and roadway and sight triangle dedications shall be submitted for approval and required signatures prior to granting Final Approval by either the Planning or Zoning Board, as well as submittal of any necessary performance bonds, prior to any filing with the County Recording Officer, as required by law.

C. Action by the City

1. The Planning Board secretary shall review the aforesaid application for the purpose of determining, within 45 days of its submission, whether said application is complete. Thereafter:
  - a. If said application is found to contain all of the information required by Section 803(B) herein, the Planning Board secretary upon consultation with the City Engineer, shall certify that said application is complete, and direct the application to the appropriate Board.
  - b. If said application is found to lack some of the information required by Section 803(B) herein, the Planning Board secretary 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 Planning Board secretary reasonably concludes that the missing items of information are not necessary for it to make an informed decision on the application, the Planning Board secretary 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.
  - c. An applicant who has been notified that his application is incomplete may request waiver of one or more of the submission requirements set forth in Section 803(B) herein, and said Planning Board or Zoning Board of Adjustment, as the case may be, within 45 days.
  - d. In the event the City fails to act within 45 days of the date of submission of the application, said application shall be deemed complete as of the 46th day following its submission.

2. On the date the aforesaid application is certified complete, or on the 46th day following the submission of the application, in the event the City fails to make a determination of completeness, as the case may be, the applicable time period within which the Board must act upon the application shall commence. In any case, the applicant is obliged to prove that he/she is entitled to approval of the application. The Board may subsequently require correction of any information found to be in error, may require submission of additional information not specified in this Ordinance, and/or may require 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 additional information or revisions.
3. Promptly after certification of completeness, the application documents shall be distributed by the Administrative Office to the following:
  - a. The Planning Board or the Zoning Board of Adjustment, as the case may be, (nine [9] copies of the minor plat or plan and nine [9] copies of the application).
  - b. Cape May County Planning Board (one [1] copy each of the minor plat or plan and the application).
  - c. Planning Board Attorney (one [1] copy each of the minor plat or plan and the application).
  - d. City Planner (one [1] copy each of the minor plat or plan and the application).
  - e. City Engineer (one [1] copy each of the minor plat or plan and the application).
  - f. Zoning Official (one [1] copy each of the minor plat or plan).
  - g. City Clerk (one [1] copy each of the minor plat or plan and the application for the City's files).
  - h. At the direction of the Planning Board or the Zoning Board of Adjustment, as the case may be, additional copies of the minor plat or plan shall be sent to other City, County or State agencies. The applicant shall be responsible to comply with all noticing requirement to these additional agencies as directed by this Ordinance.

4. The Board shall take action on minor subdivision and/or minor site plan applications within 45 days after the application has been certified complete by the Board or within such further time as may be consented to by the applicant. Failure of the Board to act within the prescribed time period shall constitute approval of the application.
5. Any designated subdivision committee or site plan committee, as the case may be, shall read any written report submitted concerning the application and shall review the submission to ascertain its conformity with the requirements of this Ordinance. The subdivision committee or site plan committee, as the case may be, shall offer its recommendations to the Board.
6. Any proposed application for development determined by the Board to be creating, imposing, aggravating or leading to the possibility of an adverse effect upon either the property in question or upon any adjacent properties, may be required to be revised to remove any adverse effect(s) prior to further review or approval by the Board, or, where the remaining portion of the original tract is sufficient to be subdivided or developed further, the applicant may be required to submit a sketch of the entire remaining portion of the tract to indicate a feasible plan whereby the applied for subdivision or development, together with subsequent subdivision(s) or development(s), may be submitted that will not create, impose, aggravate or lead to any adverse effect.
7. All hearings held on applications for minor site plan approval shall require public notice of the hearing. The Board shall set the date, time and place for the public hearing and shall inform the applicant of this at least 14 days prior to said hearing date. Notice of the hearing shall be given by the applicant at least ten (10) days prior to the date of the hearing (see this Chapter and Chapter 300).
8. When a minor subdivision or minor site plan is approved by the Board, a notation to that effect, including the date of approval, shall be made on a master copy. At least ten (10) prints of the plat or plan and any related deed descriptions to be filed with the County Recording Officer shall be approved and signed by the City Engineer and the Chairman and Secretary of the Board (or the Acting Chairman or Secretary where either or both may be absent). No further approval of the application shall be required and the Secretary of the Board, within ten (10) days of the date of approval, shall notify the applicant of the Board's action. Additionally, the Secretary of the Board shall forward the applicant a copy of the approval resolution, adopted in accordance with this Chapter, within ten (10) days of its adoption by the Board.
9. When a minor subdivision or minor site plan is disapproved by the Board, the Secretary of the Board, within ten (10) days of such action, shall notify the

applicant of such disapproval. Additionally, the Secretary of the Board shall forward the applicant a copy of the disapproval resolution, adopted in accordance with this Section, within ten (10) days of its adoption by the Board, setting forth the reasons for the disapproval.

10. Within 190 days from the date of approval by the Board of a minor subdivision, a plat map drawn in compliance with the Map Filing Act, P. L. 190 c. 141 (C.46:29-9.9 et seq.) or deed description, properly drafted and signed by the Chairman and Secretary of the Board (or the Acting Chairman or Secretary where either or both may be absent), shall be filed by the subdivider with the County Recording Officer. Unless filed within 190 days, the approval shall expire and will require Board approval as in the first instance. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of two (2) years after the date of minor subdivision approval by the Board, provided that the approved minor subdivision shall have been duly recorded.
11. Before the Secretary of the Board returns any approved minor subdivision or minor site plan to the applicant, the applicant shall provide additional copies of the plat or plan as may be necessary in order to furnish copies to each of the following:
  - a. City Clerk.
  - b. City Engineer (in the case of subdivisions only, a map of the plat drawn to the tax map scale of 1" = 100' or 1" = 400', as directed by the City Engineer).
  - c. Zoning Official.
  - d. City Tax Assessor.
  - e. City Board of Health.
  - f. Such other City, County or State agencies and officials as directed by the Board.

#### **804 SUBMISSION OF PRELIMINARY MAJOR SUBDIVISION PLATS & PRELIMINARY MAJOR SITE PLANS**

- A. Procedure for Submitting Preliminary Major Subdivision Plats and Preliminary Major Site Plans

The applicant shall submit to the Planning Board secretary at least five (5) weeks prior to the meeting:

1. 20 copies of the preliminary plat or preliminary plan. One such copy shall be in electronic format (Auto-CAD or equivalent) on CD-ROM. The CDROM shall be labeled accordingly to identify the contents.
2. 20 completed copies of the appropriate applications which includes the checklist(s) pursuant to N.J.S.A. 40:55D-10.3 attached to this Ordinance.
3. 20 copies of any protective covenants or deed restrictions applying to the land being subdivided or developed.
4. An application fee in accordance with Chapter 900 of this Ordinance.
5. An escrow fee in accordance with Chapter 900 of this Ordinance.

The application shall contain an acknowledgment signed by the applicant, stating that the applicant is familiar with the procedure set forth herein for submitting and acting upon preliminary major subdivision plats and preliminary major site plans, and agrees to be bound by it. The Planning Board secretary shall process the application and shall issue 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.

**B. Details Required for Preliminary Major Subdivision Plats and Preliminary Major Site Plans**

Each preliminary plat or preliminary plan shall be drawn by a professional engineer and/or land surveyor licensed to practice in the State of New Jersey and shall bear the signature, seal, license number and telephone number of the said professional engineer and/or land surveyor; provided, however, that all engineering data shall be signed and sealed by a professional engineer and all surveying data shall be signed and sealed by a professional land surveyor.

Each submission shall be drawn at an appropriate scale not less than 1" equals 100' and shall be submitted on one of four of the following standard sheet sizes (84" x 13"; 15" x 21"; 24" x 36"; 30" x 42").

Each preliminary plat or plan shall show the following information, as appropriate to a subdivision plat or site plan, unless the municipal agency determines and so notifies

the applicant that such information either is unnecessary or inapplicable to the particular subdivision or development plan:

1. A key map showing the entire tract and its relation to the surrounding areas, at a scale of one inch equals not more than 1,000 feet.
2. Title block in accordance with the rules governing title blocks for professional engineers (N.J.S.A. 45:8-36), including:
  - a. Name of subdivision or development. City of Wildwood, Cape May County.
  - b. Name, title, address and telephone number of applicant or developer.
  - c. Name, title, address and license number of the professional or professionals who prepared the plat or plan.
  - d. Name, title and address of the owner or owners of record.
  - e. Scale (written and graphic).
  - f. Date of original preparation and of each subsequent revision thereof and a list of the specific revisions entered on each sheet.
3. North arrow.
4. Certification that the applicant is the owner of the land or his properly authorized agent, or that the owner has given his consent under an option, agreement.
5. Approval signature lines for Chairman, Secretary, and City Engineer.
6. Acreage to the nearest tenth of an acre and a computation of the area of the tract to be disturbed.
7. The names and lot and block numbers of all property owners within 200' of the extreme limits of the tract as shown on the most recent tax list prepared by the City Tax Assessor.
8. Existing tax sheet number(s) and existing block and lot number(s) of the lot(s) to be subdivided or developed as they appear on the City Tax Map, and proposed block and lot numbers as provided by the City Tax Assessor upon written request.

9. Tract boundary line (heavy solid line) .
10. Zoning districts, including district names and requirements, and a comparison to the application.
11. The location of natural features such as wetlands and treed areas, both within the tract and within 100' of its boundaries.
12. The proposed location of all proposed plantings shall be indicated and a legend provided listing the botanical and common names, the sizes at the time of planting, the total quantity of each plant, and the location of each plant keyed to the plan or plat.
13. All existing and proposed water courses shall be shown and accompanied by the following information:
  - a. When a stream is proposed for alteration, improvement or relocation or where a drainage structure or fill is proposed over, under, in or along a running stream, a report on the status of review by the NJDEP, shall accompany the submission.
  - b. Cross-sections of water courses and/or drainage swales at an approximate scale showing the extent of the flood plain, top of bank, normal water levels and bottom elevations at the locations required by the City Engineer.
  - c. The location and extent of drainage and conservation easements and stream encroachment lines.
  - d. The location and type of adequate drainage provisions to reasonably reduce and minimize exposure to flood damage.
14. Existing and proposed contours as shown on the U.S.G.S. topographic sheets. Existing contours shall be shown as a dashed line; finished grades shall be shown as a solid line.
15. Proposals for soil erosion & sediment control as required by N.J.S.A.4:24-39 et seq.
16. Locations of all existing structures showing existing and proposed front, rear and side yard setback distances, an indication of whether the existing structures and uses will be retained or removed, both within the tract and within 100' of its boundary.

17. Size, height and location of all proposed buildings, structures, signs and lighting facilities.
18. All dimensions necessary to confirm conformity to the Ordinance such as the size of the tract and any proposed lot(s), structure setbacks, structure heights, yards and floor area ratios. All tract and lot sizes shall be expressed in acres and square feet and shall include bearings and distances.
19. The proposed location, direction of illumination, power and type of proposed outdoor lighting including details of lighting poles and luminaries.
20. The proposed screening, buffering and landscaping, including a landscaping plan and method of in-ground or drip hose irrigation.
21. The location and design of any off-street parking area, showing size and location of bays, aisles and barriers, curbing and paving specifications.
22. All means of vehicular access and egress to and from the site onto public streets, showing the site and the location of driveways and curb cuts, including the possible utilization of traffic signals, channelization, acceleration and deceleration lanes, sight triangle easements, additional width and other proposed devices necessary to prevent a difficult traffic situation.
23. The application shall include plans and computations for any storm drainage system including the following as may be required by the City Engineer:
  - a. All existing or proposed storm sewer lines within or adjacent to the tract showing size and slope of the lines, direction of flow and the location of each catch basin, inlet, manhole, culvert and headwall.
  - b. A map drawn to scale (minimum scale 1" = 100') showing the contributing area to each inlet or cross drain.
  - c. A weighted run-off coefficient for each drainage area shall be determined for use in the computations.
24. The location of existing structures such as water and sewer mains, utility structures, gas transmission lines and high tension power lines on the tract and within 200' of its boundaries.
25. Plans of proposed improvements and utility layouts including sewers, storm drains and water lines, and feasible connections to gas, telephone and

electrical utility systems. If private utilities are proposed they shall comply fully with all City, County, State and Federal regulations. If service will be provided by an existing utility company, in lieu of detailed plans, a letter from that company stating that service will be available before occupancy will be sufficient. Additionally, letters from the appropriate County and State agencies granting approval for the extension of utility service(s) under their respective jurisdiction shall be submitted with the application;

26. Plans, typical cross sections and construction details, horizontal and vertical alignments of the centerline of all proposed streets and of all existing streets abutting the tract. The vertical alignments shall be based on U.S.G.S. vertical datum or a more specified datum supplied by the City Engineer, including curbing, sidewalks, storm drains, drainage structures and cross-sections every half and full station of all proposed streets and of all existing streets abutting the tract. Sight triangles, the radius of curb lines and street sign locations shall be clearly indicated at the intersections.
27. Any protective covenants or deed restrictions applying to the land being developed shall be submitted with the application and/or indicated on the submitted plat or plan.
28. The location and width of all existing and proposed utility 'easements, the use(s) for which they are intended to be limited, and the manner in which the easements will be controlled.
29. The proposed permanent monuments shall be shown, in accordance with the Map Filing Law, N.J.S.A. 46:23-9.9.
30. The proposed number of shifts to be worked, the maximum number of employees on each shift, and the hours of operation open to public use.
31. Certificate from the City Tax Collector that all taxes and assessments are paid to date.
32. Concerning major site plans for the development, conversion, expansion or use of condominiums only, a detailed floor plan of the entire structure on a 24" x 36" Mylar transparency.
33. The Board reserves the right to require additional information before granting preliminary approval when unique circumstances affect the tract and/or when the application for development poses special problems for the tract and surrounding area. Such information shall include, but not be limited to, drainage

calculations and traffic analyses, provided however, that no application shall be declared incomplete for the lack of such additional information.

34. A Statement of Environmental Impact and Assessment (SEIA) which for the purpose of this Ordinance shall consist of studies, reports, documents, maps and findings of fact prepared by an applicant as part of a development application. Said SEIA shall be consistent with and shall contain all that information, data and documentation contained in this Ordinance as well as those requirements required by any Coastal Permit, pursuant to any of the following statutes: the Coastal Area Facility Review Act (CAFRA), N.J.S.A. 13:19-1 et seq., the Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq., or the Waterfront Development Law, N.J.S.A. 12:5-3.
35. Prepared Emergency Operations Management Plan prepared by the applicant for review by City of Wildwood Emergency Management Officials (namely police and fire officials), for any high-rise residential building located in the H/M, H/M-1, T/E and B/A zones containing 50 or more dwelling units.

C. Action by the City

1. The Planning Board secretary shall review the major subdivision or major site plan application for the purpose of determining, within 45 days of its submission, whether said application is complete. Thereafter:
  - a. If said application is found to contain all of the information required by Section 804(B) herein, the Planning Board secretary shall certify that said application is complete, and direct the application to the appropriate Board.
  - b. If said application is found to lack some of the information required by Section 804(B) herein, the Planning Board secretary 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 Planning Board secretary reasonably concludes that the missing items of information are not necessary for it to make an informed decision on the application, the Planning Board secretary 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.

- c. An applicant who has been notified that his application is incomplete may request waiver of one or more of the submission requirements set forth in Section 804 (B) herein, and said request shall be granted or denied by the Planning Board or Zoning Board of Adjustment, as the case may be, within 45 days.
    - d. In the event the City fails to act pursuant to Sections 804 C.1.b(1), or 804 C.1.b(2) hereinabove within 45 days of the date of submission of the application, said application shall be deemed complete as of the 46th day following its submission.
  2. On the date the aforesaid application is certified complete, or on the 46th day following the submission of the application, in the event the City fails to make a determination of completeness, as the case may be, the applicable time period within which the Board must act upon the application shall commence. In any case, the applicant is obliged to prove that he/she is entitled to approval of the application. The Board may subsequently require correction of any information found to be in error, may require submission of additional information not specified in this Ordinance, and/or may require 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 additional information or revisions.
  3. Promptly after certification of completeness, the application documents shall be distributed by the Planning Board secretary to the following:
    - a. The Planning Board or the Zoning Board of Adjustment, as the case may be (nine [9] copies of the preliminary plat or plan and nine [9] copies of the application and any protective covenants or deed restrictions).
    - b. Cape May County Planning Board (one [1] copy each of the preliminary plat or plan, the application and any protective covenants or deed restrictions).
    - c. Planning Board Attorney (one [1] copy each of the preliminary plat or plan, the application and any protective covenants or deed restrictions).
    - d. City Planner (one [1] copy each of the preliminary plat or plan, the application and any protective covenants or deed restrictions).
    - e. City Engineer [1] copy each of the preliminary plat or plan, the application and any protective covenants or deed restrictions).

- f. Zoning Official (one [1] copy of the preliminary plat or plan).
  - g. City Clerk (one [1] copy each of the preliminary plat or plan, the application and any protective covenants or deed restrictions for the City's files.
  - h. At the direction of the Planning Board or the Zoning Board of Adjustment, as the case may be, additional copies of the preliminary plat or plan shall be sent to other City, County or State agencies as may be designated by the Board.
4. The Planning Board shall take action on a preliminary major site plan application involving ten (10) acres of land or less and ten (10) dwelling units or less and/or a preliminary major subdivision application involving ten (10) lots or less within 45 days after the application has been certified complete or within such further time as may be consented to by the applicant. Failure of the Board to act within the prescribed time period shall constitute approval of the application; provided that any preliminary major site plan or preliminary major subdivision application which includes any requested variance relief pursuant to N.J.S.A. 40:55D-60 and Section 801(A)(2) herein shall be acted upon within 120 days or within such further time as may be consented to by the applicant.
5. The Planning Board shall take action on a preliminary major site plan application involving more than ten (10) acres of land or more than ten (10) dwellings and/or a preliminary major subdivision application involving more than ten (10) lots within 95 days after the application has been certified complete or within such further time as may be consented to by the applicant. Failure of the Board to act within the prescribed time period shall constitute approval of the application; provided that any preliminary major site plan or preliminary major subdivision application which includes any requested variance relief pursuant to N.J.S.A. 40:55D-60 and Section 801(A)(2) herein shall be acted upon within 120 days or within such further time as may be consented to by the applicant.
6. The Zoning Board of Adjustment shall take action on a preliminary major site plan application and/or preliminary major subdivision application under its jurisdiction as prescribed in Sections 804(D)(4) and 804(D)(5) hereinabove in cases where the applicant has requested a "use" variance in accordance with N.J.S.A. 40:55D-70d and Chapter 300 of this Ordinance. All aspects of the application shall be acted upon within 120 days after the application has been certified complete by the Zoning Board of Adjustment or within such further time

as may be consented to by the applicant. Failure of the Board to act within the prescribed time period shall constitute approval of the application.

7. Any proposed application for development determined by the Board to be creating, imposing, aggravating or leading to the possibility of an adverse effect upon either the property in question or upon any adjacent properties, may be required to be revised to mitigate any adverse effect(s) prior to further review or approval by the Board, or, where the remaining portion of the original tract is sufficient to be subdivided or further developed, the applicant may be required to submit a sketch of the entire portion of the tract to indicate a feasible plan whereby the applied for subdivision or development, together with subsequent subdivision(s) or development(s), may be submitted that will not create, impose, aggravate or lead to any such adverse effect.
8. In the case of planned developments only, the Board shall find the following facts and, conclusions prior to granting approval:
  - a. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning provisions specified in Chapter 400 of this Ordinance pursuant to N.J.S.A.40:55D-65c.
  - b. That the proposals for maintenance and conservation of the common space are reliable, and the amount, location and purpose of the common open space are adequate;
  - c. That provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;
  - d. That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established;
  - e. In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.
9. All hearings held on applications for preliminary major subdivision approval (and in certain cases preliminary major site plan approval) shall require public notice of the hearing. The Board shall set the date, time and place for the public hearing and shall inform the applicant of this at least 14 days prior to the hearing

date. Notice of the hearing shall be given by the applicant at least ten (10) days prior to the date of the hearing (see this Chapter and Chapter 300).

10. The recommendation of those agencies and officials to whom the preliminary plat or plan was forwarded shall be given careful consideration in the final decision on the development application. If the County Planning Board or the City Engineer approves the preliminary submission, such approval shall be noted on the plat or plan. If the Board acts favorably on the preliminary plat or plan, the City Engineer and the Chairman and Secretary of the Board (or the acting Chairman or Secretary, where either or both may be absent) shall affix their signatures to at least ten (10) copies of the plat or plan with the notification that it has been approved. The applicant shall furnish such copies to the Board.
11. Should minor revisions or additions to the plat or plan be deemed necessary, the Board may grant preliminary approval subject to specified conditions and receipt of revised plans within 30 days from the date of said approval. Should substantial revisions be deemed necessary, the Board shall require that an amended plat or plan be submitted and acted upon as in the case of the original application.
12. If the Board, after consideration and discussion of the preliminary plat or plan, determines that it is unacceptable, a notation shall be made by the Chairman of the Board to that effect on the plat or plan and a resolution adopted in accordance with this Ordinance setting forth the reasons for such rejection. One copy of the plat or plan and said resolution shall be returned to the applicant within ten (10) days of the adoption of said resolution.

#### D. Effect of Preliminary Approval

1. Preliminary approval shall confer upon the applicant the following rights for a three (3) year period from the date of preliminary approval:
  - a. That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to: use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions; and off-tract improvements; and in the case of a site plan, any requirements peculiar to site plan approval; except that nothing therein shall be construed to prevent the municipality from modifying by Ordinance such general terms and conditions of preliminary approval as relate to public health and safety.

- b. That the applicant may submit for final approval, on or before the expiration date of preliminary approval, the whole or a section or sections of the preliminary plat or plan.
  - c. That the applicant may apply for and the Board may grant extensions on such preliminary approval for additional periods of at least one (1) year, but not to exceed a total extension of two years, provided that if the design standards have been revised by Ordinance, such revised standards may govern.
2. In the case of a subdivision or of a site plan for an area 50 acres or more, the Planning Board may grant the rights referred to in Section 804(E)(I) hereinabove for such period of time, longer than three (3) years, as shall be determined by the Board to be reasonable taking into consideration:
- a. The number of dwelling units and non-residential floor area permissible under preliminary approval.
  - b. Economic conditions.
  - c. The comprehensiveness of the development.
3. The applicant may apply for thereafter, and the Board may thereafter grant, an extension to preliminary approval for such additional period of time as shall be determined by the Board to be reasonable taking into consideration:
- a. The number of dwelling units and non-residential floor area permissible under preliminary approval.
  - b. The potential number of dwelling units and non-residential floor area of the section or sections awaiting final approval.
  - c. Economic conditions.
  - d. The comprehensiveness of the development.
  - e. Provided that if the design standards have been revised by Ordinance, such revised standards may govern.

## **805 SUBMISSION OF FINAL MAJOR SUBDIVISION PLATS & FINAL MAJOR SITE PLANS**

### **A. Procedure For Submitting Final Plats & Final Plans**

A final plat or final plan shall be submitted to the Planning Board secretary within three (3) years after the date of preliminary approval or any authorized extension thereof. The applicant shall submit to the Planning Board secretary at least five (5) weeks prior to the meeting: 20 copies of the final major subdivision plat or final major site plan; twenty (20) copies of the appropriate application(s), which includes the checklist(s) pursuant to N.J.S.A. 40:550-10.3 attached to this Ordinance; and a fee in accordance with Section 900 of this Ordinance. One such copy shall be in electronic format (Auto-CAD or equivalent) on CD-ROM. The CD-ROM shall be labeled accordingly to identify the contents. The application shall contain an acknowledgment signed by the applicant stating that the applicant is familiar with the procedure set forth herein for submitting and acting upon final major subdivision plats and final major site plans, and agrees to be bound by it.

### **B. Details Required For Final Major Subdivision Plats and Final Major Site Plans**

The following information shall be submitted:

1. All details stipulated in Sections 804(B) herein.
2. All additional details required at the time of preliminary approval shall be submitted.
3. A section or staging plan, if proposed, indicating the portion of the tract to be considered for final approval as part of the current application and the relationship of the portion of the tract to the remaining land area, including all applicable comparisons such as parking spaces, building coverage, lot coverage, open space areas and number of lots.
4. Detailed architectural and engineering data including:
  - a. An architect's design drawing of each building and design or a typical building and design showing front, side and rear elevations.
  - b. Cross sections, plans, profiles and established grades of all streets, aisles, lanes and driveways, including centerline geometry and horizontal alignments with bearings, radii and tangents.
  - c. Plans and profiles of all storm and sanitary sewers and water mains.

d. All dimensions of the exterior boundaries of any subdivision shall be balanced and closed to a precision of one (1) to 5,000 and the dimensions of all lot lines to within one (1) to 10,000. All dimensions, angles and bearings must be tied to at least two (2) permanent monuments not less than 300' apart and all information shall be indicated on the plat. At least one (1) corner of the subdivision shall be tied horizontally to the New Jersey State Grid Coordinate System and vertically to the U.S. Geodetic Survey System, with the data on the plat as to how the bearings were determined.

5. The final submission shall be accompanied by the following documents:

a. Certification from the City Tax Collector that all taxes and assessments are paid to date;

b. Letters directed to the Chairman of the Board and signed by a responsible official of the lighting agency, water company, sewer utility and of any other company or governmental authority or district which provides accessory utility service and has jurisdiction in the area, approving each proposed utility installation design and stating who will construct the facility so that service will be available prior to occupancy. The designing Engineer(s) shall certify to the Board that the existing cross-section(s) and profile(s) have been run in the field and the field notes shall be forwarded to the City Engineer;

c. The applicant shall certify in writing to the Board that he has:

1) Installed all improvements in accordance with the requirements of this Ordinance; and/or,

2) Posted a performance guarantee in accordance with Chapter 902 of this Ordinance.

d. A statement from the City Engineer that all improvements installed prior to application have been inspected as provided in Chapter 902 of this Ordinance, and that such improvements installed prior to application for final approval that do not meet or exceed City standards shall be factored into the required performance guarantee.

C. Action by the City

1. The Planning Board secretary shall review the aforesaid application for the purpose of determining, within 45 days of its submission, whether said application is complete.

Thereafter:

- a. If said application is found to contain all of the information required by Section 805(B) herein, the Planning Board secretary shall certify that said application is complete, and direct the application to the appropriate Board.
  - b. If said application is found to lack some of the information required by Section 805(B) herein, the Planning Board secretary 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 Planning Board secretary reasonably concludes that the missing items of information are not necessary for it to make an informed decision on the application, the Planning Board secretary 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.
  - c. An applicant who has been notified that his application is incomplete may request waiver of one or more of the submission requirements set forth in Section 805 (B) and said request shall be granted to deny by the Planning Board or Zoning Board of Adjustment, as the case may be, within 45 days.
2. In the event the Board fails to act pursuant to Sections 805(C)(1)(b)(1) or 805(C)(1)(b)(2) hereinabove within 45 days of the date of submission of the application, said application shall be deemed complete as of the 46th day following its submission.
  3. On the date the foresaid application is certified complete, or on the 46th day following the submission of the application, in the event the City fails to make a determination of completeness, as the case may be, the applicable time period within which the Board must act upon the application shall commence. In any case, the applicant is obliged to prove that he/she is entitled to approval of the application. The Board may subsequently require correction of any information found to be in error, may require submission of additional information not specified in this Ordinance, and/or may require 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 additional information or revisions.

4. Promptly after certification of completeness, the application documents shall be distributed by the Planning Board secretary to the following:
  - a. The Planning Board or the Zoning Board of Adjustment, as the case may be, (nine [9] copies of the final plat or plan and nine [9] copies of the application).
  - b. Cape May County Planning Board (one [1] copy each of the final plat or plan and the application).
  - c. Planning Board Attorney (one [1] copy each of the final plat or plan and the application).
  - d. City Engineer (one [1] copy each of the final plat or plan and the application).
  - e. Construction Official (one [1] copy each of the final plat or plan).
  - f. City Clerk (one [1] copy each of the final plat or plan and the application for the City's files).
  - g. At the direction of the Planning Board or the Zoning Board of Adjustment, as the case may be, additional copies of the final plat or plan shall be sent to other City, County or State agencies as may be designated by the Board.
5. The Board shall take action of final site plan and final subdivision applications within 45 days after the application has been certified complete or within such further time as may be consented to by the applicant. Failure of the Board to act within the prescribed time period shall constitute approval of the application.
6. The recommendations of those agencies and officials to whom the final plat or plan was submitted shall be given careful consideration in the final decision on the development application. If the County Planning Board or the City Engineer approves the final submission, such approval shall be noted on the plat or plan. If the Board acts favorably on the final plat or plan, the City Engineer and the Chairman and Secretary of the Board (or the acting Chairman or Secretary, where either or both may be absent) shall affix their signatures to at least ten (10) paper copies of the plat or plan with the notification that it has been approved. The applicant shall furnish such copies to the Board for signing.

Moreover, in the case of final subdivisions only, the applicant shall include for signing one (1) cloth copy and at least two (2) Mylar copies of the approved plat in addition to the ten (10) paper copies.

7. After approval of the final plat or plan by the Board, the Secretary of the Board shall retain one (1) paper copy of the signed plat or plan and shall furnish other copies to each of the following within ten (10) days from the date of the adoption of a resolution in accordance with this Ordinance:
  - a. City Clerk (one [1] paper copy).
  - b. City Engineer (one [1] paper copy and, in the case of subdivisions only, one [1] Mylar copy drawn to the tax map scale of 1" = 100' or 1" = 400', as directed by the City Engineer).
  - c. Zoning Official (one [1] paper copy).
  - d. City Tax Assessor (one [1] paper copy).
  - e. The Applicant (one [1] paper copy and, in the case of subdivisions only, one [1] Mylar copy).
  - f. Such other City, County or State agencies and officials as directed by the Board.
8. Within 95 days of the date of approval by the Board of a final subdivision plat, the subdivider shall file a copy of same with the Cape May County Clerk. In the event of failure to file within said 95 days, the approval of the major subdivision shall expire and any further proceedings shall require the filing of a new application as in the first instance. The Board, for good cause shown, may extend the filing for an additional 95 days.
9. If the Board, after consideration and discussion of the final plat or plan, disapproves the submission, a notation to that effect shall be made by the Chairman of the Board on the plat or plan. The Secretary of the Board within ten (10) days of such adoption, shall notify the applicant of such disapproval and forward the applicant a copy of the adopted resolution setting forth the reasons for the disapproval.

#### D. Effect of Final Approval

1. Final approval of a subdivision or site plan shall confer upon the applicant the following rights for a period of two (2) years from the date of final approval:

- a. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer, whether conditionally or otherwise, shall not be changed.
  - b. If the developer has followed the standards prescribed for final approval, the Board may extend the period of protection for extensions of one (1) year each, not exceeding three (3) and extensions.
2. In the case of a subdivision or site plan for a planned development or residential cluster of 50 acres or more, or in the case of a conventional subdivision or site plan of 150 acres or more, the Board may grant the rights referred to in Section 805(D)(1) hereinabove for such period of time, longer than two (2) years, as shall be determined by the Board to be reasonable taking into consideration: -
- a. The number of dwelling units and non-residential floor area permissible under final approval;
  - b. Economic conditions; and
  - c. The comprehensiveness of the development.

The developer may apply thereafter and the Board may thereafter grant an extension to final approval for such additional period of time as shall be determined by the Board to be reasonable taking into consideration:

- a. The number of dwelling units and non-residential floor area permissible under final approval.
- b. The number of dwelling units and non-residential floor area remaining to be developed.
- c. Economic conditions.
- d. The comprehensiveness of the development.

**806 SEVERBILITY**

If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.