

CITY OF ABSECON

ORDINANCE 08-2015

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON,
CHAPTER 224, LAND USE AND DEVELOPMENT, ARTICLE XX, SITE
PLAN REVIEW, SECTION 224-118 APPLICABILITY**

WHEREAS, the purpose of site plan review is to protect the health, safety, convenience and general welfare of the residents of the City of Absecon by providing a mechanism to review plans for proposed structures and uses and to ensure that development is designed or expanded in a manner that reasonably protects the quality of the site and its surroundings; and

WHEREAS, site plan review may not necessarily be required in order to protect the public health, safety, convenience and general welfare and may, in certain specified circumstances, be waived either by the Planning Board or by the Zoning Officer; and

WHEREAS, under such circumstances it is in the public interest to simplify and expedite the approval process; and

WHEREAS, pursuant to Section 224-118 the submission of a site plan may be waived by the Planning Board if it determines that the proposed development would not result in any significant impact on the site or its surrounding area; and

WHEREAS, notwithstanding the availability of site plan waiver by the Planning Board, it is appropriate to also allow an administrative waiver of site plan to be made by the Zoning Officer if certain specified and limited criteria are met.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Absecon, County of Atlantic and State of New Jersey that Chapter 224, Article XX, be amended to read as follows:

Section 224 - 118. Applicability.

- A. Within the City of Absecon City, compliance with preliminary and final site plan review will be required for all new construction and all building conversions and all alterations and all changes in use, with the exception of single-family detached dwellings and duplexes which are part of a total development of three or fewer lots. Review will be conducted prior to any excavation or removal of soil or any clearing of the site. Without approval neither building permits nor certificates of occupancy will be given. In the absence of a change in use, neither site plan review nor site plan waiver application is required solely because of a change in ownership or occupancy or solely because of

physical alterations to a building or structure which would not increase its size and which would not materially alter its exterior.

- B. The Zoning Officer may, upon application, and payment of any fee established by the City grant a waiver from site plan review for:
1. A change in use permitted as of right under applicable zoning, except where the proposed use involves a change from non-food to food service or the proposed use involves an establishment for the sale of alcoholic beverages;
 2. Normal maintenance or replacement of existing facilities; or
 3. New or replacement signs conforming to the sign regulations in Article XXII or consistent with a prior site plan approval or variance approval.

The Zoning Office may only approve such a waiver only if the following criteria are met:

1. There is no change in existing circulation, setbacks, drainage, landscaping, buffering, lighting, trash and recyclable storage, fire safety or noise;
2. Will not result in additional lot coverage;
3. Will not increase the number of required parking spaces.

In the event that the Zoning Officer is unable to approve or fails to approve such a waiver, application may be made to the Planning Board in accordance with Section 224-118(C).

- A. The Planning Board may, upon application and payment of a fifty dollar fee grant a waiver of site plan review if it determines that the proposed development would not result in any significant impact on the site or its surrounding area and will not be a detriment to the property, the surrounding area or the public good.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication

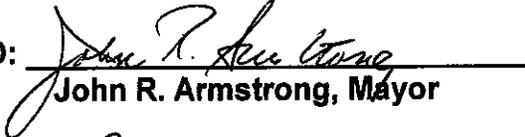
shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

This ordinance shall take effect upon final adoption and publication as required by law.

Dated: July 2nd, 2015

SIGNED: 
John R. Armstrong, Mayor

ATTEST: 
Carle A. Crone, RMC Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held on June 18th, 2015. Laid over and advertised for public hearing and final adoption on July 2nd, 2015. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a regular meeting held on July 2nd, 2015