

NOTICE OF PENDING ORDINANCE

ORDINANCE NO. 11-1314

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Tinton Falls, in the County of Monmouth, State of New Jersey, held on January 18, 2011. This Ordinance will be further considered for adoption, after the public hearing is held thereon, at a meeting of the Borough Council to be held on Tuesday, March 15, 2011, **located at Seabrook Village, 3000 Essex Road, Tinton Falls, New Jersey, beginning at 7:00 o'clock P.M.** During the week prior to and up to and including the date of such meeting, copies of said Ordinance, Schedules A and B and Zoning Maps will be made available in the Clerk's Office to the members of the general public who shall request the same.

MAUREEN L. MURPHY, BOROUGH CLERK

AN ORDINANCE OF THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY - AMENDING CHAPTER XL(LAND USE REGULATIONS)

WHEREAS, NJSA 40:55D-89 provides for the periodic revision of Municipal Master Plans and Regulations by Municipal Entities within the State of New Jersey; and

WHEREAS, the Borough Council of the Borough of Tinton Falls has requested the Planning Board of the Borough of Tinton Falls to revise its master plan and development regulations in accordance with such statutes; and

WHEREAS, the Borough of Tinton Falls Planning Board has completed and adopted its Master Plan Revision and submitted the Master Plan to the Governing Body, dated April, 2007; and

WHEREAS, pursuant to NJSA 40:55D-62, the Borough Council has the power to adopt or amend any ordinance related to the nature and extent of uses of land, buildings and structures thereon; and

WHEREAS, The Borough Council reviewed the Planning Board of the Borough of Tinton Fall's revised Master Plan, its recommendations to repeal the prior land use ordinance and to replace it with a new Land Use Development Ordinance after public hearings and in accordance with NJSA 40:55D-28, et seq.; and

WHEREAS, the Borough Council of the Borough of Tinton Falls, after public hearing and receiving public input and the recommendation of professionals, deemed it in the best public interest of the residents of the Borough of Tinton Falls to adopt a new Land Use Development Ordinance on the recommendation of the Planning Board on June 16, 2009; and

WHEREAS, the Borough Council of the Borough of Tinton Falls, pursuant to recommendations from the Borough Clerk, Zoning Officer, Zoning Board Secretary, and the Borough Planner, deemed it in the best public interest of the residents of the Borough of Tinton Falls to revise numerous sections of the of the Land Use Development Ordinance adopted June 16, 2009, to address a number of issues identified in the administration of the new Land Use Regulations;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls, Monmouth County, State of New Jersey that Chapter XL (Land Use Regulations) is hereby amended as follows:

Section 1: Article V. Section 40-3 DEFINITIONS AND WORD USAGES shall be amended to include the following additional definitions:

CAR AND TRUCK DEALERS - Any premises used for the display, sale or lease of new and/or used automobiles (including light trucks, vans, trailers, or recreational vehicles), the financing of those sales or leases, and vehicle preparation, warranty or repair work by trained automotive technicians.

SITE PLAN, EXEMPT — A site plan shall not be required for accessory buildings to agricultural and horticultural uses, nor shall site plans be required for single-family or two-family dwellings and their accessory uses and buildings unless such dwellings involve a home occupation that does not meet all the requirements of the zoning provisions of this Chapter. In nonresidential uses, or in residential uses other than those exempted above, building alterations or changes in permitted principal or permitted accessory uses which do not involve a change in the size of the gross floor area, the building foundation,

site access, site circulation, parking areas, or loading zones or do not require additional parking or additional building area shall be exempt.

RETAIL WAREHOUSE — A building where the use combines retail and warehouse functions by stocking the inventory of goods in large quantities using stack-storage techniques in areas accessible to patrons for the purpose of selling the goods at retail or wholesale prices.

TRANSPORTATION SERVICES – Establishments engaged in furnishing local and regional passenger or medical transportation, including taxi-cabs, passenger transportation charter service, school transportation, medical transportation, and terminal and service facilities for motor vehicle passenger transportation.

Section 2: Article V. Section 40-4 PLANNING BOARD, Section A. Establishment of Planning Board, number 5 shall be repealed and replaced with the following:

5. Legal counsel and other professional staff. The Planning Board may annually appoint an attorney at law of New Jersey other than the **Borough Director of Law** as Planning Board Solicitor

Section 3: Article V. Section 40-5 ZONING BOARD OF ADJUSTMENT, Section A. Establishment of Zoning Board of Adjustment, number 9 shall be repealed and replaced with the following:

9. Legal Council and Other Professional Staff. The Board of Adjustment may employ or contract for and fix the compensation of legal counsel, other than the **Borough Director of Law**,

Section 4: Article V. Section 40-6 PROVISIONS APPLICABLE TO BOTH PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT, Section C - Notice of Applications. Item 1 shall be repealed and replaced with the following:

1. Applications Requiring Notice. Public notice of a hearing on any application for development or any other relief per NJSA 40:55D-1 et. seq. shall be given, with the exception of final major site plan or final major subdivision approval.

Section 5: Article V. Section 40-11 COMPLETENESS REQUIREMENTS, Section C - When Site Plan or Subdivision Approval Required shall be repealed and replaced with the following:

C. When Site Plan or Subdivision Approval Required. Except as may be otherwise required or provided for within this Chapter, within the Borough of Tinton Falls, compliance with preliminary and final site plan review will be required for all new construction, all building conversions and alterations and all change in use, with the exception of single family detached dwellings which are part of the total development of three or fewer lots. Review will be conducted prior to any excavation or removal of soil, site improvement, demolition or construction. Without approval, neither building permit nor Certificate of Occupancy will be issued. The site plan approval process should not be eliminated on change of use, even when there are no substantial changes being made to the property, and even though parking requirements are being met, unless the application for development is declared to be exempt by the **Planning Board or Zoning Board**. Some parts of the site plan process may be waived on an individual basis, but the review process is important to upgrade properties that are subject to site plan review.

Section 6: Article V. Section 40-15.1 USES AND ACTIVITIES REQUIRING SITE PLAN APPROVAL, a new Section 40-15.1 shall be created and shall state the following:

40-15.1 USES AND ACTIVITIES REQUIRING SITE PLAN APPROVAL

All actions that qualify as changes of use and minor or major site plans shall require Board approval, except that: (a) individual lot applications for detached one (1) or two (2) dwelling unit buildings and (b) construction work found by the Zoning Officer to constitute ordinary repairs, shall be exempt from site plan review.

Section 7: Article V. Section 40-15.2 WAIVER OF SITE PLAN APPROVAL, a new Section 40-15.2 shall be created and shall state the following:

40-15.2 WAIVER OF SITE PLAN APPROVAL

The Planning Board may waive the requirement for site plan approval where the Planning Board determines that the proposed development is a permitted use in the zone and does not involve substantial site development considerations, such as:

1. does not meet the eligibility requirements for minor or major site plan;
2. consists solely of non-structural changes in the facade of a structure; or
3. an interior change which does not increase parking requirements and does not involve any other substantial site development considerations.

Section 8: Article V. Section 40-15.3 USES AND ACTIVITIES REQUIRING SUBDIVISION APPROVAL, a new Section 40-15.3 shall be created and shall state the following:

40-15.3 USES AND ACTIVITIES REQUIRING SUBDIVISION APPROVAL

Subdivision approval shall be required prior to the recording of any plat or deed affecting the subdivision of any land in the Borough except in the following cases, when no new streets are created:

1. Divisions of property by testamentary or intestate provisions.
2. Divisions of property upon court order
3. Conveyances so as to combine existing lots by deed or other instrument as set forth under N.J.S.A. 40:55D-7.

In all cases involving such exempted divisions, the Planning Board Chairperson and the Borough Clerk shall certify the exemption on the plat or deed or instrument to be filed with the County Register.

Section 9: Article V. Section 40-23 SUPPLEMENTAL STANDARDS, Section G. Age Restricted (AR) Zone Requirements, number 3, letter d. shall be repealed and replaced with the following:

d. Maximum Density – **Two and one-half (2.5)** units per acre.

Section 10: Article V. Section 40-26 SPECIFIC DESIGN STANDARDS, Section N. Lighting, number 1, letter c., item (4) shall be created and shall state the following:

(4) No lighting shall be of a yellow, red, green or blue beam nor be a rotating, pulsating or other intermittent frequency.

Section 11: Article V. Section 40-31 PRINCIPAL BUILDINGS AND PRINCIPAL USES shall be repealed and replaced with the following:

A. **Only one (1) principal use may be present on a lot, except for related uses forming one principal use in accordance with an approved plan, and limited to the following:**

1. Public or institutional building complexes.
2. Office complexes or retail shopping centers.
3. Continuing Care Retirement Communities.

A mix of permitted uses and their permitted accessory uses shall not be considered a single principal use, with the exception of those uses enumerated above.

B. **Only one principal building may be erected on a lot except for related buildings forming one principal use in accordance with an approved plan, and limited to the following:**

1. Public or institutional building complexes.
2. Office complexes or retail shopping centers.
3. **Multi-family dwelling complexes.**
- ~~3.4.~~ Continuing Care Retirement Communities

Developments with multiple buildings and uses as enumerated above may be approved on one (1) lot provided each principal building and its accessory buildings are designed and spaced on the tract so they are spaced to allow a conforming subdivision at some future date by having the required street frontage, not exceeding the applicable floor area ratio, and meeting minimum lot size, lot dimensions, yards, parking, lot coverage, building coverage, and similar zoning and bulk requirements.

C. **No new building shall be constructed on or any existing building altered or moved onto any lot for use as a dwelling when there exists on said lot a building which is being used for dwelling purposes.**

Section 12: Article V. Section 40-33 ACCESSORY STRUCTURES AND USES - Sections A and B are repealed and replaced with the following:

A. General requirements.

1. No accessory building or structure shall be constructed on any lot on which there is not a principal building.
2. Any accessory building **or structure** attached to the principal building shall be considered part of the principal building.
3. **Play sets, swing sets, jungle gyms and related equipment, as well as ponds and other water features shall be considered accessory structures in this chapter.**

B. The following requirements shall be complied with in all residential zones:

1. No accessory **building or structure** shall be used for human habitation.
2. Except as specifically permitted elsewhere in this Article, no accessory **building or structure shall exceed fifteen (15) feet in height.**
3. No accessory **building or structure** shall be located closer than 10 feet to any other building.
4. No accessory **building or structure** shall be located closer to a right-of-way line than the principal building. On corner lots, accessory **building or structure** shall not be located closer to a street than the minimum front yard requirements for the district and **screened by landscaping in compliance with this chapter.**
5. There shall not be more than 2 accessory **buildings** on a lot. One (1) detached garage, **with an area no greater than 400 square feet**, and associated driveway is permitted provided there is no attached garage. One (1) accessory building for household goods and equipment such as a cabana, barn, tool shed, storage shed, or garden shed, **with an area no greater than 200 feet**, accessory to a detached single-family dwelling is permitted.
6. No accessory building in a residential district shall have an area greater than 400 square feet.
7. An accessory building less than **200 square feet** in floor area shall not be closer than ten (10) feet from a side lot line or three (3) feet from a rear lot line **and shall only be permitted to the rear of the principal building.**
8. An accessory building between **200 square feet and 400 square feet** in floor area shall meet the setbacks of the principal building **and shall only be permitted to the side or rear of the principal building.**

Section 13: Article V. Section 40-33 ACCESSORY STRUCTURES AND USES, Section D. Requirements - Specific Accessory Structures and Uses, number 5 - Fences and Walls, letter o. shall be created and shall state the following:

o. For corner lots or lots with multiple frontages, fences in a front yard that is not the front yard as determined by street address, shall not exceed six (6) feet in height and may be of solid construction if the fence conforms to the front yard setback requirements and is screened by landscaping in compliance with this chapter.

Section 14: Article V. Section 40-33 ACCESSORY STRUCTURES AND USES, Section D. Requirements - Specific Accessory Structures and Uses, number 8. Non-Registered Vehicles, shall be repealed and replaced with the following:

8. Non-registered vehicles. No disabled or unregistered vehicles shall be stored in any district except in an enclosed building. A motor vehicle shall be deemed to be stored if it has been on the property for a time period of at least 10 days. No motor vehicle which is on blocks, ~~car campers~~ or any type of lifting device shall be left unattended unless housed within a garage. **No motor vehicle shall be parked on any property unless it is currently registered, insured and operable and parked on a prepared surface, such as paved, graveled or stoned.**

Section 15: Article V. Section 40-33 ACCESSORY STRUCTURES AND USES, Section D. Requirements - Specific Accessory Structures and Uses, number 10 - ~~Recreational Vehicles. The parking~~ Recreational Vehicles, shall be repealed and replaced with the following:

10. Recreational Vehicles. The parking **of** recreational vehicles less than six (6) feet in height shall be confined to the rear yard on a prepared surface, not unlike a driveway, and shall be

15 feet from any property line. All other recreational vehicles ~~are prohibited~~ shall not be parked, stored, or maintained on any lot. **One (1) vehicle as described in the definition of Recreational Vehicle is permitted.**

Section 16: Article V. Section 40-33 ACCESSORY STRUCTURES AND USES, Section D. Requirements - Specific Accessory Structures and Uses, number 14. Sales and Display Areas within MFG, MFG2 and IOP Zones shall be created and shall state the following:

14. Sales and Display Areas within MFG, MFG2 and IOP Zones. Up to thirty percent (30%) of the total floor area of manufacturing, light industrial or warehousing uses may be dedicated to display areas for products manufactured, assembled or warehoused on site.

Section 17: Article V. Section 40-34 SIGNS AND FLAG POLES, Section J. Prohibited Sign, number 20. **No window signs shall be permitted** shall be repealed and the remainder of the section renumbered to accommodate the deletion.

Section 18: Article V. Section 40-34 SIGNS AND FLAG POLES, Section M, number 3, Signs In **Non-Residential** Districts Except The HCC Highway/Community Commercial District, letters b. item (4) and letter c. item (5) are repealed and replaced with the following:

b. Signs for business office or professional office uses:

- 4) Freestanding signs, in addition to wall signs and in lieu of a ground sign, a freestanding sign which shall not exceed twenty-five (25) square feet in size, shall be permitted. **Freestanding signs shall not exceed eight (8) feet in height with a minimum ground clearance of three (3) feet** and shall be located a minimum of 10 feet away from all property lines. Illumination is permitted.

c. Signs for retail, commercial and service establishments shall be constructed under the following limitations:

- 5) Freestanding signs, in addition to wall signs and in lieu of a ground sign, a freestanding sign which shall not exceed twenty-five (25) square feet in size, shall be permitted. **Freestanding signs shall not exceed eight (8) feet in height with a minimum ground clearance of three (3) feet** and shall be located a minimum of 10 feet away from all property lines. Illumination is permitted.

Section 19: Article V. Section 40-34 SIGNS AND FLAG POLES, Section M, number 4, Signs HCC Highway/Community Commercial district, letters a., b. and d. are repealed and replaced with the following:

- a. **Freestanding Pylon Signs - one (1) freestanding pylon sign shall be permitted per highway frontage on which an access is provided and shall conform to the following standards. Freestanding pylon signs shall not be permitted on local roads or on frontages without access. Illumination is permitted.**

Location	Size (Square Feet)	Height (feet)	Setback (feet)
State Highway	400	35	10
County Road	200	20	20
Local Road	Not Permitted	Not Permitted	Not Permitted

- b. **Wall Signs, one (1) wall sign per wall facing a public street are permitted and shall not exceed ten percent (10%) of the wall area to which the sign is to be attached. Each such sign shall be attached to the front wall only, except when the building to which it is attached is a corner building of a shopping center, then an attached sign shall be permitted on both the front and side wall (not applicable to a freestanding building, freestanding buildings are limited to one (1) wall sign per wall facing a public street).** Each wall sign shall be designed so as to be consistent in design with all other wall signs **if in a shopping center** and no wall sign shall have letters larger than twelve (12) feet in height and no wall sign shall have an area exceeding six hundred (600) square feet. Illumination is permitted.

- d. **Ground signs, in addition to wall signs and in lieu of a freestanding pylon sign, a ground sign which shall not exceed sixty (60) square feet in size, shall be permitted. Ground signs shall be constructed so that no void is present between the sign and the ground. Ground signs shall not exceed six (6) feet in height and shall be located a minimum of 20 feet away from all property lines. Illumination is permitted.**

Section 20: Article V. Section 40-34 SIGNS AND FLAG POLES, Section N. Additional Standards, a new number 7 shall be created and shall state the following:

7. Signs in Drive-Through Restaurants and other Drive-Through Facilities. Restaurants that meet the definition of Restaurant, Drive Through or other retail facilities that offer drive through services, such as banks and financial institutions or pharmacies, where permitted, may display the following signs which are deemed customary and necessary to their respective businesses.

- a. **Menu Boards – Drive-in restaurants are permitted two (2) menu board signs per drive-thru lane and one (1) menu board sign per outdoor serving station.**
 - (1) **The sign face of any menu board sign shall not exceed 50 square feet.**
 - (2) **The maximum height from the ground to the top of any permitted menu board sign shall not exceed 12 feet.**
 - (3) **Menu board signs may be internally illuminated.**
 - (4) **No more than 10% of the sign face of any menu board sign may be devoted to LED/LCD lights or screens or scrolling or variable message lighting.**
- b. **Directional Signs or Lettering on the building wall over a drive thru lane – Drive thru facilities are permitted one (1) directional sign over each drive thru lane.**
 - (1) **The sign face or letters thereof shall not exceed 12 inches in height.**
 - (2) **The sign face or letters thereof shall be limited to a single line.**
 - (3) **The sign face or letters thereof may be internally illuminated.**
 - (4) **No sign face or letters thereof may be LED/LCD lights or screens or scrolling or variable message lighting.**
- c. **Informational Signs - Drive thru facilities are permitted one (1) informational sign, with information such as hours of operation, for each drive thru lane.**
 - (1) **The sign face of any informational sign shall not exceed six (6) square feet.**
 - (2) **Informational signs may not be internally illuminated.**
 - (3) **No Informational signs may be LED/LCD lights or screens or scrolling or variable message lighting**

Section 21: Article V. Section 40-34 SIGNS AND FLAG POLES, Section O. Temporary Signs, a new number 7 shall be created and shall state the following:

7. Window Signs in Retail Establishments – Retail establishments shall be allowed temporary window signs for products and services offered on site, provided the windows remain 50% free of obstruction. This shall include neon signs that are non-permanent and removable, subject to the same 50% restriction.

Section 22: Article V. Section 40-37 CONDITIONAL USES, Section B. Requirements for Specific Uses, number 18. Retail Warehouse shall be created and shall state the following:

18. Retail Warehouse. Retail Warehouse, as defined by this chapter, may be located, when approved as conditional uses, in the zone as specified in Schedule A subject to the following:

- a. **Parking must be provided on site as required by this Ordinance.**
- b. **A minimum of two (2) Entrance and exit driveways are required. Entrance and exit driveways shall be at least 30 feet in width. There shall be a safety zone of at least 25 feet between driveways, and driveways shall be at least 10 feet from adjoining property lines. ~~Corner~~ **Corner** lots shall have a curb radius of at least 25 feet, and driveway entrances shall start at least 25 feet from the radius tangent points.**

- c. All yard areas shall be attractively landscaped with grass lawns, trees and shrubs or other vegetation or material as the Planning Board may approve or require. A row of low shrubbery planted along the edge of any parking areas along the street together with grass or vegetative ground cover is required.
- d. There shall be no outdoor storage of any materials, whether for sale or storage.
- e. Automobile tire and battery sales and installation shall be considered **an accessory use to the principal use** and shall take place within the building, and all service apparatus shall be located within the building.
- f. Automobile Fuel sales on site shall be considered a separate use, an Automobile Fueling Station. (NOTE: Any and all Automobile Uses may be developed in combination with any other Automobile Use, however the Conditional Use standards for each use are to be considered in combination so that the conditions of all uses are to be met by the individual Automobile Use elements of the property.)
- g. Compliance with all bulk requirements as indicated below:

Use	Minimum Lot Requirements			Minimum Yard Requirements						Maximum Building Height		Maximum Floor Area Ratio (FAR)
	Lot Area (sq. ft.)	Width (ft.)	Depth (ft.)	Front (ft.)	Side		Rear (ft.)	Maximum Coverage (%)		Height in Stories	Height in Feet	
					Each (ft.)	Both (ft.)		Lot	Bldg			
Retail Warehouse	4 Acres	150	250	70	50	100	80	65	-	-	40	.30

Section 23: Article V. Section 40-37 CONDITIONAL USES, Section B. Requirements for Specific Uses, number 19. Transportation Services shall be created and shall state the following:

19. Transportation Services. Transportation Services, as defined by this chapter, may be located, when approved as conditional uses, in the zone as specified in Schedule A subject to the following:

- a. No parking shall be permitted between the front building line and the street right-of-way.
- b. Parking must be provided on site as required by this Ordinance, including fleet vehicles.
- c. Direct access to a State Highway is required.
- d. No part of any transportation services operation or paved area shall be conducted within 50 feet of a residential zone boundary or use. A six-foot high board on board or similar fence shall be installed along any residential zone boundary or use.
- e. All paved areas within the property shall be at least 10 feet from a property line, 20 feet from a street right-of-way line and 50 feet from a residential zone boundary or use and bounded by concrete curbing at least six inches above the surface.
- c. All yard areas shall be attractively landscaped with grass lawns, trees and shrubs or other vegetation or material as the Planning Board may approve or require. A row of low shrubbery planted along the edge of any parking areas along the street together with grass or vegetative ground cover is required.
- d. There shall be no outdoor storage of supplies, materials or automobile parts, whether for storage or waste.
- e. All storage tanks shall be installed below ground level per Department of Environmental Protection regulations.
- f. Minor repair work and routine maintenance of fleet vehicles shall take place within the building, and all repair or service apparatus shall be located within the building.

No major repair work may occur on premises. No major or minor repair work or routine maintenance of non-fleet vehicles may occur on premises.

- g. A maximum of two (2) service bays are permitted.
- h. Floor drains shall not be connected to any sanitary sewer system, and they may be connected to the storm sewer system only if an oil separator has been installed prior to the location of the connector.
- i. No unlicensed motor vehicle or part thereof shall be permitted on the premises of a transportation services operation.
- j. The sale or rental of cars, trucks, trailers, boats or any other vehicles on the premises of a transportation services operation shall be prohibited.
- k. The storage of cars, trucks, trailers, boats or any other vehicles not a part of fleet operations shall be prohibited.
- l. Compliance with all bulk requirements as indicated below:

Use	Minimum Lot Requirements			Minimum Yard Requirements						Maximum Building Height		Maximum Floor Area Ratio (FAR)
	Lot Area (sq. ft.)	Width (ft.)	Depth (ft.)	Front (ft.)	Side		Rear (ft.)	Maximum Coverage (%)		Height in Stories	Height in Feet	
					Each (ft.)	Both (ft.)		Lot	Bldg			
Transportation Services	4 Acres	150	250	70	50	100	80	40	-	-	35	.20

Section 24: Article V. Section 40-41 PERFORMANCE GUARANTEES, Section B. shall be repealed and replaced with the following:

B. Performance guaranties shall be submitted in the form of 10% cash deposited with the Borough Clerk and 90% in a form acceptable to the **Borough Director of Law**.

Section 25: Article V. Section 40-41 PERFORMANCE GUARANTEES, Section D, number 5 shall be repealed and replaced with the following:

5. A letter of approval from the **Borough Director of Law** as to bond form.

Section 26: Article V. Section 40-42 MAINTENANCE BOND shall be repealed and replaced with the following:

All improvements required by the Board shall, prior to the release of performance guaranties, be covered by a maintenance bond running in favor of the Borough in the amount of 15% of the estimated cost of improvements, as determined by the Borough Engineer. Said bond shall run for a period of two years following acceptance by the Borough and shall provide for proper repair and/or replacement during this period. In the event that all improvements have been completed prior to granting of final approval by the Board, the maintenance bond shall be posted before final plat approval. Maintenance bonds will be approved as to form by **the Borough Director of Law**.

Section 27: Article V. Section 40-43 ACCEPTANCE OF IMPROVEMENTS, Section B shall be repealed and replaced with the following:

B. A deed for any roadway or improvement shall be submitted to the Borough Council prior to being recorded, after the twenty-four-month period and upon certification from the Borough Engineer that no further maintenance is required. The deed will be approved by the **Borough Director of Law** and recorded at the expense of the subdivider.

Section 28: Article V. Section 40-44 OFF-SITE IMPROVEMENTS Section E shall be repealed and replaced with the following:

E. Implementation. Where a performance or maintenance guaranty is required in connection with an off-site improvement, the procedures outlined in this article shall be followed. Cash contributions, where required by agreement, shall be deposited with the Borough Clerk, who shall place them in an escrow account for the purposes outlined. If

improvements are not completed within 10 years, the funds shall be returned to the subdivider or developer under terms outlined by the **Borough Director of Law**. Cash contributions shall not be required where county or state agencies have jurisdiction over a subject improvement and where those units require a guaranty that would represent a duplication.

Section 29: Schedule A – District Use Regulations is hereby repealed and replaced with the revised Schedule A – District Use Regulations attached.

Section 30: Schedule B – District Bulk Regulations is hereby repealed and replaced with the revised Schedule B – District Bulk Regulations attached.

Section 31: Schedule E – Zoning Map, Northern Portion is hereby repealed and replaced with the revised Schedule E – Zoning Map, Northern Portion attached.

Section 32: Schedule E – Zoning Map, Southern Portion is hereby repealed and replaced with the revised Schedule E – Zoning Map, Southern Portion attached.

Section 33: Any and all Ordinances inconsistent with this ordinance are hereby repealed to the extent of any such inconsistency,

Section 34: Should any section, part or provision of this ordinance be deemed invalid or unconstitutional, such decision shall not effect the validity of the remaining terms of this ordinance as a whole or any part thereof, other than section, part or provision so held invalid or unconstitutional.

Section 35: This ordinance shall take effect on its final passage and publication as provided by law.