

**AN ORDINANCE OF THE TOWNSHIP OF PLAINSBORO AMENDING AND  
REVISING CHAPTER 101 ENTITLED "ZONING"**

**NOW THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Plainsboro, as follows:

**Section 1.** Section 101-1 entitled "Definitions and Usage," is hereby replaced in its entirety and replaced with the following new section:

**§101-1 Definitions and Usage.**

A. Words and phrases. Words used in the present tense include the future; the singular number includes the plural, and the plural, the singular. The word "lot" includes the word "plot." The word "building" includes the word "structure." The term "such as" where used herein shall be considered as introducing a typical or illustrative rather than an entirely exclusive or inclusive designation of permitted or prohibited uses, activities, establishments or structures.

B. Definitions. Certain words and terms in this chapter are defined for the purpose thereof as follows:

**ACCESSORY USE OR BUILDING**

A subordinate use or building, the purpose of which is incidental to that of a main use or building on the same lot.

**ADULT BOOKSTORE**

A retail establishment selling and/or displaying publications and other material of an obscene nature, as defined in N.J.S.A. 2C:34-2a, which is not the type of retail business permitted in the GB Business Zone.

**AGRICULTURE**

The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to forage and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including nuts and berries; vegetables; or lands devoted to a soil conservation or forestry management program.

**ALLEY**

A service roadway providing access to residential parking and garages generally from the rear of residential lots. Such roadway is not intended for general (public) traffic circulation.

**APARTMENT or DWELLING UNIT**

A room or suite of two or more rooms which is designed for, intended for or occupied by one family or household living as an independent unit doing its own cooking.

**AUTOMOBILE WRECKING**

See "junkyard."

**AVERAGE LOT AREA**

The sum of the areas of all house lots, the area of all lots to be devoted to common open space, including buffer strips, and all new roadways to be installed less areas lying within public road rights-of-way existing prior to development divided by the total number of residential development lots.

#### **BABY-SITTING**

An activity provided in an occupied residence in which child care is provided only for a child or children related to the resident caregiver or only for a child or children of one unrelated family or only for a combination of such children; not being a child-care center or family day care home. Baby-sitting is a permitted accessory use in all Township residences.

#### **BASEMENT**

A story partly underground and having more than 1/2 of its height above the ground.

#### **BOARD OF ADJUSTMENT**

The Board of Adjustment established pursuant to Article II, Section 1, of the Land Use Procedures Ordinance of the Township of Plainsboro.

#### **BOULEVARD**

A street, typically a major street, with a planted median island in the center separating lanes of opposing traffic.

#### **BUILDABLE AREA**

That central portion of any lot lying between required yards and/or setback lines.

#### **BUILDING**

A combination of materials to form a construction adapted to permanent, temporary or continuous occupancy or use and having a roof.

#### **BUILDING HEIGHT**

The vertical distance measured from the mean elevation of the finished grade along the perimeter of the building to the highest point of the roof for flat roofs, to the mean height level (between the eaves and ridge) for gable and hip roofs and to the deck line of mansard roofs. In all cases the building height shall not include chimneys, spires, towers, elevator penthouses, tanks, antennas, air-conditioning equipment and similar projections; provided, however, that such projections shall be attractively and appropriately shielded.

#### **CARPORT**

A covered roof extending from the exterior building wall which allows a vehicle to park underneath.

#### **CELLAR**

A story partly underground which has less than half its height above ground level.

#### **CHILD-CARE CENTER**

Any facility which is maintained for the care, development and supervision of six or more children under the age of six who attend the facility for less than 12 hours a day and which offers such programs as day-care centers, drop-in centers, recreation-type centers sponsored and operated by a county or municipal government, centers serving mildly sick children, centers that had not been licensed by the New Jersey Department of Human Services prior to the enactment of the Child Care Center Licensing Act of 1984,[2] day nursery schools, play schools, cooperative child centers, centers for children with special needs, infant-toddler programs, employment related centers and/or kindergartens that are not an integral

part of a private educational institution or system offering elementary education in grades kindergarten through sixth. A child-care center shall not offer programs operated by a public or private day school of elementary and/or high school grade special activity programs for children, youth camps and/or religious classes.

#### **CIRCULATION**

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

#### **CLUSTER RESIDENTIAL DEVELOPMENT**

Any major subdivision in the R-200 Zone which employed the lot area provisions of Article V, R-200 Rural Zone Regulations, § 101-31.1, and was approved as a cluster residential development by the Planning Board and was physically developed in accordance with that approval.

#### **COLONNADE**

A roof or building structure, extending over the sidewalk, open to the street and sidewalk except for supporting columns or piers. Awnings are permitted within a Village Center Zone, but are not considered colonnades.

#### **COMMON OPEN SPACE**

An open space area within or related to a site designated as a development, and designed and intended for the use or enjoyment of residents and owners of the development and/or the general public. "Common open space" may contain such complementary structures and improvements as are necessary and appropriate for its use or enjoyment.

#### **COMPLETE APPLICATION**

#### **CONDITIONAL USE**

A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this Zoning Ordinance and upon the issuance of an authorization therefor by the Planning Board.

#### **CONDITIONAL USE APPROVAL**

The authorization to conduct a particular conditional use in a particular zone. It is issued by the Planning Board upon proof that all the criteria for the use have been met by the applicant. Any applications seeking exceptions to that criteria shall be considered as an application for a use variance and shall be made to the Zoning Board of Adjustment, which shall have the authority to grant the approval under those circumstances.

#### **COUNTY PLANNING BOARD**

Middlesex County Planning Board.

#### **DAYS**

Calendar days.

#### **DENSITY**

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

#### **DEVELOPER**

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

#### DEVELOPMENT

The division of a parcel of land into two or more parcels, or the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structures or of any mining, excavation or landfill, and any use or change in the use of land, for which permission may be required pursuant to this chapter or the Subdivision and Site Plan Review Ordinance.

#### DORMITORY

Any building designed or converted for the accommodation of five or more persons of the same sex not living as a housekeeping unit but sharing common sanitary facilities.

#### DRAINAGE

The removal of surface water or groundwater from land by drains, grading or other means, and including control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

#### DRIVE-THROUGH FACILITY

A facility associated with a use that by design, physical facilities, service or by packaging procedures encourages or permits customers to receive services and/or obtain goods while remaining in their motor vehicles.

#### DWELLING, MULTIPLE

A building or portion thereof used or designed as a residence for three or more apartment or dwelling units, including apartment houses, apartment hotels and flats, but not including automobile courts, or former single-family dwellings converted for occupancy by not more than three families as permitted herein. Such use may also be referred to as a "Multi-Family Dwelling." Within an integrated mixed-use neighborhood development, a Manor House shall be considered a multi-family dwelling.

#### DWELLING, PATIO HOME

A free-standing detached building on one lot, or within a lot held in common ownership, serving one family with one wall of the building separated by at least 10 feet from the adjoining building. Patio homes shall have at least one blank wall to insure privacy to the closest neighbor.

#### DWELLING, SINGLE FAMILY DETACHED

A detached building designed for or occupied exclusively by one family or dwelling unit.

#### DWELLING, TOWNHOUSE

A building containing three or more connected dwelling units divided by common party walls or floors, with private entrances to each dwelling. In an integrated mixed-use neighborhood development, townhouse dwellings may include two or more connected units, located side by side, back to back, one over the other, or any combination thereof. For purposes of this chapter, a townhouse dwelling may include dwelling units with fee simple, condominium, or cooperative ownership.

#### DWELLING, TWO-FAMILY

A detached or semidetached building where not more than two individual family or dwelling units are entirely separated by vertical walls or horizontal floors, unpierced, except for access to the outside or to a common cellar. Within an integrated mixed-use neighborhood development a two-family or semidetached dwelling shall be considered as a townhouse dwelling.

**DWELLING UNIT**

See "apartment."

**EASEMENT**

A right granted to the Township or other governmental authority for the use of private land for certain public and quasi-public purposes.

**EROSION**

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

**FAMILY**

One or more persons living as a single nonprofit housekeeping unit as distinguished from individuals or groups occupying a hotel, club, fraternity or sorority house. The family shall be deemed to include necessary servants when servants share the common housekeeping facilities and services.

**FAMILY DAY-CARE HOME**

A private residence in which child-care services are provided in accordance with the laws of the State of New Jersey on the effective date of this chapter and as amended hereafter.

**FARM**

For the purposes of this chapter, agriculture.

**FARM BUILDINGS**

All structures useful or necessary to conduct agricultural activity, including but not limited to barns, silos, mechanical equipment storage sheds, animal pens or other shelters.

**FARMING**

Agricultural activity or the raising of livestock or small animals as a major source of income and if conducted upon a lot or plot in single ownership of not less than five acres in area.

**FARM STAND**

A booth or stall located on a farm from which agricultural products are sold to the general public.

**FLOOD HAZARD AREA**

The relatively flat terrain adjoining a water channel which has been or may be hereafter covered by floodwater of the channel.

**FLOOR AREA, GROSS**

The total area of all the stories of all the structures on a lot, measured from the outside faces of the exterior walls or from the exterior roof edges where a structure has no walls, and including the following, although not by way of limitation: interior balconies and mezzanines, roofed areas such as porches and carports and basement space, but excluding rooftop, roofed or enclosed area that is used for parking spaces.

**FLOOR AREA RATIO (FAR)**

The sum of the area of all floors of buildings or structures compared to the total area of the site.

**GARAGE**

Building used for housing or storing of self-propelled motor vehicles or unit portions thereof designed for use on public highways.

**(1) GARAGE, PRIVATE**

A garage intended for or used by the motor vehicles of the families resident upon the premises.

**(2) GARAGE, PUBLIC**

Any garage not included within the definition of a "private garage."

**GOVERNING BODY**

The Township Committee of the Township of Plainsboro.

**HOME OCCUPATION**

Any indoor activity carried out by a resident for gain in a dwelling unit which is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

**INSTITUTIONAL USE**

A nonprofit, religious, community service or public use such as a religious building, post office, library, community meeting hall, cultural-recreational-educational facility, visual and/or performance arts building or government-owned or operated building or structure.

**JUNKYARD**

The use of any lot for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of structures, automobiles or other vehicles, equipment and machinery or parts thereof; provided, however, that this definition shall not be deemed to include any of the foregoing uses which are accessory and incidental to any agricultural or industrial use permitted in any zone. The term "junkyard" as herein defined includes automobile wrecking yards.

**LAND**

Includes improvements and fixtures on, above or below the surface.

**LIVE-WORK DWELLING UNIT**

A dwelling unit on the second floor occupied by the operator of a small business (maximum 1,500 square feet) on the first floor, with a main entrance to the unit that faces a street.

**LOT**

A designated parcel, tract or area of land, established by a plat or otherwise as permitted by law, to be used, developed or built upon as a unit.

**LOT AREA**

The total horizontal area included within lot lines. Where the front lot line is the center line of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

**LOT DEPTH**

The shortest horizontal distance between the front lot line and a line drawn parallel to the front lot line through the midpoint of the rear lot line, provided that in triangular lots having no rear lot line the distance shall be measured to the midpoint of a line parallel to the front lot line which shall be not less than 10 feet in length measured between its intersections with the side lot lines.

#### **LOT FRONTRAGE**

That portion of a lot extending along a street line. In odd-shaped or triangular-shaped lots in the residential zones, the length of the frontage may be considered to be the same as the lot width, except that such length of frontage shall not be less than 1/2 of any minimum frontage herein required, and that the actual length of the street line shall be not less than 50 feet.

#### **LOT WIDTH**

The horizontal width measured at right angles along the setback line.

#### **MASTER PLAN**

A composite of the mapped and written proposals recommending the physical development of the municipality which shall have been duly adopted by the Planning Board pursuant to Article 3 of the Municipal Land Use Law.

#### **MAXIMUM IMPROVEMENT COVERAGE**

The building coverage and area of all paved surfaces which cover a lot, such as required parking spaces, including necessary maneuvering areas, passageways and driveways giving access thereto; service areas; access ways; streets; walkways; patios; and plazas.

#### **MUNICIPALITY**

The Township of Plainsboro.

#### **MUNICIPAL LAND USE LAW**

Chapter 291 of the Laws of New Jersey 1975, as amended from time to time.

#### **NECESSARY PUBLIC UTILITIES AND SERVICES**

Necessary public utilities and services include the provision of public utilities and services which are owned and provided by public or private entities, and which include the facilities and improvements related to such public utilities and services. Such public utilities and services include but are not limited to the provision of electricity; gas; water; sanitary sewer collection and treatment; telephone communications; cable television; internet access facilities; public schools; and municipal, county, or state facilities. Such definition does not include facilities regulated pursuant to Article XXII, Wireless Telecommunications Facilities, of the Township Code.

#### **NONPROFIT EDUCATIONAL INSTITUTION**

Any educational institution of higher learning chartered by the State of New Jersey, or a private educational institution normally subject to regulations prescribed by the State of New Jersey, which institution is operated on a nonprofit basis. This definition shall be deemed to include all activities secondary or subordinate to the main activity of any such institution, which activities are a part of the normal operation of such institution as set forth in its charter.

#### **NURSING HOME**

Any building in which more than one room or an area exceeding 400 square feet is used for the accommodation, reception or treatment of the aged or sick who are residents therein, excluding members of the resident family.

**OFFICIAL MAP**

A map adopted by the governing body pursuant to Article 5 of the Municipal Land Use Law.

**OPEN SPACE**

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

**PAD SITE**

An area reserved for a freestanding building located within a shopping center.

**PCD PLANNED UNIT DEVELOPMENT**

An area that is specified on the Zoning Map as having a district classification of PCD Planned Unit Development and which is to be developed as a single entity according to a plan, containing one or more residential developments or one or more public, quasi-public, business and commercial or office, research, industrial areas in the ranges of ratios of nonresidential uses to residential uses as are specified in Article XI of this chapter.

**PLANNED AGE-RESTRICTED VILLAGE RESIDENTIAL DEVELOPMENT**

A planned residential community having one or more parcels of land with a contiguous total acreage forming a land mass to be dedicated for the use of a planned residential development providing for a range of living accommodations (age-restricted dwelling units) and support facilities for adults 55 years of age or older or for couples, one of whom is at least 55 years of age, or as otherwise permitted by state and federal laws for age-restricted housing.

**PLANNED DEVELOPMENT**

A PMUD planned unit development or a PCD planned unit development.

**PLANNING BOARD**

The Planning Board established pursuant to Article I, Section 1, of the Land Use Procedures Ordinance of the Township of Plainsboro.

**PLAT**

The map of a subdivision or site plan and is used interchangeably in this chapter with "plan."

**(1) MINOR PLAT**

The map of a subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification and meeting the requirements of this chapter.

**(2) PRELIMINARY PLAT**

The preliminary map indicating the proposed layout of the subdivision or site plan which is submitted to the Planning Board for Planning Board consideration and preliminary approval and meeting the requirements of this chapter.

**(3) FINAL PLAT**

The final map of all or a portion of the subdivision or site plan which is presented by the Planning Board for final approval in accordance with these regulations.

#### **PLAZA or SQUARE**

A formal open space area which is readily accessible to the public at all times, predominantly open above, and designed specifically for use by people as opposed to serving as a setting for a building; typically designed to include a combination of paving and landscaping materials and may include sitting areas, public art, a landmark or monument structure and/or a significant water feature.

#### **PMUD PLANNED UNIT DEVELOPMENT**

An area that is specified on the Zoning Map as having a district classification of PMUD Planned Unit Development and which is to be developed as a single entity according to a plan, containing one or more residential developments or one or more public, quasi-public, business and commercial, office, research, industrial or educational research areas in the ranges of ratios of nonresidential uses to residential uses as are specified in Article XII of this chapter.

#### **PROFESSIONAL OFFICE**

The office of a member of a recognized profession. When conducted in a residential district, a professional office shall be conducted entirely within a residential building. The issuance of a state or local license for regulation of any gainful occupation need not be deemed indicative of professional standing.

#### **PUBLIC AREAS**

Public parks, playgrounds, trails, paths and other recreational areas and public open spaces; scenic and historic sites; and sites for schools and other public buildings and structures.

#### **PUBLIC DRAINAGEWAY**

The land reserved or dedicated for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion.

#### **PUBLIC OPEN SPACE**

An open space area conveyed or otherwise dedicated to the municipality, a municipal agency, the regional Board of Education, a state or county agency or any other public body for recreational or conservational uses.

#### **RECREATIONAL VEHICLE**

A portable structure, self-propelled or towable by another vehicle, primarily designated, constructed or modified to provide temporary living quarters or for recreational, camping, boating or travel use and not for commercial purposes or for profit.

#### **RECREATIONAL VEHICLE STORAGE**

The stationary placement of any recreational vehicle for a continuous period in excess of one week.

#### **SEDIMENTATION**

The deposit of soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a product of erosion.

#### **SETBACK LINE**

A line within any lot, usually marking the limits of a required yard space, parallel to any street line, between which and the street line no building or portion thereof may be erected except as provided in this chapter.

#### **SHOPPING CENTER**

A group of commercial establishments built on a lot or lots that are planned, developed, owned and managed as an operating unit; it provides on-site parking in relationship to the type and total size of the stores. The commercial establishments may be located in one or several buildings, attached or separated, or on separate lots so long as they are in common ownership. Any reference to "lot" contained herein, in Article VII, for purposes of establishing area, frontage, depth, coverage, improvement coverage or floor area ratio shall be understood as the aggregate of all lots in common ownership, the use of which are as a shopping center.

#### **SIGN**

Any outdoor advertising sign or outdoor advertising structure.

#### **SITE PLAN**

A development plan of one or more lots on which is shown the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways; the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs and lighting and screening devices; and any other information that may be reasonably required in order to make an informed determination concerning the adequacy of the plan in accordance with the requirements of this chapter.

##### **(1) MINOR SITE PLAN**

Any development plan which is limited to the proposed construction of any permitted accessory use(s), such as a sign or off-street parking area, as such accessory uses specifically permitted in this chapter, provided that major site plan approval has previously been granted for the principal use(s). Applications for minor site plan approval shall be reviewed and acted upon by the same municipal agency which acted upon the previously approved major site plan.

##### **(2) MAJOR SITE PLAN**

Any development plan not classified as a "minor site plan."

#### **STORY**

That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. No story shall be deemed to be a first story if its floor level is more than six feet above the level from which the height of the building is measured. A mezzanine floor shall be counted as a story if it covers over 1/3 the area of the floor next below it or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more. A basement shall be counted as a "story" if its ceiling is over five feet above the level from which the height of the building is measured or if it is used for business purposes or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same building, including the family of the same.

#### **STORY, HALF**

A story of which any two exterior sides meet a sloping roof not more than two feet above the floor of such story, or that portion of any structure herein defined as a basement.

## **STREET**

Any street, avenue, boulevard, road, parkway, viaduct, drive or other way that is an existing state, county or municipal roadway, or that is shown upon a plat heretofore approved pursuant to law, or that is approved by official action as provided in the Subdivision and Site Plan Review Ordinance,[8] or that is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats, and includes the land between the street lines, whether improved or unimproved, and whether or not comprising pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas.

## **STREET LINE**

The edge of the existing right-of-way or future street right-of-way as shown on the Master Plan or Official Map, whichever would result in the widest right-of-way, and which line forms the division between the street and lot, or if there shall be no Master Plan or Official Map, the dividing line between the lot and the street.

## **STRUCTURAL ALTERATIONS**

Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or in the utility system or mechanical equipment of a structure, which materially alters its usability, capacity or function.

## **STRUCTURE**

A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

## **SUBDIVISION**

The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this chapter if no new streets are created: divisions of land found by the Planning Board or Subdivision Committee thereof appointed by the Chairman to be for agricultural purposes where all resulting parcels are five acres or larger in size; divisions of property by testamentary or intestate provisions; divisions of property upon court order, including but not limited to judgments of foreclosure; consolidation of existing lots by deed or other recorded instrument; and the conveyance of one or more adjoining lots, tracts or parcels of land owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the Tax Map or Atlas of the municipality. The term "subdivision" shall also include the term "resubdivision."

### **(1) MINOR SUBDIVISION**

Any division of land containing an aggregate of not more than four lots (three new lots and the remaining parcel), including the number of lots, parcels and lands resulting from any prior subdivisions of the same land and any lands, lots or parcels from which the land sought to be subdivided arose prior to June 28, 1954, each fronting on an existing street or streets; not involving any new street or the installation of any street improvements or the extension of Township facilities; not involving any street(s) requiring additional right-of-way width as specified in the Master Plan or Official Map and the street requirements of this chapter, unless such additional right-of-way width, either along one or both sides of said street(s), as applicable, shall be deeded to the Township or to the appropriate governmental authority prior to classification as a minor subdivision; not adversely affecting the development of the remainder of the

parcel or adjoining property; and not in conflict with any provision of the Master Plan, Official Map or this chapter.

**(2) MAJOR SUBDIVISION**

Any division of land not classified as a "Minor subdivision."

**TRAILER CAMP OR COURT**

An area devoted to or designed for the accommodation of two or more wheeled vehicles or portions thereof in use as or capable of use as residential facilities which are commonly known as "house trailers" or "auto trailers." Any such house trailer which has been rendered incapable of immediate removal to another site shall be considered a residential structure and shall meet all requirements of this chapter for a residential structure.

**TRANSCRIPT**

A typed or printed verbatim record of the proceedings or reproduction thereof.

**USE**

The purpose for which land or a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained.

**VILLAGE CENTER ZONE**

This zoning classification shall permit and promote a full range of commercial, office, institutional, and residential land uses. The goal is to create a vibrant, pedestrian-friendly, mixed-use environment with an emphasis on uses that service local needs.

**YARD**

An open space, as may be required by this chapter, of uniform width or depth on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as herein permitted.

**YARD, FRONT**

A yard extending across the full width of the lot and lying between the front or street line of the lot and the nearest wall or part of the building. The depth of the front yard shall be measured at right angles to the front line of the lot.

**YARD, REAR**

A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest wall or part of the building. The depth of a rear yard shall be measured at right angles to the rear of the lot in the same manner as specified herein for the measurement of lot depth.

**YARD, SIDE**

An open, unoccupied space between the side line of the lot and the nearest wall or part of the building and extending from the front yard to the rear yard, or in the absence of either of such yards, to the front or rear lot lines, as the case may be. The width of a side yard shall be measured at right angles to the side line of the lot.

**Section 2.** Section 101-136 entitled "Area Requirement," is hereby replaced in its entirety and replaced with the following new section:

§ 101-136. Area requirement.

The minimum land area required for a PMUD planned unit development shall be 100 contiguous acres. For the purpose of this requirement, streets shall not be deemed to divide acreage.

**Section 3.** Section 101-137 entitled “Permitted Uses,” is hereby replaced in its entirety and replaced with the following new section:

§ 101-137. Permitted uses.

The following uses shall be permitted in a PMUD planned unit development:

- A. Office, research and industrial uses permitted in the I-100 Limited Industrial Zone under Article VIII of this chapter and any amendments thereto.
- B. General educational and research activities conducted exclusively by a nonprofit educational institution or a nonprofit organization serving the interests of such in situation, which activities may include but shall not be limited to instruction in general academic and religious education, instruction and research in the fields of science and engineering, including such branches as agriculture, astronomy, chemistry, general and nuclear physics, ballistics, biology, biochemistry, physiology, psychology, mathematics, metallurgy, chemical, mechanical, electrical and aeronautical engineering, aerodynamics, flight dynamics, gas dynamics and jet propulsion; and buildings used in connection with such activities, which buildings may include but shall not be limited to classrooms, meeting halls, offices, laboratories, shops, powerhouses, observatories, hangars, airstrips, barns, garages, dormitories and group dining facilities for faculty and staff.
- C. Business and commercial uses permitted in the GB Business Zone under Article VII of this chapter and any amendments thereto and the OB-1 Office Business Zone under Article VIIA of this chapter and any amendments thereto. An indoor motion-picture theater and a hotel or motel and related facilities, including but not limited to a conference center auxiliary to the hotel or motel use, shall be permitted as commercial uses.
- D. Dwelling units in detached, semidetached, attached, groups of attached or clustered structures, or any combination thereof.
- E. Public buildings, public schools and private schools not for pecuniary profit, places of worship, facilities for social or civil clubs or organizations, hospitals and other community facilities.
- F. Recreational and cultural facilities, including but not limited to golf courses, clubhouses and swimming pools.
- G. Agricultural uses.
- H. Common open space.
- I. Accessory uses, including but not limited to facilities for administration, maintenance and fire prevention and safety.
- J. Child-care centers located next to or within residential areas shall be subject to the minimum standards found in § 101-25F.
- K. Child-care centers located within nonresidential areas shall be subject to the minimum standards found in § 101-65FL.
- L. Child-care centers as an accessory use are permitted, subject to the standards contained in § 101-13.4.

M. Family day-care homes, subject to the terms set forth in the family day-care home definition in § 101-1.

N. Home occupations and professional offices, subject to the standards found in § 101-13.5.

O. Retirement community, providing for a range of living accommodations, health care services and support facilities for people who are 50 years of age or older or for couples one of whom is at least 50 years of age (except to the extent otherwise provided in the certificate of need issued by the New Jersey Department of Health for a nursing facility with respect to age restriction), and which may include age-restricted units, independent living units, assisted living units and nursing care units. For the purpose of this Article XII: [Added 2-8-1995 by Ord. No. 95-01]

(1) An “age-restricted unit” is a dwelling unit in a retirement community which is unrestricted except as to an age requirement for occupancy.

(2) An “independent living unit” is a self-contained unit for an older adult or adults who are capable of caring for themselves but for whom dining, social and health related services are provided within the community through contractual arrangements with the owner/manager, either as a complete package or on a-la-carte basis.

(3) An “assisted living unit” is a unit in an assisted living facility which is licensed by the New Jersey State Department of Health. Such units shall offer, at a minimum, one unfurnished room, a private bathroom, and a lockable door on the unit entrance. “Assisted living” is a level of care between nursing care and independent living and includes a coordinated array of supportive personal and health services, available 24 hours per day, to residents who have been assessed to need such services. Assisted living is intended to promote resident self-direction and participation in decisions that emphasize independence, individuality, privacy, dignity, and homelike surroundings.

(4) “Nursing care unit” is a bed in a nursing facility that is licensed by the New Jersey State Department of Health to provide health care under medical supervision and continuous nursing care to patients who do not require the degree of care and treatment which a hospital provides and who, because of their physical or mental condition, require continuous nursing care and services above the level of room and board.

The following accessory structures and uses shall be permitted in a retirement community: Indoor and outdoor recreation facilities, allied medical facilities, entertainment facilities, libraries, food preparation facilities, dining facilities, laundry and linen service facilities, nursing services, housekeeping services, security facilities, administrative offices, staff facilities, storage and maintenance, chapels, temporary guest lodging facilities, parking facilities, barber shops and beauty parlors, facilities for the sale of sundries, personal articles, newspapers, food and similar convenience products to the residents, and such other uses as are customarily associated with and subordinate to the principal permitted uses.

Independent medical and specialty care offices and treatment facilities shall also be permitted in a retirement community.

P. Mixed-use multiple dwellings, providing the multiple dwelling development is integrated within an existing planned unit development containing a mix of uses permitted under § 101-137A and C of this zone, including, but not limited to, office, retail, restaurant, health club, hotel, and educational uses; on a site containing a minimum of 50 acres of land; which land area may be subdivided into multiple parcels

under separate ownership, the entirety of which shall be referred to as a “mixed-use planned development.” A mixed-use multiple dwelling development may include outdoor amenity spaces, leasing center, structured parking, and recreational facilities.

Q. Integrated mixed-use neighborhood development, on a tract of land west of U.S. Route 1, measuring a minimum of 100 acres, containing open space areas (including common open space, plazas or squares, and public areas); recreational uses (indoor and/or outdoor); retail sales and services; a mix of residential uses (including single-family and townhouse dwellings, multi-family dwellings, affordable housing units, and age-restricted housing providing living accommodations for adults 55 years of age or older or for couples, one of whom is at least 55 years of age, or as otherwise permitted by state and federal laws for age-restricted housing); and a mix of non-residential uses such as personal services, banks and financial service establishments, restaurants, eating and drinking establishments, theaters, performance and arts facilities, entertainment, hotels, offices, health and fitness facilities, educational and research uses, and other complementary business or commercial uses; integrated mixed-use neighborhood developments may also include child-care centers pursuant to §101-65.F, §101-13.4, and §101-25F of this Code, as applicable; family day-care homes; home occupations and professional offices pursuant to §101-13.5; and accessory uses and buildings customary and incidental to any and all of the permitted principal uses referenced herein. Permitted uses may be located in vertical mixed-use buildings (combining different residential and/or non-residential uses in the same building), single-use buildings, horizontal mixed-use buildings (combining vertical mixed-use buildings and single-use buildings on distinct parcels in a range of residential and/or non-residential uses), or any combination thereof. The utilization of outdoor space(s) as places of assembly, dining, shopping and/or special events shall be specifically permitted. The overall tract comprising the integrated mixed-use development may be subdivided into multiple parcels under separate ownerships, the entirety of which shall be referred to and function as an “integrated mixed-use neighborhood development.”

**Section 4.** Section 101-137.1 entitled “Location of permitted uses,” is hereby added as follows:

§ 101-137.1. Location of permitted uses.

The uses set forth in section 101-137 should be developed only in the locations shown on the PMUD Use Location Map, prepared by CME Associates, dated \_\_\_\_\_, except that the Planning Board in its discretion, and for good cause shown, shall be authorized to approve a variation in the location of a given use or uses upon application by the developer. To approve a variation, the Board must find that such variation will not substantially impair the intent and purpose of the PMUD Zone, including the intent and purpose of the location map and existing and planned infrastructure, or be substantially detrimental to the public health, safety and welfare.

**Section 5.** Section 101-138 entitled “Ratio of nonresidential and residential uses,” is hereby replaced in its entirety and replaced with the following new section:

§ 101-138. Ratio of nonresidential and residential uses.

For each acre of land devoted to a residential use, there shall be at least seven acres devoted to nonresidential uses, excluding common open space. In view of their unique nature, any retirement community, mixed-use multiple dwelling development, or integrated mixed-use neighborhood development shall be exempt from this requirement.

**Section 6.** Section 101-139 entitled "Residential Density," is hereby replaced in its entirety and replaced with the following new section:

§ 101-139. Residential density.

- A. There shall be an average of not more than eight dwelling units per acre of land devoted to residential use except for mixed-use multiple dwellings within an existing planned development, where the permitted density shall be an average of not more than seven dwelling units per acre of land devoted to the mixed-use planned development. For the purposes of this requirement, land devoted to residential use shall be deemed to include private lot areas of owners or residents of such dwelling units, parking areas, utility easements and rights-of-way, walkways, roads and alleys and any other areas serving primarily such owners or residents, and, in the case of condominiums, "common elements" and "limited common elements" (as defined in N.J.S.A. 46:8B-3) except any structure or part thereof which comprises a part of such common elements or limited common elements; it shall not be deemed to include common open space.
- B. In a retirement community developed pursuant to §101-137.O., only age-restricted units shall be deemed dwelling units.
- C. Within an integrated mixed-use neighborhood development, non-age restricted units shall not exceed a gross density of 7.0 dwelling units per acre or 750 units, whichever is lower, and age-restricted units shall not exceed a gross density of 2.0 units per acre or 200 units, whichever is lower.
- D. Residential densities for an integrated mixed-use neighborhood development shall be calculated based on the total area of the development tract.

**Section 7.** Section 101-140 entitled "Common Open Space," is hereby replaced in its entirety and replaced with the following new section:

§ 101-140. Nonresidential floor area.

- A. In those portions of the PMUD zone located on the west side of U.S. Route 1, there shall be no nonresidential floor area limitation, with the exception of properties located within an integrated mixed-use neighborhood development, which shall be subject to the floor area limitations set forth in §101-140.C.
- B. The following requirements shall apply to those portions of the PMUD zone located on the east side of U.S. Route 1:
  - (1) The overall or average Floor Area Ratio (FAR) for all nonresidential properties on the east side of U.S. Route 1 shall be 0.25.
  - (2) Notwithstanding the provisions of §101-140B(1) above, properties subject to a general development plan approval shall be subject to a not-to-exceed average FAR limitation of 0.25 within the GDP that may be allocated to individual properties throughout the planned unit development or transferred to or from properties within the PMUD zone on the east side of U.S. Route 1.
- C. An integrated mixed-use neighborhood development shall be subject to the following nonresidential floor area requirements:
  - (1) Except as permitted in § 101-140C(2), no integrated mixed-use neighborhood development shall contain more than 310,000 square feet of floor area devoted to retail space, 220,000 square feet of floor area devoted to office space, or 75,000 square feet of floor area devoted to hotel space and shall be limited to a total gross nonresidential floor area of 605,000 square feet. "Retail space" shall be deemed to include all commercial uses except for the permitted office and hotel uses; however,

the retail, restaurant, and personal services portions of the hotel shall be considered part of the permitted retail floor area for the development.

- (2) The Planning Board may increase the allowable floor area devoted to retail space to a maximum of 370,000 square feet, the allowable floor area devoted to office space to a maximum of 300,000 square feet, and the allowable total gross nonresidential floor area to a maximum of 745,000 square feet, provided it first finds that any adverse fiscal, parking or traffic impacts to the Township resulting from the increase can be adequately mitigated by site plan design and/or improvements. The Planning Board must also find that the increase in floor area will have a demonstrated contribution to the economic vitality of the overall development project. The maximum allowable floor area devoted to hotel space shall remain capped at 75,000 square feet.
- (3) Retail areas within an integrated mixed-use neighborhood development shall be designed to provide a “Main Street” inspired environment, containing a mix of single-story and multi-story buildings, offering a variety of pedestrian-scale and active uses with frequent entrances and windows located along and facing the street level. To encourage this type of development, the following ground floor square footage and frontage limitations shall apply:
  - i. No more than three individual retail anchor uses (or four if approved under §101-140C(2) above) shall occupy a ground floor space greater than 30,000 square feet in area, but not to exceed 45,000 square feet in area, provided that this provision shall not apply to cinema theater complexes; theater and performance arts and/or entertainment uses; indoor recreation; and grocery stores. Retail uses occupying 30,000 or more square feet of ground floor space, including those uses exempt above, shall not exceed 60% of the total ground floor retail square footage within the integrated mixed-use neighborhood development.
  - ii. To encourage active retail frontages within the retail “Main Street” environment, which shall include the required central civic space per the §101-141F(3), the following shall apply to individual retail uses:
    - a. Individual retail uses occupying a ground floor space greater than or equal to 30,000 square feet in area shall not exceed 60 feet of ground floor street frontage along the central civic space or commercial Main Street. At least one (1) active entry door shall be provided on the façade along the central civic space or commercial Main Street.
    - b. Individual retail uses occupying a ground floor space less than 30,000 square feet in area shall be required to provide at least one (1) active entry door for every 60 feet of ground floor frontage of the façade along the central civic space or commercial main street. However, where more than one such door is required on the façade of such primary street frontage, each additional such door after the first may be substituted for another type of active building opening, such as pop-open café doors or similar treatment. An individual retail use on a street corner with two street frontages, where such use would otherwise be required to provide more than one (1) active entry door and/or other type of active building opening along the primary street frontage, but no such door or opening on the second street frontage,

shall relocate one (1) such door or building opening to the second street frontage. No building façade with street frontage shall extend more than 90 feet without providing an active entry door or other active building opening.

- iii. To foster the retail “Main Street” environment, no less than 60% of the linear street frontage adjoining the central civic space as required per §101-141F(3) or commercial main street shall consist of buildings with at least one upper floor of active uses, which shall contain retail, office, hotel, or residential uses, singly or in combination. Linear street frontage of buildings containing grocery stores and cinema theater complexes shall be exempt from this requirement.

**Section 8.** Section 101-141 entitled “Evaluation standards and criteria,” is hereby replaced in its entirety and replaced with the following new section:

§ 101-141. Common open space.

- A. There shall be set aside for common open space not less than one acre of land for every eight dwelling units. In view of their unique nature, integrated mixed-use neighborhood development and mixed-use multiple dwellings within an existing planned unit development shall not be subject to the requirements of this subsection.
- B. There shall be set aside for common open space not less than three acres of land for every 10 acres of land devoted to office, research, industrial uses and/or educational-research uses and/or business and commercial uses. In view of its unique nature, the non-residential component of an integrated mixed-use neighborhood development shall not be subject to the requirements of this subsection.
- C. The location of the common open space shall be consistent with the declared function of the common open space, and where possible the common open space shall be planned as a contiguous area located for the maximum benefit of the area which it was designed to serve, preserving and where possible enhancing natural features.
- D. The requirements set forth in §85-62D of the Subdivision and Site Plan Review Ordinance with respect to the maintenance of common open space and provisions for an organization to own and maintain the open space which is to be set aside as herein provided shall be applicable to a PMUD planned unit development. Land dedicated for public use and maintenance for recreational or conservational purposes pursuant to §85-62C of said ordinance shall be deemed land devoted to common open space for the purpose of satisfying the requirements set forth in Subsections A and B of this section.
- E. Within a retirement community, there shall be set aside for common open space no less than three acres of land for every 10 acres of land devoted to independent living units, assisted living units and nursing care units, and not less than one acre of land for every eight age-restricted units. This provision shall not apply to age-restricted residential development within an integrated mixed-use neighborhood development.
- F. Common open space within an integrated mixed-use neighborhood development shall include all “open space areas” as permitted under §101-137Q. The following requirements shall apply to open space within an integrated mixed-use neighborhood development:
  - (1) No less than thirty percent of the overall tract area shall be set aside for common open space. Such open space shall be designed to be accessible to surrounding uses and, where feasible, be connected to other common open space areas. Only individual open space features measuring 1,000 square feet or greater in area shall

be included when calculating the required percentage of common open space for the overall tract area,

- (2) Open space shall consist of civic spaces (e.g. neighborhood parks, pocket parks, linear parks, and/or plazas) and conservation areas (e.g. the preservation of environmentally sensitive open space areas). Civic spaces may include, but not be limited to, hardscape, vegetated, or synthetic surfaces. Open space shall include storm water management facilities that are designed as an integral element of the overall landscape design and contribute to the public use and enjoyment of the open space – examples include vegetated detention basins, grass swales, bio retention basins, rain gardens, retention ponds, or similar. Open space shall not include storm water management facilities with exposed sand bottoms or similar barren surfaces.
- (3) At least one of the required civic spaces shall be centrally located to retail uses and shall function as a major activity area to the surrounding uses. This civic space shall contain a minimum of one acre and may include trees, landscaped areas, pathways, hardscaped gathering areas, amenities, and structures or uses that foster active use and the retail “main street” environment.
- (4) The residential areas within the development shall be conveniently served by nearby neighborhood parks containing not less than two acres in aggregate. Together such parks shall include areas for passive use and active use; the latter to include appropriate active recreational facilities.

**Section 9.** Section 101-142 entitled “Off-street Parking,” is hereby replaced in its entirety and replaced with the following new section:

§ 101-142. Evaluation standards and criteria.

In order to foster the attractiveness of a site designated as a PMUD planned unit development and the surrounding neighborhoods and thereby preserve property values, and in order to provide an efficient road and utility network, ensure the movement of traffic, implement comprehensive planning and better serve the public health, safety and general welfare, the following standards and criteria shall be utilized by the Planning Board in reviewing all site plans and subdivision plats relating to a PMUD planned unit development. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation.

- A. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal.
- B. Proposed buildings shall be related harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings.
- C. The distance between buildings shall be sufficient to provide adequate light and air.
- D. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.
- E. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system.

- F. All permanent utility lines, pipes and conduits shall be located below ground and all other installations and appurtenances shall be adequately screened.
- G. The size, location, design, color, texture, lighting and materials of all temporary and permanent signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.
- H. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- I. Adequate provision shall be made for a sewage disposal system which shall be of sufficient size, capacity and design to collect and dispose of all sewage from all present and proposed buildings in the PMUD planned unit development and which shall be otherwise constructed and maintained in conformity with all applicable state, county and municipal regulations and requirements.
- J. Adequate provision shall be made for a storm drainage and surface water detention system which shall be of sufficient size, capacity and design to collect, carry off and dispose of all predictable surface water runoff within the PMUD planned unit development and which shall be otherwise constructed and maintained in conformity with all applicable state, county and municipal regulations and requirements.
- K. Adequate provision shall be made for a water system which shall be of sufficient size, capacity and design to supply potable water and fire protection to each of the buildings within the PMUD planned unit development and which shall be otherwise constructed and maintained in conformity with all applicable state, county and municipal regulations and requirements.
- L. Adequate provision shall be made for the collection and disposal and, where possible, recycling of garbage, trash and solid waste generated by the PMUD planned unit development, and such system shall be maintained in conformity with all applicable state, county and municipal regulations and requirements.
- M. Adequate provision shall be made for a system of interior roads sufficient to accommodate predictable vehicular traffic within the PMUD planned unit development and to ensure safe and efficient vehicular access, including access of fire-fighting equipment to and from each of the buildings within the PMUD planned unit development.
- N. In the event that PMUD planned unit development is to be constructed in sections over a period of years, then the provisions for the sewage and garbage disposal, storm drainage and water supply and for interior roads, specified in Subsections I, J, K, L and M of this section, need to be adequate only in respect to the sections of development which have previously received final approval and the section of development for which final approval is being sought. The developer shall supply to the Planning Board information disclosing such adequacy and obtain the Planning Board's approval thereof.
- O. Except as otherwise provided in this section, there shall be no minimum lot area, width or frontage, no minimum building setback, no maximum percentage of lot coverage, no requirement as to front, side or rear yards and no requirement concerning the location of accessory buildings or structures for any land use in a PMUD planned unit development. However, no plan for a PMUD planned unit development shall be approved unless the lot areas, widths, depths and frontages, building setbacks, percentages of lot coverage, front, side and rear yards and locations of accessory buildings or structures provided for in the site plan and subdivision plan are consonant

with the public health, safety and general welfare. Nor shall regulations otherwise applicable to temporary or permanent signs apply to such signs relating to uses permitted in a PMUD planned unit development; the standards applicable to such signs set forth in subsection G of this section shall, however, be observed.

P. (Reserved)

Q. Except as otherwise set forth herein, the height of any residential building within a PMUD planned unit development shall not exceed 35 feet, except for mixed-use multiple dwellings which shall not exceed four stories or 60 feet, whichever is less, and the height of any other building shall not exceed 60 feet; except that buildings used primarily as places of worship shall not be subject to any height limitation. Residential and nonresidential buildings within an integrated mixed-use neighborhood development shall be subject to the requirements of §101-142.S. In a retirement community, a building containing nursing care units may have a height not exceeding 40 feet, a building containing assisted living units and/or independent living units may have a height not exceeding 60 feet.

R. No building or structure, other than a fence or garden wall less than seven feet in height or a sign, shall be located within a distance of 50 feet of any exterior boundary line of the site designated for a PMUD planned unit development, and no such building or structure other than those excepted above shall be located within a distance of 50 feet of any state or county road. The Planning Board may reduce the setback from any exterior boundary line of the site designated for a PMUD planned unit development to not less than 15 feet where the Planning Board finds that the application of the above setback standard is not required in the interest of the residents, owners, tenants, and occupants of the planned unit development, and will not result in a substantially adverse impact on any neighboring property owner. Within an integrated mixed-use neighborhood development, the distance requirements referenced herein shall not apply to exterior boundary lines that form a municipal boundary.

S. Standards and criteria for integrated mixed-use neighborhood developments.

(1) All uses shall be subject to the evaluation standards and criteria set forth in section 101-142O and any design guidelines approved in association with such development.

(2) The maximum height of any building within an integrated mixed-use neighborhood development shall be as follows:

<b>Land Uses</b>	<b>Building (feet)</b>	<b>Height</b>
a. Accessory buildings (excl. multi-level parking structures)	Twenty (20)	
b. Single-family detached dwellings:	Thirty-five (35)	
c. Townhouse dwellings:	Forty-five (45)	
d. Stacked townhouses and manor houses:	Fifty-five (55)	
e. Other multifamily dwellings (including age-restricted):	Sixty (60)	
f. Mixed-use and non-residential buildings:	Sixty (60)	

g. Mixed-use and non-residential buildings within a commercial or mixed-use area may be up to 100 feet tall if the Planning Board determines that the additional height is warranted based upon the overall design character of the planned integrated mixed-use neighborhood development. Such buildings shall meet the following requirements:

- (i) The building architecture shall include a high degree of vertical and horizontal articulation through the use of building off-sets and varied building materials,
- (ii) The building shall be designed to a high degree of energy efficiency and sustainability as demonstrated by meeting building industry accepted energy efficiency/sustainability standards for LEED or other special recognition.
- (iii) For each foot of additional height, the building shall step back an additional one foot at the point where the building height is exceeded along any street frontage.
- (iv) The exception set forth herein shall not apply to mixed-use and nonresidential buildings located adjacent (i.e., adjoining properties or across the street) to any public road in existence on the date of adoption of these regulations or to single-family, townhouse, and/or manor house development.

h. Building height shall be defined as the vertical distance measured from the mean elevation of the finished grade along the perimeter of the building to the highest point of the roof for flat roofs, to the mean height level (between the eaves and the ridge) for sloping roofs, and to the deck line of mansard roofs. This measure of building height shall apply to both principal and accessory buildings. Building height shall not include the rooftop projections set forth in this chapter's definition of building height; however, all such projections shall be shielded from view through the use of appropriate screening. Building height shall also not include the first level of any at-grade parking garage serving a multi-family residential building when developed in accordance with design guidelines approved in association with an integrated mixed-use neighborhood development. Flagpoles, roof cupolas, clock towers and similar architectural appurtenances shall be recognized as permitted exceptions to the applicable building height restrictions.

(3) Roadway and pedestrian circulation shall be designed to include a high degree of connectivity (e.g., interconnected street network and pedestrian pathway system), both internally and externally. Except as set forth below, dead-end roads and cul-de-sacs are discouraged. In the case of any integrated mixed-use neighborhood development, a minimum of two roadway connections into the development shall be required from existing Township roadways. In the event an adjoining area in South Brunswick Township is developed, the main commercial roadway in the integrated mixed-use neighborhood development shall be extended into South Brunswick when it has been determined by the Planning Board that such connection will be adequately accommodated and supported by the Township roadway network and will contribute to the vitality and functioning of the integrated mixed-use neighborhood development. Until such connection is made, a traffic improvement (e.g., temporary cul-de-sac or roundabout) that addresses the vehicle circulation needs of the integrated mixed-use neighborhood development shall be provided. A second connection into South Brunswick shall be provided if all necessary approvals can be secured. If the adjoining area in South Brunswick contains compatible land uses relative to the approved plan for the integrated mixed-use neighborhood development (e.g., residential adjoining residential), the connection shall be a roadway; otherwise, it shall be limited to a pedestrian/bikeway connection.

(4) Due to the interrelated nature of the uses within an integrated mixed-use neighborhood development, the build-out of such a development shall take place in a coordinated fashion. The terms of such build-out shall be set forth in a developer's agreement between the Township and the developer/applicant.

**Section 10.** Section 101-143 entitled "Special Provisions," is hereby replaced in its entirety

§ 101-143. Off-street parking.

Building Type	One Parking Space for Each
Academic and administrative buildings for educational institutions, other than places of public assembly	1.5 persons of rated occupancy
Auditoriums, theaters, convention centers and all other places of assembly providing seats for audiences, including places of worship	4 seats
Clubs	200 square feet of gross floor area
Coin laundries	1 washing machine
Commercial garages and gasoline stations	1/2 gasoline pump and each 400 square feet of ground area devoted to repair facilities (this to be in addition to any space that may be allocated for normal storage of motor vehicles)
Dwellings	See prevailing RSIS standard
Dwellings, mixed-use multiple	See prevailing RSIS standard
Elementary and junior high schools	Employee or 10 students, whichever is greater
Hospitals, convalescent and nursing homes	¼ bed and each employee
Hotels, motels	1 guest unit
Hotels with restaurant	As required for either, whichever is greater
Hotels with restaurants and convention center	As required for whichever is the greatest
Industrial buildings	2 employees
Integrated mixed-use neighborhood development	See § 101-143E
Professional offices, general office and research buildings	400 square feet of gross floor area
Restaurants	3 seats
Retail stores, supermarkets and shopping centers	180 square feet of gross floor area
Schools with auditoriums	As required for either, whichever is greater

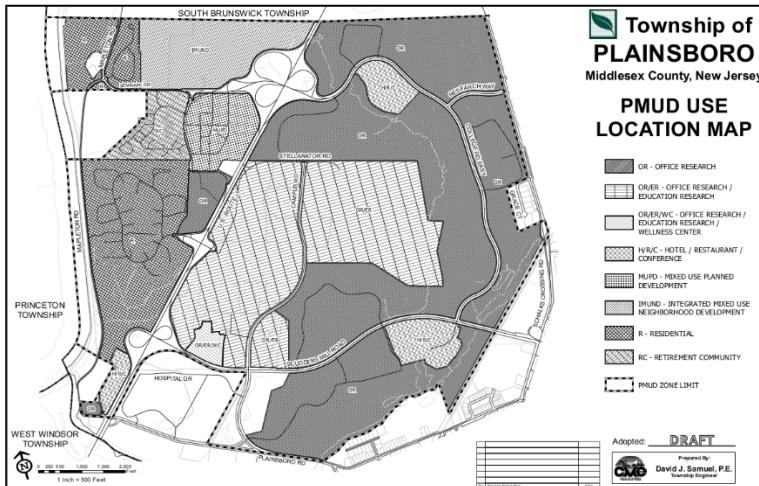
Senior high schools and similar institutions	4 students
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A. The minimum required number of parking spaces for uses permitted in a PMUD planned unit development shall be as follows:

- (1) The following parking requirements shall apply to a retirement community:
  - (a) Age-restricted units: Provide per RSIS Requirements;
  - (b) Independent living units: 1.5 per dwelling unit;
  - (c) Assisted living units: 1.0 per bed;
  - (d) Nursing care units: 1.0 per bed;
  - (e) Medical offices: 4.0 per 1,000 square foot.
- B. The required number of parking spaces may, in the discretion of the Planning Board, be reduced where the Planning Board finds that application of the above standards is not required in the interest of the residents, owners, tenants and occupants of the planned unit development and their employees and that modification of the above standard is consistent with the interests of the entire Township.
- C. Off-street parking spaces and parking area access aisles shall be dimensioned in accordance with the provisions of Chapter 85, Subdivision and Site Plan Review, § 85-44.B.
- D. Within an integrated mixed-use neighborhood development, parking shall be provided subject to the following requirements:
  - (1) Required parking shall be permitted to be provided within enclosed garages, buildings, or parking structures; in surface parking lots; or along the streets of any public or private roadways within the integrated mixed-use neighborhood development tract area.
  - (2) Parking for all residential units, including age-restricted units, shall be provided in accordance with RSIS requirements.
  - (3) Parking for nonresidential uses shall be provided as follows:
    - (a) Hotels shall require 1 space per guest room. Parking for retail space associated with a hotel, as defined in §101-140C, shall require parking per §101-143D(3)b.
    - (b) All retail space, as defined in §101-140C, shall require 5.5 parking spaces for each 1,000 square feet of gross floor area, except that parking for theaters shall be provided per §101-143A.
    - (c) The parking standard for professional office, general office, and research-office buildings in an integrated mixed-use neighborhood development shall be provided per §101-143A.
    - (d) Restaurant uses shall be considered “retail space” and require 5.5 parking spaces for each 1,000 square feet of gross floor area, except that in the event floor area devoted to restaurant uses comprises over 30 percent of the total retail gross floor area within the integrated mixed-use neighborhood development, additional parking for restaurant floor area in excess of 30 percent shall be provided at 1 parking space per each two seats.
  - (4) Parking spaces shall be provided as required in §101-143D unless the applicant can demonstrate to the satisfaction of the Planning Board through the use of a Shared

Parking Analysis that an adequate amount of parking will be provided on the site for all proposed uses. The methodology used by the applicant to calculate the reduced number of parking spaces may take into account the methods recommended in "Shared Parking," published by the Urban Land Institute, or other recognized standards acceptable to the Planning Board.

E. Other building types which do not fit into one of the above categories shall be referred to the Planning Board for determination of the appropriate parking space requirements.



**Section 11. Repealer.** All ordinances or parts thereof inconsistent herewith are repealed as to such inconsistencies.

**Section 12. Severability.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 13. Effective date.** This ordinance shall take effect upon its passage, publication, filing with the County of Middlesex, and entry of final judgement of compliance and repose.